

Kathy Spofford

From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Wednesday, April 10, 2019 11:31 AM
To: tdzilla66@gmail.com
Cc: 'Kathy Spofford'
Subject: FW: Request for Information

RECEIVED
APR 10 2019
TOWN OF TOWNSEND
TOWN CLERK

Dear Mr. Melanson,

I am forwarding a copy of the email that you requested.

Regards,

Jim
James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

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From: James Kreidler [mailto:jkreidler@townsend.ma.us]
Sent: Wednesday, April 03, 2019 12:25 PM
To: 'Paul Rafuse'
Subject: Request for Information

Dear Paul,

The recently issued judgment of the Superior Court in *Townsend Water Department and Others vs. Town of Townsend* affirmed that the Water Department is in fact a department of the Town and not an independent political body and is subject to the general oversight of the Board of Selectmen.

I am pleased that this issue is now resolved and I look forward to working together to address some of the long standing open issues.

The Townsend Home Rule Charter ("Charter") in section 3-2 (b) Powers and Duties states that "the executive powers of the Town shall be vested in the Board of Selectmen, which shall be deemed the chief executive office of the Town."

Section 4-2 of the Charter provides that the Board of Selectmen shall hire a Town Administrator and that "the Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the office of Town Administrator is given responsibility by or under this Charter. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- section 4-2 (g) of the Charter provides that the Town Administrator is required "to see that all of the provisions of the laws of the Commonwealth, of this Charter, **Town Bylaws**, other votes of Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed or otherwise carried out, and
- section 4-2 (h) the Town Administrator is authorized "**to inquire, at any time, into the conduct and operation of any office** or the performance of any Agency, its officers or employees under the jurisdiction of the Board of Selectmen." (emphasis added)

Moreover, pursuant to the collective bargaining contract between the Town and AFSCME Council 93- Supervisors (the "Contract"), under which the position of Water Superintendent is covered, it is detailed that the Selectmen's rights are "except as limited by specific provisions of this Agreement, the Board of Selectmen retains all of its rights to manage the Departments and except, as so limited, the exercise of such rights shall not be grievable or arbitrable."

Additionally, under the section of the Contract entitled Chain of Command, "the day to day administrative and operational chain of command, lines of supervision and reporting for employees in this bargaining unit run to the Board of Selectmen as the only legal entity empowered under the laws of the Commonwealth to negotiate, agree and execute this collective bargaining agreement detailing terms and conditions of employment. Further, the Board of Selectmen has delegated said day to day administrative authority and supervisory authority to the Town Administrator.

Given all of the above, I have a list of concerns that I have held in abeyance until this legal matter was ruled upon that are now ripe for your attention.

Toward that end, I respectfully request that you please respond to the following:

- 1 **Surplus Material**- In my three and a half years serving as Town Administrator I am unaware of an instance where you have sought to have any materials declared surplus yet I am aware of the fact that, at a minimum, you have amassed a significant number of meter parts all of which are surplus and have scrap value. In accordance with Town General Bylaw 19.4- *Disposal of Surplus Material* please provide a list of all surplus material by type, material and number of pieces.

If you judge that there is a legitimate town interest in continuing to hold on to these materials please identify and defend the interest.

- 2 Vacation-Personal-Sick and Compensatory Time- For the period of June 20, 2017 through today, please provide all departmental records, both those utilized externally with the Town Hall and those used internal to just the Water Department (to include time sheets and any log books or spreadsheets or documents of a similar nature), upon which employee time is tracked and for which certification has been made by both the department supervisor and the employee specifically as required under Personnel Policy Ch. 32.2, paragraphs 2 and 3.
- 3 Supply Inventory Database- Please provide an update regarding what you have accomplished in the past two years regarding the creation of a supply inventory database and any updates/corrections made to the department's meter installation/replacement tracking software as were recommended in the study conducted by Eric Kinsherf and his employees dated March 1, 2017.
- 4 DEP Sanitary Survey- Please provide an update related to what you have addressed/accomplished in the past two years regarding the DEP Sanitary Survey and Notice of Non-Compliance dated June 9, 2017, to include copies of any responses made to DEP related thereto.

Given that this is information that you should have readily available, please have your responses to me on or before April 12, 2019.

If you have any questions please do not hesitate to let me know.

Sincerely,

Jim Kreidler, Jr.
Town Administrator

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

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