



The Commonwealth of Massachusetts  
Office of the Inspector General

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Board of Selectmen  
Town of West Brookfield  
2 East Main Street  
West Brookfield MA 01585

Dear Board Members:

This letter identifies irregularities our office has identified regarding the payroll and operations of the West Brookfield Water Department's Ware Point Road Greensand Plant. A review of water department payroll records and filings with the Massachusetts Department of Environmental Protection (DEP) has found the following:

- 1) Apparent Violation of Town Meeting Article: Since at least the year 2000, and reportedly longer, town meeting has approved an annual article allowing the water commissioners to work at the Ware Point Road water plant during emergencies. Specifically, for fiscal year 2006, the article states that the town authorizes: "the Water Commissioners to employ its members at 9.15/hour for emergency work, in the absence of the Superintendent."<sup>1</sup> According to payroll records reviewed by this office, all three of the town's water commissioners have worked a regular non-emergency schedule at the water facility. The existence of such work activity suggests that the water commissioners are working, and being paid, in violation of the town meeting article.

State regulations require the water department to notify DEP in the event of any emergency. According to DEP, no such notification has been made. This also suggests that the water commissioners are working in non-emergency situations. According to DEP, scheduled absences of the water superintendent (for example, on weekends or for vacation) do not constitute an emergency. According to DEP, the water superintendent is responsible for arranging licensed coverage at the plant in the event of his/her absence. Only one of the three water commissioners is currently licensed by the state. DEP must approve of any non-licensed person operating a plant. No such request has been made to DEP for West Brookfield.

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<sup>1</sup> Since the 2000 the hourly rate set by town meeting has been: \$7.89/hour for Fiscal Year 2001, \$8.13/hour for FY 2002, \$8.37/hour for FY 2003, \$8.62/hour for FY 2004, \$8.88/hour for FY 2005, \$9.15/hour for FY 2006, and \$9.42 for FY 2007.

- 2) Operation of the Ware Point Road Plant: As mentioned previously, this office has found that unlicensed individuals are working at the plant in the absence of the plant superintendent, Ronald Merchessault. Payroll records show that on a regular basis, water commissioners Barry Nadon, Sr., Lester Paquette, and Robert Benson are working at the plant on weekends and periodically during the week without Mr. Merchessault being present. According to the records of the Massachusetts Division of Professional Licensure, Mr. Benson is the only commissioner who holds a current Drinking Water Supply Facility License. The other commissioners have worked without Mr. Benson being present. According to DEP officials, the operation of a drinking water supply plant in the absence of a licensed operator, is a serious violation of Massachusetts regulations.
- 3) Questionable Internal Controls: The review of payroll records also revealed that the water commissioners sign off on their own time sheets. Approving one's own time is not consistent with proper internal financial controls and is a significant conflict of interest for the commissioners. In effect, the commissioners verify when and if they worked a particular schedule. In addition, they are in a position to set the parameters for their own employment.
- 4) Other Conflicts of Interest: When the water commissioners are working at the plant, they are working under the direction of the licensed water superintendent whether he is present or not, since according to DEP, he is the primary facility operator. This poses a potential conflict of interest as well as interferes with the management function of the commissioners. The commissioners are responsible for the hiring, firing, evaluating, overseeing, granting of pay increases, etc. for the water superintendent. Having the water commissioners working at the plant blurs the lines of management, puts them in potential conflict with their duties as elected officials, and does not afford the superintendent the independent authority necessary for proper oversight of plant operation.

Facility operators must be licensed. Allowing unlicensed individuals to operate the water plant is a violation of Massachusetts regulations and could pose serious liability and health and safety concerns for the town. An exception can only be made in an approved emergency situation. In that situation, the town must apply for and be granted an emergency certification by DEP. This certification is good for up to six months and is usually granted by DEP within 24 hours of the request. This should be used by the town for a true emergency.

The water commissioners must comply with the town meeting article that restricts their work at the plant to emergency situations. All emergencies must be reported to DEP. The commissioners should not be paid for work they perform in violation of local and state laws. Absences of the water superintendent do not necessarily constitute an

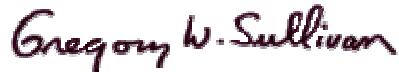
emergency. Furthermore, because of the potential conflict of interest that exists when the water commissioners are working under the direction of the water superintendent, the town should consider prohibiting elected water commissioners from working at the plant at all. According to DEP officials, if the water superintendent does not work weekends or holidays, or uses vacation or other leave time, it is his/her responsibility to arrange for coverage from a licensed individual, as per Massachusetts regulations.

To ensure the integrity of the payroll and internal control system of the water department, water commissioners should not approve their own time sheets.

In light of the apparent violation of articles approved at town meeting, and issues pertaining to internal controls of the payroll, this office strongly recommends that the town contract with an independent auditor to review the water department's payroll and expense records for at least the past fiscal year but preferably for the past three fiscal years.

This office will also forward information in regards to the possible conflict of interest issues to the State Ethics Commission for review.

Sincerely,



Gregory W. Sullivan  
Inspector General

cc: Robert W. Golledge, Commissioner, DEP  
Richard Lehan, Deputy General Counsel, DEP  
Martin Suuberg, Central Region Director, DEP  
Kopelman and Paige, P.C., West Brookfield Town Counsel  
Ronald Merchessault, West Brookfield Water Superintendent  
James Masteralexis, West Brookfield Town Moderator