



Office of the
Inspector General
Commonwealth of Massachusetts

Gregory W. Sullivan
Inspector General

An Investigation of Certain
Wachusett Regional
School District Expenses

May 2005



The Commonwealth of Massachusetts

Office of the Inspector General

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May 2005

Dear School Committee Members:

The Office of the Inspector General investigated a complaint of wasteful spending by the executive office of the Wachusett Regional School District. The investigation concluded that the executive office may have wasted nearly \$139,000 between fiscal years 2000 and 2004.

Inadequate documentation and weak spending controls casts doubt on the legitimacy of many executive office expenses. These questionable expenses include unapproved vacation buybacks, excessive vacation pay, \$19,500 in insurance payments for insurance never purchased, more than \$14,000 in bonuses and merit pay increases for executive staff, more than \$28,000 in meal and travel expenses, and a \$32,000 superintendent's stipend for attending district functions and making school visits.

While the executive office spent without clear controls and enjoyed sizeable pay increases, the rest of the school district dealt with dramatic budget cuts resulting in the loss of 60 positions, the elimination of high school advanced placement classes and high school late buses, the imposition of middle school athletic fees, and a significant reduction in elementary school art, music and physical education programs.

The Inspector General's office strongly recommends that tighter spending controls be introduced, that a complete fraud risk assessment be undertaken by an independent CPA firm, that procedures be revamped, and that the school committee approve all executive office contracts and discretionary spending.

I hope that this report assists you in preventing possible fraud, waste, and abuse in the future. Please do not hesitate to contact my staff with any questions you may have or if you require additional assistance.

Sincerely,

A handwritten signature in black ink that reads "Gregory W. Sullivan".

Gregory W. Sullivan
Inspector General

cc: Dr. Alfred Tutela

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Introduction

The Inspector General's office conducted a review of the expenses of the executive office of the Wachusett Regional School District from fiscal years 2000 to 2004. [See Appendix A for a listing of executive office staff.] Specifically, the Inspector General's office looked at reimbursable expenses for food, mileage, travel, and certain other expenses such as conference fees. In addition, the Inspector General's office examined the salaries of key employees including the superintendent, the director of operations, the director of student/information services and administrator of special education, and the director of administrative services.

The review found that weak internal controls have led to questionable expenditures. These weaknesses include the lack of detailed policies and procedures and poor documentation. As a result, the Inspector General's office's review found that at least \$138,595 in expenses are questionable and may have been excessive or unjustified.

The District

The school district includes the towns of Holden, Paxton, Princeton, Rutland and Sterling. A 1950 agreement by these towns pursuant to M.G.L. c. 71 created the district. The district includes the Davis Hill, Dawson, Mayo, Houghton, and Naquag elementary schools; the Mountview, Central Tree, and Chocksett middle schools; the Paxton Center and Thomas Prince K – 8 schools; and the Wachusett Regional High school. Currently the district serves nearly 7,000 students. The school district is managed by a 20-member district school committee elected from the five member towns. [See Appendix B for a listing of current school committee members and town populations.] The fiscal year 2005 budget for the school district is \$55.2 million.

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Findings

Finding 1A. School district executive staff received \$44,000 in compensation through an unapproved vacation buyback program.

The executive staff vacation buyback practice is costing the district's taxpayers thousands of dollars each year. For fiscal years 2000 through 2003 the school district paid out a total of \$44,000 in vacation buyback benefits to the superintendent, the director of operations, the director of student services, and the director of administrative services. However, the vacation buyback program has not been approved by the school committee nor is it a part of any employment contract reviewed by the Inspector General's office.

None of the individual contracts between the school district and the executive staff address a vacation buyback provision. The employment contract between the school district and the superintendent specifically addresses carryover of unused annual vacation but no mention is made of any buyback provision. The contract states the superintendent: "will be permitted to carryover ten (10) vacation days for extended illness leave per year not to exceed forty (40) days over the duration of this contract."

School district executive staff indicated that the justification for the buybacks was a statement made by the superintendent at the March 22, 2001 executive session of the school district's school committee. Those meeting minutes state the following: "The Superintendent reported that it may be necessary to cancel staff vacations and compensate for that in order to facilitate the negotiations of the remaining [union] contracts." No school committee vote was recorded. There was no motion made at that meeting or at subsequent meetings to take a vote on approving vacation buyback benefits for the executive staff.

Moreover, the Inspector General's office found that the executive staff vacation buyback practice was in effect well before the March 22, 2001 executive session of the school committee. As such, there appears to be no legal justification for the buyback program.

Finding 1B. Inconsistent calculation of the vacation buyback benefit resulted in apparent overpayment to an executive staff member.

There are several instances in which the buyback benefit resulted in overpayment to an executive staff member. Weak administrative controls over the calculation and disbursement of vacation buyback payments resulted in overpayments to the executive staff. For example, in fiscal year 2001 the director of operations sold back eight vacation days for a total cost to the district of \$2,986. During the same fiscal year, the director of operations used 18.5 vacation days (documented in attendance sheets), for a total of 26.5 vacation days. The employment contract provided the director with 22 vacation days. Therefore, the district paid the director for 4.5 vacation days that he did not earn or accrue, resulting in an overpayment of \$1,680.

Additionally, no policy on administering the vacation buyback program exists. Therefore methodologies used to calculate the amounts to be paid out were inconsistent. The school district's employee handbook addresses calculation of vacation benefits as follows: "Vacation pay will be calculated based on the employee's straight time pay rate in effect when vacation benefits are used. Vacation pay does not include any special form of compensation." However, in fiscal year 2002, the salary base used to calculate the buyback dollar amount for the superintendent included base salary, collective bargaining compensation, district travel stipend, retirement years of service purchase stipend, insurance stipend and a retirement allocation. The result of using all these special forms of compensation as opposed to only using base salary in the calculation was an overpayment of \$770 to the superintendent. In fiscal year 2003 the superintendent's vacation buyback was determined using only his base salary.

Finding 2A: Lack of administrative oversight of certain benefits to executive staff resulted in overpayment of \$1,016 in prorated vacation time.

The Inspector General's office is also concerned with the lack of oversight and control over the administration of prorated vacation. Specifically, the Inspector General's office

found that prior to his resignation, effective at the end of business on August 29, 2003, the former director of student/information services and administrator of special education had been paid for seven vacation days taken earlier in fiscal year 2004. Based on his termination date, the director was only entitled to 4.3 days of vacation for the fiscal year through August 29, 2003. The director was overpaid by \$1,016 for the additional 2.7 vacation days taken. Based on school district policy, upon termination the director was supposed to reimburse the district for these prorated vacation days taken but not earned. The Inspector General's office determined that the unearned but taken vacation time was not paid back to the district.

Finding 2B. Lack of administrative oversight of certain benefits to executive staff resulted in the superintendent receiving \$19,500 for insurance that he never purchased.

The Inspector General's office is concerned with the lack of formal review and approval by the school committee for changes to employment contract terms and conditions.

For example, the superintendent's contract provided for a stipend to purchase additional life/disability insurance. The contract states:

The Superintendent shall be entitled to a \$2,000 salary increment to be used for the purchase of additional life insurance and/or disability insurance. Such increment shall be paid to the Superintendent after the submission of proof of purchase by the Superintendent. As of February 1, 2001, the salary increment shall increase by one thousand five hundred (\$1,500) for a total of three thousand five hundred dollars (\$3,500).

For the six years covered by the contract this stipend totals \$19,500. The Inspector General's office requested copies of the pertinent insurance proofs of purchase submitted by the superintendent for the past three fiscal years, (2002, 2003 and 2004) as per the employment contract. The Inspector General's office was informed that proofs of purchase do not exist since insurance was not purchased with these funds.

However, the Inspector General's office did receive three affidavits: one from a former chair of the school committee, one from a former director of administrative services for the school district, and one from the present chair of the school committee stating that the superintendent has been unable to obtain additional insurance and that the superintendent was allowed to keep these salary increments in lieu of insurance. The superintendent's contract has not been amended to reflect these accommodations and no evidence was provided that this decision was formally discussed and approved by the school committee.

Without a formal vote of the governing body it is not clear to the Inspector General's office how money allocated for a purpose but not used for that purpose can be retained. In this case the superintendent increased his base salary which ranges from \$119,188 to \$146,512 during the six years of his current contract by an average of \$3,250 per year. The superintendent's total compensation package makes him one of the highest paid superintendents in the commonwealth.

Finding 2C. Lack of administrative oversight of certain benefits to executive staff resulted in executive staff receiving \$14,030 through bonus payments and mid-contract salary adjustments.

Executive staff members are rewarded with periodic bonus payments and mid-contract salary adjustments not provided for in their employment contracts. Bonus payments and mid-contract salary adjustments totaled \$11,565 and \$2,465 in 2002 and 2003, respectively (\$14,030 in total).

For example, on June 25, 2002 the director of operations signed a new employment contract with the school district. The contract set the director's salary at \$106,909 from July 1, 2002 to June 30, 2003. However, on June 30, 2002 – before the new contract began – the director received from the superintendent a \$5,000 merit bonus, effective July 1, 2002. In effect, the director received a contract bonus for a contract that had yet to become active. Additionally, during the first year of his new contract, the director

received four more salary increases – adding \$4,810 to his base pay – all of them retroactive to July 1, 2002. In total, the director received nearly \$10,000 in bonus payments and salary adjustments that were in addition to any contractual pay increases in fiscal year 2003.

Under the current system it appears that executive staff employment contracts, including bonuses and salary adjustments, are signed by the superintendent, as an agent of the school committee, and the employee. Under this system, the superintendent may grant bonuses and salary adjustments without school committee control. Instead, there should be a system in place that allows for bonuses and salary adjustments based on either a contractual or an evaluation system. This avoids abuse of the system by providing a paper trail as well as accountability.

The superintendent handed out bonuses and salary adjustments at the same time he was warning parents about the district's grim financial outlook. In the "Wachusett Regional School District – Annual Report & FY03 Budget Appropriation," published in May 2002, the superintendent highlighted the budget concerns in his letter to the residents of the school district. "The start of the 2002-2003 school year looks grim. As of this writing, school districts in the Commonwealth have no firm state aid figures from which to develop realistic budgets." The superintendent went on to state: "The concern the District faces is the uncertainty regarding the revenues which will finally be provided."

Finding 3. Approximately 84 percent (\$28,020) of executive staff reimbursements appear questionable.

The following table presents school district executive staff expense data for the period of January 2000 through April 2004. The reimbursements are divided into four categories:

- Food (including all reimbursements for meal expenses);

- Mileage (including all reimbursements for travel in a privately-owned vehicle and any parking or toll reimbursements);
- Travel (including all reimbursements for hotel and airfare); and
- Other (including all other reimbursements such as conference fees, etc).

During the period examined, the executive staff was reimbursed a total of \$33,311 in these categories.

Table 1
School District Executive Staff Reimbursements
(January 2000 to April 2004)

<u>Employee</u>	<u>Food</u>	<u>Mileage</u>	<u>Travel</u>	<u>Other</u>	<u>Total</u>
superintendent of schools	\$10,315	\$3,340	\$6,307	\$2,158	\$22,120
director of operations/ deputy superintendent	\$1,922	\$1,364	\$3,635	\$528	\$7,449
director of administrative services	\$298	\$1,549	\$0	\$48	\$1,895
director of information services and pupil personnel	\$147	\$1,297	\$38	\$116	\$1,598
comptroller	\$0	\$195	\$0	\$55	\$250
TOTAL	\$12,682	\$7,744	\$9,980	\$2,905	\$33,311
<i>Questioned</i>	\$12,682	\$3,946	\$9,666	\$1,726	\$28,020
<i>Percent of Total</i>	100%	51%	97%	59%	84%

Source: Prepared by Office of the Inspector General staff based on school district reimbursement documents.

All of the meal expense reimbursements are questionable.

The Inspector General's office questions the validity of 100 percent or \$12,682 of the meal reimbursements for one or more of the following reasons:

- The request for reimbursement was improperly documented;
- The nature of the reimbursement does not appear justified; or
- The meal request was made for days when the executive staff member did not travel outside of the district or did not travel at all.

Proper documentation procedures should require that a receipt be submitted along with the name and location of the restaurant, the date and time of the meal, a list of persons whose meals are being reimbursed, and a short justification/explanation of the reason for the meal being a business expense. School district procedures require that meal reimbursement requests be made on form EEX – 895 “Employee Reimbursement for Travel/Conferences/Courses,” which includes the above information. Staff does not abide by the procedure.

In nearly every meal reimbursement request, proper documentation was not used. In many cases the wrong reimbursement form was used, and even when the right reimbursement form was used, it was not accompanied by all required information. Rarely did any justification of the meal or a legible listing of the persons whose meals were being reimbursed accompany the meal reimbursement request. As a result, it cannot be determined how many individual meals were purchased or whose meals are being reimbursed. Non-documented reimbursement requests should be denied. Additionally, the receipt provided was typically a credit card receipt, not an itemized receipt. When a credit card receipt is submitted, it is impossible to determine what food and beverage are being reimbursed. This is particularly concerning as it opens up the possibility for the reimbursement of unauthorized items such as alcoholic beverages.

There were 447 meal reimbursement requests made during the four year period examined in this report. Two-hundred-forty-six or 55 percent of these requests, totaling \$6,731.27, were made for restaurants within the school district. An additional 97 or 22 percent of requests totaling \$2,388.21 do not include a location. While school district executive committee staff informed the Inspector General's office that it allows for the reimbursement of working meals within the school district, it appears that the volume of reimbursement requests made for working meals is excessive. Almost half of all working days during the four year period examined have at least one request for meal reimbursement.

The superintendent was responsible for more than 80 percent or \$5,462.35 of the in-district requests for meal reimbursement. The superintendent receives a monthly stipend of nearly \$700 for fulfilling the duty to "attend official District functions within the District's five member towns and conduct regular school site inspections and visits." It is reasonable to assume that the stipend would cover expenses incurred during attendance at official district functions and when conducting regular school site inspections and visits. That the superintendent is submitting meal and other travel reimbursement requests related to these duties appears duplicative and excessive.

The majority of school district executive staff reimbursement requests for meals, \$8,098.55, were for days when no travel (in or out of the district) was recorded. An additional \$1,057.78 in meal reimbursement requests lack a date, thereby it is impossible to determine whether travel occurred on those days.

More than half of mileage expense reimbursements are questionable.

According to the school district's employee handbook, executive staff is permitted to use their personal vehicles for work-related travel. The policy requires that staff submit a request for mileage reimbursement at a predetermined rate per mile. Requests for reimbursement for travel need to include a reasonable justification.

During the period of January 2000 to April 2004, many of the mileage reimbursements were for travel outside of the school district. For example, the superintendent submitted 15 reimbursement requests for round trip travel to Cape Cod (including Brewster, Falmouth, and Hyannis) during the time period examined by the Inspector General's office. Additionally, during the same period, the superintendent traveled to Boston 12 times, Marlboro 10 times and Worcester 73 times. In every case, there was no reasonable justification for this travel submitted with the reimbursement request.

The policy states that a justification for the travel should accompany any reimbursement request. Moreover, it is imperative that a justification accompany any reimbursement requests for travel outside of the normal duties of a position. Therefore the Inspector General's office questions the validity of 52 percent or \$3,989.70 of reimbursement requests for mileage incurred while traveling *outside* of the school district.

Ninety-seven percent of travel expenses are questionable.

The Inspector General's office questions 97 percent or \$9,666.04 of the reimbursement requests for air, hotel, and car rental charges by the school district executive staff from January 2000 to April 2004. During this time period the superintendent and the assistant superintendent made a number of claims for both air travel and hotels. However, there is no clear and/or itemized documentation of the expenses or the reasons for the expenses. This opens up the possibility for the inclusion of unauthorized charges such as meals, alcohol, or other services. Generally, these types of expenses should require pre-approval from the school committee.

Specific reimbursements requiring further review by the School Committee.

The following are examples of what the Inspector General's office believes to be highly questionable expenses by executive staff.

- Frequent Meal Charges: Members of the executive staff submit multiple reimbursements for meals in the same week without adequate documentation. On average, the superintendent submitted reimbursement for 2 meals per week. From Monday June 23, 2003 to Friday July 27, 2003, the superintendent submitted reimbursement for *at least* one meal per day, or seven meals totaling \$141.44. According to district records the superintendent was not traveling away from the district on any of these days.
- Multiple Daily Meal Charges: Members of the executive staff periodically charge more than one meal per day. While this **may** be acceptable when the employee is traveling out of the district for business purposes, it should not be accepted during a typical working day, especially when no justification for the expense is provided in the reimbursement documentation.
- High Meal Charges: The superintendent is responsible for \$10,314.99 or 81 percent of the total meal charges between January 2000 and April 2004. In addition, the average charge for meals far exceeds the per diem recommended by the US Government for meal reimbursements. The federal per diem rate for three meals and incidental expenses for Worcester County is set at \$39 per day, or \$8 for breakfast, \$8 for lunch, \$20 for dinner, and \$3 for incidentals expenses such as tips and transportation. The superintendent is submitting an average reimbursement request of \$32 per meal.
- Excessive Mileage Charges: It appears that executive staff submitted excessive mileage reimbursement requests. Because of the lack of documentation available for review, the Inspector General's office sampled reimbursements to verify mileage. The mileage the Inspector General's office calculated for certain travel was compared to the mileage submitted by staff for reimbursement. It appears that some employees charge for mileage when commuting from home or a location other than their primary residence to a work-related destination. If the employee usually commutes to work with their personal vehicle, the regular commuting mileage between the employee's primary residence and place of work should be subtracted from any mileage reimbursement for travel between the primary residence and a travel destination.

Finding 4. The school district lacks documented administrative expense policies and procedures.

The Inspector General's office requested all procedures, guidelines, rules and all other policies referring or relating to non-salary expenses. In response, the school district supplied the Inspector General's office with the Employee Handbook. The handbook addresses only two non-salary expenses, automobile mileage and meal allowances. The dearth of documented policies and procedures adversely impacts the overall control environment at the school district. The proper safeguards are missing.

Table 2
Summary of Questioned Expenses
fiscal years 2000 through 2004

<u>Item</u>	<u>Amount</u>
Vacation Buyback Benefit	\$44,000
Payments in Excess of Prorated Vacation Time	\$1,016
Insurance Stipend	\$19,500
Salary Adjustments (Bonuses)	\$14,030
Meal and Travel Expenses	\$28,020
Superintendent Stipend	\$32,029
Total	\$138,595

Source: Prepared by Office of the Inspector General staff

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Recommendations

In order to improve the school district's internal control plans the Inspector General's office recommends that the school committee immediately implement the following corrective actions.

1. Establish clearly written administrative expense policies and procedures, which include, but are not limited to the following topics:
 - Review and approval process (including travel pre-approvals);
 - Guidelines regarding reasonableness of expense;
 - Required documentation for reimbursement; and
 - Timeframe for submission of expense reimbursements.

The Committee may find the following publications of the Office of the Inspector General (available at www.mass.gov/ig/igpubl.htm) useful: *Guide to Writing Effective Travel Policies*, December 2004; *Guide to Administering and Complying with Vehicle Management Policies*, December 2004, and *Recommended Code of Conduct for Public Employees*, August 1998.

2. In addition, these policies and procedures should at a minimum, address the following expense categories:
 - Meals/Tips,
 - Parking/Tolls/Gas,
 - Taxis,
 - Air Travel,
 - Car rentals,
 - Lodging,
 - Personal Car,
 - Phone,
 - Laundry/Cleaning, and
 - Non-Reimbursable Expenses.

3. Strengthen the review and approval controls over administrative expenses. Before an expense is reimbursed, members of the school committee should review each request to ensure that the expenditure is necessary (provides value to the school district) and is reasonable. Establishment of the policies and procedures referenced above will provide the necessary tools to facilitate the review and approval process. Also as part of the review process, the school committee should ensure that the proper supporting documentation is submitted along with the reimbursement request. All overnight travel requests should be pre-approved by the school committee prior to incurring any fiscal liability.

Before March 2004, the superintendent's name appeared on the district's pre-approved vendor list. This meant that he could be reimbursed for expenses with the assumption that the expenses were pre-approved by the School Committee. In March of 2004 the School Committee removed the superintendent's name from the pre-approved vendor list, and now his expenses require approval of three school committee members prior to reimbursement. The Inspector General's office supports this change, but also believes more stringent and encompassing controls are required to address additional weaknesses.

The School Committee should require at least quarterly expense reporting from the executive staff. The reporting should identify specific expenses.

4. Articulate through a formal school committee vote a district-wide position regarding vacation buybacks and any other proposed salary benefits for non-union district employees. If the school committee supports these additional salary benefits, then a written policy and procedure should be developed, and where appropriate the applicable terms should be incorporated in the individual employee contracts. At a minimum, this policy and procedure should address the following:
 - Criteria for utilizing a vacation buyback or other salary benefit;

- Procedure for requesting vacation buybacks or other benefits;
 - Methodology for calculating value of these benefits, and
 - Controls to monitor and provide adequate oversight for these benefits.
5. Any proposed changes to employee contract terms and conditions should also be reviewed and approved by the school committee in a formal meeting or, if necessary, executive session.
6. The school committee should consider an independent audit/review of internal controls over district expenditures as part of a complete fraud risk assessment. Successful completion of a fraud risk assessment will identify the school district's vulnerability to fraud in each of the three major types of fraud (fraudulent statements, corruption, and asset misappropriation). For more information on conducting fraud risk assessments and procuring audit services see the Inspector General's office's *Guide to Developing and Implementing Fraud Prevention Programs*, April 2004 and *A Local Official's Guide to Procuring Audit Services*, May 2004, both available at www.mass.gov/ig/igpubl.htm.

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Conclusion

A weak internal control environment within the Wachusett Regional School District has led to questions being raised about the expenses incurred by employees. Given the lack of documented policies and weak expense approval and oversight controls it is not clearly known what the school committee would deem as reasonable and necessary district school expenses. As such, the culture appears to have bred an atmosphere of privilege and entitlement among the school district executive staff.

In the absence of this local guidance, the Inspector General's office reviewed school district administrative expenses against state expense guidelines and determined that during the period from January 2000 to April 2004, the school district has made \$28,020 in questionable reimbursements to the executive staff of the district. In addition, the executive staff of the school district has enjoyed incremental salary benefits (\$110,575 for the four positions reviewed), which have not been approved and incorporated in the individual employee contracts. In sum, the Inspector General's office is questioning \$138,595 in administrative costs of the executive staff of the school district.

It remains unclear whether employees abused district reimbursement policies. What is clear, is that a lack of clear policies has permitted questionable expenditures, the superintendent's expenses have remained above scrutiny, and the superintendent has altered the terms of employee contracts without school committee approval.

An internal control system is an essential and fundamental management responsibility. This system provides the framework for efficient and effective operations. Internal controls enable reliable financial reporting and also help to ensure compliance with applicable laws and regulations. An organization's control environment provides the foundation for all other aspects of internal control. Critical elements of an effective control environment include both clearly documented policies and procedures and a well functioning system of oversight. Management is responsible for setting the tone for

integrity within the organization and for leading by example by establishing sound policies and procedures and abiding by them.

The School Committee needs to ensure that adequate controls are put in place and the districts discretionary expenditures receive greater school committee oversight.

APPENDIX A

Wachusett Regional School District Executive Staff

During the period of January 1, 2000 to June 30, 2004

Alfred D. Tutela	Superintendent of Schools	8/30/94 to present
Paul K. Soojian	Director of Operations/Deputy Superintendent	9/11/92 to present
Phillip E. Campbell	Director of Information Services and Pupil Personnel	1/12/99 to 8/29/03
Peter V. Brennan	Comptroller	8/13/01 to present
Steven Penka	Director of Administrative Services	7/31/02 to present
Brian A. O'Connell	Director of Administrative Services	11/12/01 to 6/30/02
Joseph B. Rappa	Director of Administrative Services	6/1/01 to 9/21/01
Mary E. Scott	Director of Administrative Services	7/17/00 to 6/1/01

APPENDIX B

Wachusett Regional School District Committee Members

as of March 22, 2005

Cynthia Bazinet	Holden, MA
Robert Carter	Population: 15,621
Mark James	
Duncan Leith	
Mary Catherine Maher	
Kelly Maxwell	
Michael Sherman	
Margaret Watson	
Alice Livdahl	Paxton, MA
Natalie Mello	Population: 4,386
Patricia Gates	Princeton, MA
Phillip Mighdoll	Population: 3,353
Elizabeth Brennan	Rutland, MA
John Kane	Population: 6,353
John Nunnari	
Cheryl Rauh	
Charles Capparelli	Sterling, MA
David Gibbs	Population: 7,257
Norman Plourde	