

**MINUTES
SELECTMEN'S MEETING
JANUARY 2, 2007**

Chairman Zagorski called the meeting to order at 6:00pm. Members present were Stanley Zagorski, Douglas Belanger, Dianna Provencher, Thomas Brennan and Richard Antanavica. Also present was Town Administrator Robert Reed.

Chief Hurley

(Selectmen Brennan removed himself from the meeting at this time.)

Chief Hurley was present to recommend appointment of fifth permanent, intermittent police officer, namely James Murphy of Green Street, Leicester. The Chief noted his memorandum to the Board dated 12/28/06 outlining his reasons for appointing of Mr. Murphy, with the conditions of appointment as listed.

MOTION: Mr. Belanger moved that, based upon the report and recommendations of the Chief of Police dated 12/7/06, which is incorporated herein, that Mr. James J. Murphy be appointed to the position of part-time police officer, therefore bypassing the higher ranked candidates as recommended in the report. Mr. Antanavica seconded. UNANIMOUS

(Mr. Brennan re-entered the meeting proceedings at this time.)

Chief Hurley presented memorandum to the BOS requesting approval for and execution of a temporary exemption request for Officer Guertin under the Mass. Criminal Justice Training Council, which would allow for coverage within the Police Department.

MOTION: Mr. Brennan moved to approve request and authorize Chairman to sign a temporary exemption request for municipal police training. Ms. Provencher seconded. UNANIMOUS

Mr. Zagorski noted that this action will save the Department some \$33,000 in overtime costs, an excellent management approach.

Chief Hurley announced that the Department will be switching over to the new 911 system, which he hopes will be a smooth transition when implemented tomorrow.

TA Reed noted that the Board recently signed the Integrated Agreements with the Police Officers' Local 168, a collaboration of the original contract and the continuing Memorandums of Understanding that were put in place over the years. This huge undertaking was made possible by Chief Hurley and Sergeant Paul Doray's help, and he thanked them for their assistance in this regard.

TA Reed noted a \$17,480 award for the 2007 Community Security Trust Grant Fund application, contract for which is available for signature. Chief Hurley thanked members of the Fire Department, who contributed to this joint grant application.

MOTION: Ms. Provencher moved to authorize Chairman's execution of contract documents for grant award as noted. Mr. Brennan seconded. UNANIMOUS

Chairman Zagorski asked for updates from the Chief on the following:

BB gun incidents – Chief reported that incidents have come to a screeching halt of late, leading them to believe the parties may possibly be jailed at this point, although it seems there were more than one group doing the shootings. He has found out that local BB gun sales are huge, some forty/week being sold in the area.

Route 9 West traffic issues – Chief reported that construction at new Cumberland Farms which presented traffic problems in the past has been corrected. Representatives from Cumby's were very receptive.

With regard to speeding motor vehicles in the area, he is hoping to have new radar trailer online soon, and this particular location along Route 9 West is a reported problem.

Forensics – Chief reported on discovery with regard to a 15yr old Leicester investigative case for which recent forensic evidence has come to light.

With regard to staffing, Mr. Brennan felt it was time to step up and fund public safety staff positions that have gone vacant over the last several years. He felt this should be a goal of the FY'08 budget.

School Finance Issues

Town Treasurer/Collector Janet Pierce was present. Chairman Zagorski reported that he, Ms. Pierce and Mr. Reed have worked over the past several weeks in an attempt to resolve with School Dept. officials concerns over cash management presented by Ms. Pierce to the Administrator, and therefore to the BOS. They have worked with the School Supt., Chairman of the School Committee and Business Manager; many issues raised have been responded to by School, but not satisfactorily, and several issues remain open. He invited the School Committee Chair and the School Supt. to attend this evening, but they declined. We did receive a memorandum from Dr. Dubrule. He asked Ms. Pierce into the meeting this evening as well. He noted that Mr. Reed and Ms. Pierce have tried to get the cash management procedures to work, but it has been very frustrating to say the least. The experience of these knowledgeable workers, and his personal experience as well, make them realize that this can be resolved with the right effort.

Mr. Reed echoed Mr. Zagorski's comments, that efforts have been made, but lack of communication from the School has resulted in bringing the Chairman of the Board in as mediator; Mr. Zagorski now shares their frustration.

Ms. Pierce stated that, in summary, these School related issues are not new, this has gone on for years but has recently gotten worse; these issues regarding cash management need to be addressed:

- Discrepancies in the cafeteria accounts, which have since been corrected
- Reconciliation of cafeteria accounts – meeting to be held tomorrow with Cafeteria Supervisor
- Cash discrepancies and cash reconciliation issues have been named in several audits
- Insufficient funds for checks written against Student Activity Accounts (SAA), a check in the area of \$7000 when there was a \$2000 limit on this account

Ms. Pierce stated that the Town adopted a Cash Management Policy in the Fall of 2005, which was distributed to all departments including the School, but these policies have not been adhered to by School administration.

She is hereby formally requesting a special audit of these particular funding programs, which appear to lack internal controls.

Mr. Reed read from a prepared statement (on file), noting that the Treasurer and Accountant are responsible for providing guidance to all employees who have cash management responsibilities and overseeing compliance with internal controls related to the fiscal management of all town departments. These financial officers are appointed by the Selectmen. He is concerned with potential exposure to the Town with regard to the School's lack of controls. He felt there is a systemic problem needing professional analysis and assistance.

Mr. Zagorski noted that both the Town Treasurer and the Town Administrator are requesting a special audit be performed on the School Department.

To the Treasurer, Mr. Belanger noted that the Board holds Ms. Pierce accountable, so can understand her frustration in not obtaining the information she is requesting of town departments, but asked that it not get her down or taint her enthusiasm.

Ms. Pierce stated that the School Department is being held to the same standards as all other town departments. Mr. Belanger was sorry that School representatives were not here this evening. He asked how the cafeteria payment system worked. Ms. Pierce wasn't sure, but she hears that refunds are even allowed and given to the students. Mr. Belanger believed that a new cash register system was purchased from Town funds to allow for a debit-style payment system. He asked if the purchase of this new system was implemented, as he felt the tool has been provided to generate the necessary reports. Mr. Zagorski will ask this question at the meeting tomorrow morning.

Mr. Brennan stated that no accusations are being made, but it appears that no one knows what's going on, and the practices seem to him to be sloppy at best. And he doesn't see any remedy coming forward or any urgency by the School Department to resolve the discrepancies that continue. He feels that a special audit is needed.

Recess – the Board recessed at 6:55pm.
The Board reconvened at 7:00pm.

Continuation of Hearing – Cherry Valley Getty, 200 Main Street

MOTION: Mr. Brennan moved to reconvene public hearing.
Ms. Provencher seconded. UNANIMOUS

Mr. Brennan, who assisted the applicant in the absence of the secretary, noted that the lease has been reassigned from Bitar family to Joseph Bahmad, which we have in hand. He did a sight visit and the location of the vehicles seems okay to him. He noted that this sight has been a gas station and repair shop for as long as he can remember, and he would recommend approval of the Motor Vehicle Repair and Used Car licenses as submitted.

It was noted that items not yet received include a CORI report, a letter from property owner allowing the licensed businesses, and the bond that will be needed with issuance of Class II License.

MOTION: Mr. Brennan moved to approve Motor Vehicle Repair and Class II Licenses to Joseph Bahmad, d/b/a Cherry Valley Getty, 200 Main Street. Mr. Belanger seconded.

Mr. Antanavica noted that the Deputy Fire Chief has disallowed vehicles on the west side of the building, lowering the allowable vehicles to twelve (12) from the fifteen originally noted on the plan of premises. Ms. Provencher was also concerned with the number of vehicles, noting Mr. Wood's comments on the plan.

Mr. Antanavica asked about hours of operation, which were agreed to as follows:

MVR -	7:00AM to 7:00PM	Monday – Saturday	NO SUNDAYS
Class II -	7:00AM to 9:00PM	Monday – Saturday	Noon – 5:00pm Sunday

VOTE: UNANIMOUS

MOTION: Mr. Belanger moved to close public hearing.
Ms. Provencher seconded. UNANIMOUS

School Finance Issues (continued)

Ms. Provencher expressed her concern over report from Ms. Pierce dated 1/2/07 listing several cash management issues; she asked if this would warrant a misuse of funds. Ms. Pierce stated no, as several of the receipts have been logged as expenditures, and other areas of concern have been corrected at this point.

Ms. Provencher asked if School personnel had been trained in regards to cash management. Ms. Pierce stated yes, twice; once in October 2005 and again since. She felt there was a lack of concern by School administration to follow the cash management practices adopted by the Town.

Mr. Zagorski saw some improvement; he felt that many things have happened since this was brought to his attention in October, there was a fire lit so to speak, controls have been established by the School Supt. He has heard that their job is to educate, not be accountants, which is true; noting, however, that accounting procedures must be established and adhered to for all town employees. He felt that there has been significant movement on the part of the School to adhere to cash management procedures as directed by the Treasurer and the Administrator. He asked that the meetings continue to final resolution.

Ms. Provencher wanted to thank all involved in this process, the Treasurer, the Administrator and Dr. Dubrule. She felt that all parties have worked to correct the problems that were brought to our attention.

Mr. Brennan disagreed. Mr. Zagorski asked Mr. Brennan to refrain from continuing with this dialogue.

Mr. Brennan felt there were too many incidents showing disregard for cash management procedures in the largest budget within Town government. He noted the Town Treasurer has the authority per MGL to call for an audit, and he supports that direction. He wondered if it would be best to consolidate financially administrative authority within Schools over to Town Hall.

Mr. Brennan expressed his dismay and irritation regarding this ongoing issue. He again noted that the Treasurer is responsible for cash management of the Town finances, the School has procrastinated since October in responding to the requests for information from the Administrator and Treasurer, that these sloppy practices go back for years. He felt we had been very generous in our attempts to reconcile these issues. He felt that the cafeteria accounts are being mismanaged, an area that works within a half-million dollars per year operation. He asked who was responsible for implementing the Town's cash management policies.

Mr. Reed stated that the School Administration was responsible, and there should be one contact person for him and the Treasurer to go to, not be sent to others to find answers to their questions. He felt that the School Department should put people in positions that are not trained properly to perform the function of their job. Mr. Belanger did not feel the people in the positions within the schools should be blamed; he felt the system is wrong, the checks and balances of an organization starts at the top.

Mr. Brennan felt that the Town's audits have shown problems with the School cash management for years, naming 2004, 2005 and 2006 as he recalled.

Ms. Pierce felt it is time to have an additional audit now. Our auditing firm has an appointment next week with the School Department to address the issues that have been brought forward. The auditor could be in attendance at the Selectmen's next meeting with a report on his findings.

Further discussion on a "special audit" or what Mr. Brennan referred to as a "forensic audit", which Mr. Zagorski said would not apply here. MGL Chapter 41, S.35 and Chapter 71, Section 37M were quoted by Mr. Brennan with regard to the Treasurer calling for an audit.

Mr. Antanavica felt that it has all been said. He sees the frustration with the fact that School Administration has not provided the back-up information they stated that they had available. This is not their money, and someone over there needs to be held accountable; that person for School personnel would be the Superintendent.

In conclusion, Mr. Belanger felt that we need to respond to the Treasurer's request and the TA's recommendation that a special audit be performed on School Department financial procedures. No one is being accused of any wrong doing, but poor cash management is evident.

MOTION: Mr. Belanger moved that a special or forensic-type audit of the School Department be conducted through the Office of the Town Treasurer; and further to authorize the Chairman, the Town Administrator and the Town Treasurer to develop criteria for an RFP process, results of audit to include a pro-active procedure in place for cash management systems within the School Department. Mr. Antanavica seconded. UNANIMOUS

Discussion on how best to pay for such an undertaking, considering a Reserve Fund Transfer, taking funds out of the Treasurer's budget to be replaced at town meeting, or requiring the School to pay for these costs. Ms. Pierce estimated costs at \$10-20,000. Mr. Reed thought that this type of service would be exempt from procurement law. He added, however, that to be a productive process we would need cooperation from the School Dept, something that he does not feel has occurred to this point.

Mr. Belanger felt that, should the School Dept. not be cooperative, then the next step will be to take this to the Attorney General or the State Treasurer's office. Mr. Zagorski stated that the School Committee Chairman says that they would welcome an audit under the Treasurer's authority. He further explained that DOR told them in a meeting that the Town would have to use another auditing firm, not the one we contract with for our annual audit.

Correspondence

1. List of tax title property delinquencies. FILE
2. Notice of Intent from City of Worcester regarding C.43D PDS designation for 49 Canterbury St. FILE

The Board asked that the recent Zoning article dealing with permitting that was defeated at town meeting be reconsidered, and directed the TA to work with the Town Planner in this regard. The Board agreed with the intent to benefit businesses with regard to expediting the permitting process, but felt we needed to prepare better with notification to the townspeople of the Town's intent.

3. Notice of Planning Board applications, Mr. Antanavica noting that the Breezy Gardens project proposes to move retail facility to Route 9, and the Parkview Hospital proposal to increase parking space availability. FILE
4. Memo from Planning Board regarding appointment of Scott Broskey of Wesley Drive as Associate Member, yearly term to expire 6/30/07. FILE
5. Memo from Town Planner regarding Memorandum of Understanding relative to recent grant award for National Heritage Corridor Reconnaissance. Mr. Reed noted that it will be beneficial to the Town to maintain a list of historic properties.

MOTION: Mr. Brennan moved to approve MOU between TOL and BRVNHC as presented. Ms. Provencher seconded. UNANIMOUS

6. Memo from Highway Foreman regarding snow removal on private roads. Mr. Antanavica stated that Supt. and Foreman put pricing together per 6" of accumulation of snow and per application of sand. He explained that the developments under construction fall under the control of the builder until such time as the Town accepts them at town meeting as public roads, at which time the Town would then begin to receive Chapter 90 roadway maintenance funds from the State. Certified letters have been sent to each developer regarding their responsibility for snow removal maintenance of the private roadways per agreements with the Planning Board through application process. These costs will be applied should the developer choose to have the Town do the work and be billed for our services. Board members felt we should be cautious with regard to this public safety issue to protect the property owners, and be clear as to what avenue will be used to bill the developer as well as the reimbursement procedures.

Mr. Zagorski noted that the information before us this evening is a request to adopt the fee schedule and implement this of policy.

MOTION: Mr. Brennan moved to adopt fee schedule and road maintenance costs per roadways as listed in memo dated 12/20/06. Mr. Belanger seconded. UNANIMOUS
Mr. Reed noted that Carey Hill Estates will be handled differently, per Counsel, as the Town has been maintaining these roadways for several years. The Town will continue to do so, but will bill the developer for our costs.

Ms. Provencher wanted to make it clear to the public that this policy was for sub-division roadways, not the many private roads the Town has around lakes and ponds.

Mr. Brennan wondered if some type of signage program could be implemented to designate between public vs. private road.

7. Copy of memo from Highway Dept. to Cherry Valley Water Commissioners thanking them for their donation of an old compressor, one we borrowed for year, and noting the continued cooperation between these municipal departments.

MOTION: Mr. Brennan moved to send letter of thanks to the Cherry Valley Water District.
Ms. Provencher seconded. UNANIMOUS

Town Administrator's Report

- Mr. Reed presented copies of contract with new Health Agent Darlene O'Connor, noting that under the Town's General Bylaws, department head contracts fall under the authority of the BOS, although the contract could be terminated by Board of Health. Mr. Belanger, noting the disagreement as to the contracting authority in this case, felt this is a good example of parties working together to resolve an issue.

MOTION: Mr. Belanger moved for the Board to approve and execute as presented.
Mr. Brennan seconded. UNANIMOUS

- Mr. Reed presented copies of contract with Bailey-Boyd Associates for consulting services with regard to the Community Development Block Grant. He thanked Town Planner Michelle Buck for her extensive help on this project.

MOTION: Mr. Brennan moved to approve and execute contract as presented.
Ms. Provencher seconded. UNANIMOUS

The Board asked that information regarding this housing rehabilitation grant to be sent to local vendors in the Rochdale area.

- Mr. Reed presented first draft of 1037 Main Street RFP for sale and/or lease of old police station property. Mr. Belanger asked that all review draft document closely to determine if their concerns have been addressed.
- Mr. Reed was pleased to report on a 2.23% increase in Worcester County Retirement assessment to TOL, a much lower percentage than he had budgeted for.
- Mr. Reed reported on approval of Smart Growth Technical Assistance Grant, which will assist the Town in writing a Stormwater Management Bylaw.
- Mr. Reed reported that newly hired HR Coordinator Judy Conroy began her duties in our office today.
- Mr. Reed reported that he will be attending the MMA annual meeting in Boston on January 12/13th. He noted the interest of the Board members, and encouraged their attendance.

Board Reports/Other Business

Mr. Antanavica reported that the installation of the generator removed from the old police station and relocated to Fire Station Three in Rochdale is near completion, which will be a big help, as this facility houses the ambulance and staffs personnel during emergencies.

Mr. Antanavica presented and reviewed the School Roof Report, a disturbing list of issues involving the School buildings, the survey having been conducted by Greg Shambo/Advisory Board and himself. He took many photographs of the areas of concern. He was concerned that the School Facilities Manager left inspection of these facilities up to those hired to do the work, the professionals as Mr. Wicklund stated. He felt that 80% of the problems he saw are related to basic maintenance issues, which is apparently going undone. The Board asked that the report be forwarded to the School Department, and that Mr. Antanavica and Mr. Shambo request attendance at the next School Committee meeting to address these issues. Mr. Zagorski asked for cost estimates for any necessary repairs. The Board also noted that there are roof replacement projects on the Capital Improvement Plan, and asked that these projects be looked into more closely.

Mr. Brennan asked for status on Phase III on Town Hall renovation project. Mr. Belanger reported that the group has been idle; this project has not been a priority of late.

Ms. Provencher reported that Town Planner Michelle Buck is working with her on reports required for Environmental Notification Form for Burncoat Park improvements.

Ms. Provencher reported that 955 Main Street has been deemed an unsafe building and slated for demolition, which does not have the historical significance to fall under our new demotion bylaw per Historical Commission findings.

Mr. Belanger wondered whether our regular yearly audit is detailed enough, noting difficulties brought forward by Treasurer. TA stated yes, the standard audit is conducted, but is reviewing procedures during recent pre-audit meetings. Mr. Zagorski noted that audits are performed under a scope of services. Mr. Reed noted this is the Town's last year under contract with our current auditing firm.

Mr. Zagorski noted that Becker College is pursuing process through Planning Board for development of new dormitory space in Leicester.

Mr. Zagorski reported that he will also be attending annual meeting of the Mass Municipal Association on January 12/13th.

MOTION: Mr. Antanavica moved to adjourn.
Mr. Brennan seconded. UNANIMOUS

The meeting was adjourned at 9:30pm.

Respectfully submitted,

Susan LeChasseur,
Administrative Assistant