

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
MONDAY, NOVEMBER 24, 2014
Memorial Middle High School Auditorium
3 Memorial Drive, Winchendon, Mass.**

Present: Fedor Berndt, Chairman
Elizabeth R. Hunt, Vice-Chairwoman
Robert O’Keefe
Keith Barrows

James M. Kreidler, Jr., Town Manager
Linda A. Daigle, Executive Assistant

List of Documents Presented at Meeting:

- Christmas Tree Permit Application – Little Anthony’s, 678 Spring St. (filed)
- Captain’s Farm Conservation Restriction Amendment, 106 Elmwood Rd. (filed)
- Town Manager’s Report (attached)
 - o Special Town Meeting Warrant (attached)
 - o Special Town Meeting Motions (attached)
- Minutes for approval: N/A

Chairman Berndt called the meeting to order at Murdock Middle High School at 6:20 p.m. It was not aired live on local cable access channel 8.

SELECTMEN’S COMMENTS: None this evening.

PUBLIC COMMENTS AND ANNOUNCEMENTS: None this evening.

BOARDS/COMMITTEES:

Finance Committee Chairman Thomas Kane – Audit RFP Update: Mr. Kane said the Finance Committee has had a lot of discussion about the audit and is issuing a Request for Proposal (RFP) for an independent audit for FY13. They are seeking a fresh set of eyes to look at it and identify and look further into any areas considered to be a problem area possibly because of any irregularities. Their rationale for choosing FY13 is because the problem began here and is rolled into FY14. The issues, whatever went wrong, we will find out in FY13. They are putting out the RFP with the proviso that they can call for a forensic audit in any area that they have concerns about. They are requesting rates for a forensic audit rather than a bid. The RFP is just about ready to go. They have a little more work to do on finding out the process but hopes it will be out this week. They will be sent out to the Auditor’s listed with the MMA and check with the State Auditor. Kane informed the Board they will be setting up an Audit Committee made up of Finance Committee members who will examine the RFP, select the auditor, take the information from this audit as well as what was paid for by Roselli & Clark and develop, identify some issues that need to be investigated and develop a framework for investigating for what we expect we will find. They will be looking at how we go about doing our business, how do we run our fiscal affairs, what kind of communication goes on, what kind of reporting goes on, what kind of oversight goes on. We will ask the questions of what did we know and why didn’t we know it and why didn’t somebody say something about it that should have. He said the Finance Committee will speak to that tonight in their report at Special Town Meeting outlining what they see as the three steps to address the problem. One, they are dealing with tonight; second one is the audit and the Audit Committee; and third is to put into action changes in policies we feel need to be done to ensure the Town is using best practices in terms of municipal finance.

O’Keefe moved to endorse the Finance Committee’s plan as presented; Barrows seconded. By a vote of all aye, the motion carried unanimously.

Procurement Delegation: Kreidler informed the Board as Chief Procurement Officer he is delegating this procurement to Finance Chairman Tom Kane. Kane said the Finance Committee will seek out guidance on procedure but this will be Finance Committee operation. Reports will be provided regularly of the process. They have an ambitious timeline and are looking at getting the RFP's in before the end of December and a sixty day window to complete the work with a proviso that we can negotiate different timelines to work with what people can do. The intent is to move this along and ideally by March have new information and develop a framework into investigation of what can we learn from this. Mr. Kane was thanked.

APPOINTMENTS/RESIGNATIONS: N/A

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Christmas Tree Permit – Little Anthony's, 678 Spring St. - Hunt moved to approve; O'Keefe seconded. Daigle explained the taxes still owed are due to a re-mortgage of the property just this past Friday, paperwork is being processed. The taxes owed will be paid. By a vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Captain's Farm Conservation Restriction Amendment, 106 Elmwood Road - Dr. Eric White came forward along with Tom from Mount Grace. Dr. White explained this is an amendment to the original Conservation Restriction on the property to allow snowmobile use on the existing trail. Mt. Grace will monitor the property annually for compliance and keep records. Any violators will be halted. Barrows moved to approve as requested; Hunt seconded. By a vote of all aye, the motion carried unanimously and the document was executed.

OLD BUSINESS: N/A

TOWN MANAGER'S REPORT:

Special and Annual Town Meeting Warrant/ Motions: Kreidler asked who would be moving the most recent version of the Motions given to them that evening. With it being an unusual Special Town Meeting, it was agreed Barrows would move all the articles.

Kreidler referenced his email to them on Friday referencing three points:

- 1) He asked for a vote to put forth a point of order immediately prior to the petition articles to lay out the fact that any movement on those articles is inappropriate for a Town Meeting, without justification and will expose the town (and individuals) to significant liability to include punitive damages against people personally. Barrows agreed to read. Hunt moved the Board read the Point of Order; O'Keefe seconded. By a vote of all aye, the motion carried unanimously.
- 2) Kreidler asked if the vote of petition makes it to the floor he asks for a vote from the Board that they would speak in favor of their employee, the Town Manager. Barrows so moved; Hunt seconded. By a vote of all aye, the motion carried unanimously.
- 3) Kreidler asked if it please the Board, should the petition article make it to Town Floor and voted affirmatively, that you would immediately call the Moderator a "Point of Information" and advise the assembly that you will not be seeking my resignation or taking any action to terminate my employment. Town Counsel, John Giorgio, present that evening for Town Meeting, was asked his opinion on the issue. He said it is fine as long as the Board is comfortable making that representation. His recommendation is that it never come to the floor. O'Keefe so moved; Hunt seconded. By a vote of all aye, the motion carried unanimously

Kreidler asked if there were any questions of Town Counsel on the petition articles or conversations he has had with the Moderator. Attorney Giorgio mentioned he was not sure if Rick Morin, the Town Moderator, was inclined simply to not permit the motion on the floor. He strongly encouraged him to do that but he told him he would permit an up and down vote. He advised the Moderator he has discretion to not permit any discussion on any matters of a personnel nature and that he should exercise that discretion ruling people out of order if they start getting into personnel issues. He informed them he was at a recent Town Meeting with a similar situation and the

Moderator there would not permit discussion or debate. They can come to Selectmen's meetings and during Public Statements, they can say what they want. That is an appropriate forum. Town Meeting, we are here to do the business of the Town regardless of who's at fault, if anyone is at fault, it doesn't matter at this point. The fiscal ship needs to be righted and that's the business of Town Meeting not a forum to engage in personality discussions and personnel matters. The Moderator may ask him to speak when those articles come up, but his recommendation is to not even allow those motions.

MINUTES: O'Keefe moved to postpone voting on these minutes until the next meeting; Hunt seconded. By a vote of all aye, the motion carried unanimously.

RECESS: O'Keefe moved to recess for Special Town Meeting; Barrows seconded. By a vote of all aye, the meeting recessed at 6:42 p.m.

RECONVENE: The Board reconvened the meeting after Special Town Meeting at 9:31p.m.

ADJOURNMENT: With no additional business to conduct, Hunt moved to adjourn; Barrows seconded. By a vote of all aye, the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant