

Carolyn Smart

From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Monday, August 21, 2017 9:56 AM
To: rao@townsend.ma.us
Subject: FW: Town of Townsend Water Department Positions

PRR response #2 Dianna Kreidler

From: James Kreidler [mailto:jkreidler@townsend.ma.us]
Sent: Friday, August 18, 2017 3:59 PM
To: 'diannasmalbox@aol.com'
Subject: FW: Town of Townsend Water Department Positions

As requested please find the response to the water department memo regarding hiring of new positions.

From: James Kreidler [mailto:jkreidler@townsend.ma.us]
Sent: Wednesday, August 16, 2017 11:51 AM
To: 'Nathan Mattila'; 'Paul Rafuse'
Cc: 'djenkins@k-plaw.com'; 'LaChappelle, David'; Cindy King; Gordy Clark; James M. Kreidler (jkreidler@townsend.ma.us); Kelly Merrill; Sue Lisio
Subject: Town of Townsend Water Department Positions

Dear Chairman Mattila,

I am in receipt of your letter to the Board of Selectmen dated August 14, 2017, in which you forecast the intention of the Board of Water Commissioners vis-à-vis the posting and filling of additional positions within the Town of Townsend Water Department.

As time is of the essence and in an effort at offering you some guidance in advance of the next board of Selectmen meeting, please be advised that your forecasted actions are in conflict with the collective bargaining agreement (CBA) between the Town of Townsend and AFSCME Council 93, Local 1703.

Specifically, all water department positions, clerical and technical (excepting the Superintendent position which is covered by a different AFSCME Local), are covered by the CBA as denoted in ARTICLE 1- RECOGNITION.

Further, pursuant to ARTICLE 10- JOB POSTING AND BIDDING, no vacancy shall be posted until such vacancy has been declared by the Board of Selectmen who are the appointing authority.

As the Board of Selectmen has made no such declaration, at this time any posting for these union positions is illegitimate and violative of the express terms and conditions of the CBA. I implore you to cease your actions in this regard as they expose the Town to liability and charges of unfair labor practices.

Even if, in the alternative, you were to argue that the positions are not covered by the union CBA, your intended actions also are out of order when viewed against the Town of Townsend Personnel Policies and Procedures Manual, as adopted and executed by the Board of Water Commissioners.

I would encourage you to seek to schedule this matter before the Board of Selectmen at one of the Board's future meetings to seek the required authorization(s) before proceeding in a manner that is not compliant with law, contract and/or policy. Any hiring of personnel absent following the law, contract and/or policy would be subject to being declared void.

Regards,

Jim

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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TOWNSEND WATER DEPARTMENT
540 Main Street West Townsend, Massachusetts 01474

RECEIVED

AUG 16 2017

SELECTMEN'S OFFICE

Nathan Mattila, Chairman

Lance Lewand, Vice Chairman

Michael MacEachern, Clerk

Paul L. Rafuse,
Water Superintendent

(978) 597-2212
Fax (978) 597-5611

August 14, 2017

James Kreidler, Town Administrator
Board of Selectmen
Memorial Hall
272 Main Street
Townsend, MA 01469

Re: Hiring Additional Staff

Dear Members Of The Board Of Selectmen,

In accordance with the Annual Town Meeting vote in May of this year, the Town approved the Water Department's budget that included funding the positions of a part-time office assistant and an additional Water Technician. At the August 7, 2017 Board of Water Commissioners meeting the board discussed the need for these additional positions and intends on advertising to fill them immediately.

If the Board of Selectmen have any questions or concerns with respect to the Water Commissioners decision please email the Superintendent at prafuse@townsend.ma.us.

Thank you and we appreciate your anticipated cooperation in this matter.

Sincerely,

Nathan Mattila
Chairman, Board of Water Commissioners
Townsend Water Department