

**TOWN OF WINCHENDON
BOARD OF SELECTMEN MINUTES
SPECIAL MEETING, THURSDAY, FEBRUARY 12, 2015
Town Hall, 2nd Floor Auditorium
109 Front Street, Winchendon, Mass.**

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

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

List of Documents Presented at Meeting:

- Road Race Permit Application – Shamrock Shuffle March 14, 2015, Clark Memorial/YMCA (filed)
 - Certificates of Sufficiency from Town Clerk for Selectman Fedor Berndt/Selectwoman Elizabeth Hunt (attached)
 - Recall Petition for Selectman Fedor Berndt (filed)
 - Recall Petition for Selectwoman Elizabeth Hunt (filed)
 - Notice of Sufficient Petition / Written Acknowledgement and Waiver dated 2/12/15 – Selectman Fedor Berndt/Selectwoman Elizabeth Hunt (attached)
 - Special Town Election May 4, 2015 Ballot (attached)
 - Annual Town Election May 4, 2015 Ballot (attached)
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Chairman Berndt called the meeting to order at 6:19 p.m. with the Pledge of Allegiance to the Flag of the United States of America. The meeting aired live on local cable access channel 8.

Announce audio/video recording disclosure: Ms. Dianna Kreidler announced she would be recording the meeting this evening.

Chairman Berndt turned the Chairman seat over to Selectman Barrows for the evening.

Acting Chairman Barrows welcomed those in attendance this evening.

SELECTMEN’S COMMENTS:

Hunt expressed her gratitude to the DPW Director and his crew for their constant work during the storms and wanted to make sure they get some sleep. Berndt suggested something should be done for the DPW Workers. They are working a lot of hours, going beyond and are an incredible group of guys, he said. Their efforts are appreciated and will be thanked by a pizza party at the barn tomorrow for their dedication and hard work. The pizza has been donated and will not be coming out of the budget. O’Keefe suggested putting something together proclaiming the first day of Spring be officially named “DPW Worker Employee Appreciation Day.” Hunt so moved; Berndt seconded. By a vote of all aye, the motion

carried unanimously. The Town Manager was asked to put together a proclamation to be signed so it could be presented to them.

PUBLIC COMMENTS AND ANNOUNCEMENTS:

Dept. of Public Works Director John Deline came before the Board. He informed the Board even though he was recently before them for money for the ice and snow accounts, he respectfully requested they increase materials from \$200,000 to \$275,000 and increase the overtime from \$70,000 to \$80,000. He is not sure if he will need all of it though. He explained the cost of salt. Bob moved to increase the authorization to the amount the DPW Director Deline had detailed; Berndt seconded. Hunt asked about state aid with the many winter storms this year. Mr. Deline stated he has submitted some cost estimates for the blizzard. He is not sure if they will receive reimbursement but paperwork was filed by Jim Abare, our Emergency Management Director. By a vote of all aye, the motion carried unanimously.

PERMIT/LICENSE APPLICATIONS, HEARINGS:

Road Race Permit – 4th Annual Shamrock Shuffle March 14, 2015 – Clark Memorial/YMCA - Ms. Julie Whittemore came before the Board representing the application. She said the race is a fundraiser for the Clark Memorial/YMCA with registration money going towards their scholarship fund for family membership. It starts and ends at the Harbour Restaurant. She explained the race route. Hunt asked how much money they raise. Ms. Whittemore replied last year around \$7,000.00. Hannaford donates granola bars, fruit and bottled water. O’Keefe moved for the applicant; Hunt seconded. By a vote of all aye, the motion carried unanimously.

NEW BUSINESS:

Recall Petitions:

Barrows announced next is the subject of the Recall Petitions on Selectman Berndt and Selectwoman Hunt with the Certificate of Sufficiency as well as the Notice of Sufficient Petition. Berndt recused himself from the discussion and left the table to sit in the audience. Kreidler announced each Board member has filed a disclosure with the Town Clerk to remove any appearance of conflict. He then explained the procedure regarding the Recall Petitions:

The Town Clerk will be present to submit the “Certificate of Sufficiency” for the Recall Petitions received. Each petition will be handled individually. The member whose recall is sought may consider recusing themselves from discussion or action on their own recall to avoid potential conflict under G.L. c.268A, s.19. Each recall should be voted separately by members with no financial interest. Written “Notice of Sufficient Petition” has been prepared and can be presented this evening to the Selectperson. Either at the expiration of five days following the date of this notice or immediately upon the receipt of the written statement from each of the Selectmen whose recall is sought waiving the five days’ notice and indicating that they will not resign, the Board may schedule the Special Election for Monday, May 4, 2015 from 8:00 a.m. to 8:00 p.m. placing each question on the ballot separately and giving notice thereof to the Town Clerk. Enclosed is a copy of the Town Charter, Section 3-1(e) regarding “Recall of Elected Officials” as well as the draft “Recall Petition – Notice of Receipt of Certificate of Sufficiency.”

Selectman Fedor Berndt: Selectman Berndt recused himself from the discussion and left the table to sit in the audience.

Certificate of Sufficiency - Town Clerk, Judy LaJoie, presented the Certificate of Sufficiency and Recall Petition for Fedor Berndt to acting Chairman Keith Barrows.

Notice of Sufficient Petition:

Barrows moved that the Board acknowledge receipt of a February 12, 2015 Certificate of Sufficiency with regard to the filing of petitions seeking the recall of Selectman Fedor Berndt and that the Board provide written notice of the same to Selectman Berndt, as required by Section 3-1 (e)(5) of the Town Charter; and further, that the Board authorize me to sign such written notice on behalf of the Board; O'Keefe seconded.

By a vote of O'Keefe aye, Hunt aye and Barrows aye, the motion carried unanimously. The Notice of Sufficient Petition was then executed and delivered to Selectman Berndt sitting in the audience. After reviewing the Notice, Selectman Berndt submitted in writing to the Board his intention to not resign from the office of Selectmen and waives the five day period provided for under Section 3-1(e)(5) of the Town Charter. This allows the Board to schedule a Special Election.

Barrows moved that whereas the Town Clerk has forwarded on February 12, 2015 the Certificate of Sufficiency with regard to the filing of a petition for the recall of Selectman Fedor Berndt, whereas the Board has provided Selectman Berndt written notice of the same, and whereas Selectman Berndt has confirmed in writing that he does not intend to resign, the Board of Selectmen hereby calls for a Special Election to consider the question of recall to be held on May 4, 2015, the same date as the Annual Town Election, and directs the Town Clerk to place the following question on the ballot:

For the Recall of Fedor Berndt from the office of Selectman

Against the Recall of Fedor Berndt from the office of Selectman

And further, to issue nomination papers for the office of Selectman to fill the one year vacancy that would be created by recall. O'Keefe seconded. By vote of Hunt aye, O'Keefe aye, and Barrows aye, the motion carried unanimously.

Selectman Berndt returned to the table.

Selectwoman Elizabeth Hunt: Selectwoman Hunt recused herself from discussion and left the table to sit in the audience.

Certificate of Sufficiency - Town Clerk, Judy LaJoie, presented the Certificate of Sufficiency and Recall Petition for Elizabeth Hunt to the Chairman.

Notice of Sufficient Petition:

O'Keefe moved that the Board acknowledge receipt on February 12, 2015 of a Certificate of Sufficiency with regard to the filing of petitions seeking the recall of Selectwoman Beth Hunt and that the Board provide written notice of the same to Selectwoman Beth Hunt, as required by Section 3-1 (e)(5) of the Town Charter; and further, that the Board authorize me to sign such written notice on behalf of the Board; Berndt seconded. By a vote of O'Keefe aye, Berndt aye, and Barrows aye, the motion carried unanimously. The Notice was executed and the Town Manager was given a few minutes to deliver the Notice to Selectwoman Hunt sitting in the audience. After her review, Kreidler returned stating Selectwoman Hunt has indicated in writing and filing with the Board that she does not intend to resign and is waiving the five day waiting period.

O'Keefe moved that whereas the Town Clerk has forwarded a February 12, 2015 Certificate of Sufficiency with regard to the filing of a petition for the recall of Selectwoman Beth Hunt, whereas the Board has provided Selectwoman Hunt written notice of the same, and whereas Selectwoman Hunt has confirmed in writing that she does not intend to resign, the Board of Selectmen hereby calls for a Special Election to consider the question of recall to be held on May 4, 2015, the same date as the Annual Town Election, and directs the Town Clerk to place the following question on the ballot:

For the Recall of Elizabeth Hunt from the office of Selectman

Against the Recall of Elizabeth Hunt from the office of Selectman

And further, to issue nomination papers for the office of Selectman to fill the two year vacancy that would be created by recall. Fedor seconded. By a vote of Berndt aye, O'Keefe aye and once again with a heavy heart and reluctance Barrows said aye, the motion carried unanimously.

Selectwoman Hunt returned to the table.

Consideration to Schedule Special Election:

Town Clerk, Judy LaJoie, came forward to recommend the Selectmen call the Annual Election as well as the Special Election to be held on Monday, the 4th day of May 2015 from 8:00 a.m. to 8:00 p.m. at the Senior Center, 52 Murdock Ave. O'Keefe so moved; Berndt seconded. By a vote of all aye, the motion carried unanimously. The documents were executed and given to the Town Clerk and Constable for posting.

OLD BUSINESS:

Town Meeting Calendar Amendment- Two amendments to the Town Meeting Calendar were before the Board for consideration of approval. As Town Meeting was originally scheduled for May 25th, Memorial Day, O'Keefe moved to amend the schedule with two changes: moving Special Town Meeting and Annual Town Meeting from May 25th to May 18th and moving posting the warrant from May 11 to May 4. Berndt seconded. By a vote of all aye, the motion carried unanimously.

COMMUNICATIONS:

AGENDA ITEMS:

ADJOURNMENT: With no Executive Session this evening, Berndt moved to adjourn; Hunt seconded. By a vote of all aye, the meeting adjourned at 6:49 p.m.

Respectfully submitted,

Linda Daigle
Executive Assistant