

**TOWN OF WINCHENDON  
BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
MONDAY, APRIL 8, 2013  
Town Hall, 109 Front Street, Winchendon  
2<sup>nd</sup> Floor Auditorium**

Present: Robert M. O'Keefe, Chairman  
Elizabeth R. Hunt, Vice-Chairwoman  
C. Jackson Blair  
Guy Corbosiero

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

Absent: Keith Barrows

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List of Documents Presented at Meeting:

- N/A
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Acting Chairwoman Hunt called Executive Session to order at 8:18 p.m.

Kreidler stated it was a matter related to our Public Works and Town Hall contract. The first issue addresses the Public Works contract and an email he sent last week with a plan to move forward in restructuring the DPW Department at the suggestion of John Deline, the DPW Superintendent. Specifically, he suggests doing away with a labor classification because we are paying laborers the same rate, just a penny difference, as the operators. Operators are required to have a CDL license, laborers are not. Operators can then use all of our big equipment, laborers cannot. We lose productivity because laborers cannot sand; they cannot even move trucks out of the garage to clean it. In doing the restructuring, one position, a laborer, became unnecessary. That caused John Deline to think about doing away with laborers completely and just use operators. Two laborer positions received their layoff notices after they met with the union last week and impact bargaining. Management has the right to layoff, but we have an obligation to give the union the opportunity to say what impact they think it may have on their operations and we have the obligation to mitigate that impact. The union had really nothing to suggest to mitigate. We had a meeting, took notes and got in writing and notices went out last week for two people. The first position is the laborer of the Cemetery Department, Dan Lafortune; he is the senior of the two. The other, junior by one week, is Ed Bond. The positions are being abolished. The current positions posted, Dan Lafortune does not qualify for because he does not have a CDL. In discussions with the union, he was asked if he had any interest in getting his CDL, that he could be given a period of time, but he wasn't interested.

The other person possesses a CDL but doesn't possess it currently. He reminded them back in the fall there was a situation with the employee and as of a matter of application of the law, lost his CDL for one year. The employee has the right to apply for the job and will be given the consideration that he is due.

The next Public Works issue is a matter that was brought to your attention last year regarding some employees that were found to have been stealing water. At that time, members of the Board took exception to his, what was deemed less than stern, response to them. Their judgment, with hindsight, was better than his. He informed them that two have filed complaints with Mass. Commission Against Discrimination (MCAD). They swear, under pains and penalties of perjury, that they stole from us; but that was not the reason according to them. The reason

why they resigned instead was their age. The complaint was forwarded to Insurance Counsel and they will be in Town soon. Blair asked if Counsel was telling him to settle. The Separation and Release Agreement that the employees signed indicate that they cannot bring a charge or claim against the Town in any fashion that would result in them getting a settlement or their jobs back. Blair stated he was outraged; they probably didn't limit their expertise spreading the word to family and friends how to steal from the Town. He said at the time the Board got wrapped up with family and pensions and in his view he thought at the time the Town Manager was making the right decision. He doesn't think that now. He was upset reading in the front page of the paper that those employees said its common practice to turn off your water meters. He hopes settling doesn't happen for any circumstance and he would want to press charges in full forcement.

Kreidler explained the one place that you cannot preclude someone from filing a claim is a discrimination claim. He said if they file and say they were made to sign because of their age and if MCAD finds that that is a true thing, the Town would be held responsible and post on the bulletin board and swear not to do it again. The employees are not eligible to get their jobs back. Blair asked if their actions can be found inappropriate with the agreement we made with them. Kreidler replied that the agreement does have a provision that says the parties are precluded from speaking about it. However nothing can stop them from filing MCAD or EOC. Blair said they violated our agreement because they talked to the news and it wasn't just the age thing because it was thrown out there that it was common practice (to shut of the water meters), it has nothing to do with age. He felt they got off because of their age; otherwise, they would have lost their pensions and gone to jail.

Kreidler was asked what the Town cannot do in the agreement. He replied the Town cannot bring a charge and we can't speak about it. They talked about the fraud policy and what was in affect prior to the separation agreement.

O'Keefe offered, if deemed helpful, a letter be drafted by the Board, acting as the Water Commissioners, because money was stolen from the Enterprise Fund. Kreidler stated the Attorney is coming on April 25<sup>th</sup> and invited Selectman Blair, as a representative of the Water Commissioners to the meeting.

Blair moved to adjourn Executive Session; Corbosiero seconded. By roll call vote of all aye, Executive Session adjourned at 8:34 p.m.

Blair moved to adjourn Public Session; O'Keefe seconded. By roll call vote of all aye, Public Session adjourned at 8:35 p.m.

Respectfully submitted,

Linda Daigle  
Executive Assistant