

July 29, 2025

Via Electronic Mail

Dr. Maureen Marshall
Chair
Town of Barre Select Board
40 West Street
Barre, MA 01005
mmarshall@townofbarre.com

Greg Balukonis
Interim Town Administrator
Town of Barre
40 West Street
Barre, MA 01005
townadmin@townofbarre.com

John Chase
Chair
Town of Barre DPW Commission
441 Wheelwright Road
Barre, MA 01005
dpw-commission@townofbarre.com

Re: Town of Barre Department of Public Works Lack of Timekeeping Controls

Dear Dr. Marshall, Administrator Balukonis, and Chair Chase:

In November 2023, the Office of the Inspector General (OIG) received a complaint concerning timekeeping practices within the town of Barre's (town) Department of Public Works (DPW). The OIG's ensuing investigation confirmed that Jason Pimental, the town's former DPW superintendent, worked hundreds of hours for the Commonwealth of Massachusetts Department of Fire Services (DFS) and the Massachusetts Water Resources Authority (MWRA) during periods that he was scheduled to work for the town, without taking corresponding leave time. Furthermore, the OIG found that neither the town nor the town's DPW Commission maintained adequate records of the former DPW administrative assistant's out-of-office work hours. The OIG's investigation also established that the town's DPW Commission failed to adequately supervise Pimental and the DPW's former administrative assistant.

The lack of controls over the DPW payroll allowed the aforementioned conduct to occur, continues to put public funds at significant risk, and must be appropriately remedied. The OIG offers several recommendations herein for the town, the DPW Commission, and state agencies to implement.

Background

The DPW, established by Chapter 56 of the Acts of 1988 (Chapter 56 or Act), is comprised of the Highway Department, Water Department, Sewer Department, and Parks and Recreation Department.¹ The town's DPW Commission, in charge of overseeing the DPW,² is comprised of the town's Select Board, Water Commission, and Sewer Commission (subsidiary boards).³ The Act states, "The public works [DPW] commission shall appoint a superintendent of public works who shall exercise and perform the duties as directed by said commission."⁴ The Act goes on to state that "[t]he superintendent shall be removed for just cause only and by a majority vote of the whole commission."⁵ The Act also provides, "The superintendent shall hold no other elected or appointed office or engage in any business that said commission would deem to constitute a conflict of interest."⁶

The DPW Commission's duties include determining what roads to take care of and hiring employees, as needed. Witnesses described the DPW Commission's governance structure as segmented, with each subsidiary board responsible for separate matters. For example, the Sewer Commission oversees the sewer plant and sets the town's sewer rates, the Water Commission oversees the Water Department, and the Select Board oversees funding for the Highway Department.

Pimental served as the town's DPW superintendent until September 29, 2024,⁷ and reported directly to the DPW Commission. At times relevant to the OIG's investigation, Pimental's father served as a member of the DPW Commission. His mother served as the town's assistant treasurer and was responsible for processing town payroll, including the DPW's payroll.

Findings

Finding 1: Pimental worked for the DFS and MWRA while simultaneously working for the town.

The OIG's investigation found that between December 28, 2020, and March 21, 2024, Pimental worked approximately 85 shifts for DFS, totaling approximately 885 hours, on days he was scheduled to work his regular 10-hour shift for the town. Pimental did not take

¹ 1988 Mass. Acts c. 56, § 1.

² *Id.*

³ *Id.*

⁴ *Id.* at § 2.

⁵ *Id.*

⁶ *Id.*

⁷ Pimental was appointed DPW superintendent on September 23, 2010.

corresponding leave time from the town. As a result, the town paid Pimental approximately \$33,000 on days he was working for DFS. Pimental told OIG investigators that he took compensatory (comp) time on days he worked for DFS; however, the town does not have any policies regarding comp time, and Pimental never formally recorded this purported comp time with the town.

The OIG also found that between July 8, 2024, and September 29, 2024, Pimental worked full-time for the MWRA, many days for 10 hours or more. While Pimental took leave time from the town on some of the days he worked at the MWRA, it is unclear from the town's records when he took that time. Moreover, Pimental did not take any leave from the town for the period from September 16, 2024, through September 29, 2024, despite working at least eight hours each day for MWRA. Pimental claimed he attended various after-hour meetings and conducted work on the weekends, but the town does not have any records substantiating those claims. Nor does the town have a written policy permitting those practices.

State ethics laws prohibit public employees from accepting "other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office."⁸ Pimental's work at DFS and MWRA would likely interfere with his responsibilities as the town's DPW superintendent.

Finding 2: Neither the town nor the DPW Commission maintained adequate records of the former DPW administrative assistant's out-of-office work hours.

The OIG found that neither the town nor the DPW Commission maintained adequate records of the former DPW administrative assistant's out-of-office work hours. On approximately 50 occasions between December 28, 2021, and February 28, 2024, the administrative assistant "punched out" before the end of her regularly scheduled workday and then altered her timecard by writing in 8 hours.⁹ The administrative assistant told OIG investigators that the hours added represented the hours that she worked outside of the office. However, neither the town nor the DPW Commission maintained any records documenting the work she completed while out of the office, thereby making it nearly impossible for investigators to determine whether the administrative assistant worked those hours. Further, neither the town nor the DPW Commission has (1) a written policy allowing such out-of-office work; or (2) controls to ensure that claimed out-of-office hours are worked.

Finding 3: The DPW Commission failed to adequately supervise Pimental and the former DPW administrative assistant.

The OIG's investigation revealed that the DPW Commission, comprised of members of subsidiary boards and commissions, is not capable of adequately supervising a town

⁸ M.G.L. c. 268A, § 23(b)(4).

⁹ The OIG count only includes instances in which the administrative assistant increased her time by two hours or more. This is likely an underestimate.

department with as many responsibilities as the DPW. This conclusion is evidenced by witness interviews and the conduct of DPW Commission members during DPW Commission meetings.

One witness told OIG investigators that it is “very confusing who is in charge of what” in relation to the respective responsibilities of the Select Board and DPW Commission. Investigators found that the DPW Commission handles some matters, such as determining which roads to take care of and hiring employees, while the Select Board is responsible for appropriating funding and approving payroll.¹⁰ Witnesses told the OIG that the DPW Commission is not responsible for oversight or approval of DPW employees’ time. DPW Commission members did not review the administrative assistant’s timecards and were not aware that she had been altering her punches. Furthermore, DPW commissioners who spoke to the OIG were not aware that Pimental was working for MWRA until that fact was publicly announced during the August 12, 2024 DPW Commission meeting.

At that meeting, the DPW Commission vice chair announced that Pimental was working a second full-time job at MWRA.¹¹ The vice chair made a motion to place Pimental on paid administrative leave and schedule a disciplinary hearing, but no one seconded his motion. Rather, members of the DPW Commission chastised the vice chair for raising the issue. As a result, the commission never addressed Pimental’s second job. Again, during a discussion on the vice chair’s concerns about Pimental at a September 19, 2024 DPW Commission meeting, a commissioner shouted at the vice chair, “It would have been helpful [if you] kept your mouth shut.”¹²

Commission members who spoke to the OIG were also unaware of the extent to which Pimental worked for DFS.

Witness interviews recounted that the DPW Commission cited its independence in not abiding by various town policies. For example, in response to concerns regarding DPW employees’ timekeeping practices, the Select Board enacted a townwide policy requiring all employees to include their starting and ending times on their timecards. The DPW never implemented the policy.

Finding 4: The DPW Commission presents a structural problem that impedes the town’s effective governance of DPW employees.

As authorized by Chapter 56, the DPW Commission is an independent entity that lacks appropriate oversight. Its governance structure impedes the town’s ability to enforce its own policies and to ensure that DPW employees do not violate the Commonwealth’s conflict of

¹⁰ Under the current arrangement, it is not evident how the town can approve time for DPW Commission employees without proper policies, documentation, and approvals.

¹¹ August 12, 2024 Barre DPW Commission meeting.

¹² September 19, 2024 Barre DPW Commission meeting.

interest or ethics laws. The inability of the Select Board or the town administrator to require the DPW Commission to follow townwide oversight policies (such as those for timekeeping and payroll) does not by default relieve the DPW Commission of implementing policies to mitigate and control risks and to ensure that it follows Massachusetts laws and regulations.

Recommendations

Based on its investigative findings, the OIG recommends that the town and the town's DPW Commission take the following actions:

In the near term (within 30 days):

1. Execute a memorandum of understanding (MOU) with the DPW Commission, recognizing that town time reporting policies apply to employees of the DPW Commission. The DPW Commission should review and approve DPW employees' timecards consistent with town policies.
2. Ensure that all DPW employees' timecards accurately reflect their start and end times. Ensure that leave time is properly documented.
3. Formalize a policy regarding out-of-office working hours, including a requirement that all town employees, including DPW employees, document tasks completed during out-of-office working hours.
4. Enact written policies regarding positions that have 24/7 responsibilities, including provisions related to expected work hours, documenting schedules, and approving schedule changes.
5. Discontinue the use of comp time until the town enacts policies concerning its approval, use, and tracking as other time balances are tracked.
6. Implement controls so that the town does not process for payment any time that is not properly recorded and approved by a supervisor with knowledge of its accuracy.
7. Adopt a town policy that forbids town employees from supervising and approving the work time of family members.
8. Ensure that the DPW and its employees comply with all town policies and procedures enacted by the Select Board and town administrator.
9. Require all town employees, including DPW employees and commissioners, to disclose all outside employment and activity to the town. Review outside

employment and activities to ensure that they do not conflict with the employee's duties or state ethics laws.

10. Ensure that all town employees, including DPW employees and commissioners, take annual ethics training and comply with state ethics laws.

In the medium term (within 60 days):

11. If the MOU under Recommendation 1 cannot be finalized within 30 days, the DPW Commission must, within 60 days, promulgate its own written procedures concerning employee time reporting, approval, and leave time, consistent with town policies and subject to outside audit by the OIG.

In the long term:

12. Enact a change in the structure of the town's DPW. Consider proposing legislation that would eliminate the DPW Commission and place the DPW and the DPW superintendent under the authority of the Select Board or town administrator.

In addition to these recommendations, the OIG suggests that all public agencies (municipal and state) redouble efforts to verify whether new hires are simultaneously employed by municipalities, state agencies or other public entities and, if so, whether and under what conditions such employment is allowed.

Conclusion

As DPW superintendent, Pimental had a duty to the town. He violated that duty by working multiple jobs while serving in this role. The DPW Commission, as a steward of public funds, has a fiduciary responsibility to ensure adequate oversight of the DPW, its operations, and its employees. The DPW Commission failed to carry out that mission.

The OIG believes that the town's DPW Commission, as currently constituted, is not capable of supervising the town's DPW. While the town explores alternatives to the DPW Commission model, the town and the DPW Commission should work together to establish appropriate timekeeping policies and procedures for the DPW to ensure accurate employee timekeeping and proper supervision.

As a first step, within 30 days of receiving this letter, the town and DPW Commission, in combined or separate responses, must notify this office in writing of plans to implement the recommendations herein or of actions already taken.

If you have any questions, please contact George A. Xenakis, director of the OIG's Audit, Oversight and Investigations Division, at George.Xenakis@mass.gov or 617-722-8853.

Thank you for your attention to this matter.

Sincerely,



Jeffrey S. Shapiro, Esq., CIG
Inspector General

cc (by email):

Mark Regienus, Vice Chair, Barre Select Board; Barre DPW Commission
Richard Stevens, Barre Select Board; Barre DPW Commission
Glen Alt, Barre DPW Commission
James Caruso, Barre DPW Commission
Catherine Chase, Barre DPW Commission
Matthew LaPointe, Barre DPW Commission
John Pimental, Barre DPW Commission
State Senator Peter J. Durant
State Representative Donald R. Berthiaume, Jr.
Glenn M. Rooney, Esq., General Counsel, DFS
Kimberley A. McMahon, Esq., Associate General Counsel, MWRA
Sean Cronin, Senior Deputy Commissioner, Dept. of Local Services, Dept. of Revenue
Renee Davis, CPA, CBIZ
Rebecca Gamsby, CPA, Auditor, CBIZ
David A. Wilson, Executive Director, State Ethics Commission
Eugenia M. Carris, Esq., General Counsel, OIG
George A. Xenakis, Director, Audit, Oversight and Investigations Division, OIG
Nataliya Urciuoli, Senior Executive Assistant, OIG