

12.20.2022. Revised 1.1.2023 Offense #1 Conflicts of Interest. Increased from 2 to 3 offenses.

## **5 Offenses By Officials. St Marks Rd Project, Southborough**

*We, Citizens of Southborough, are fed up with the scandals at this Project.*

*We, therefore, DEMAND that our elected representatives take action:*

*\* Close this Project down, and hand over the site to St Marks, to re-Landscape.*

*\* Withdraw the "Land Swap" Article from Town Meeting.*

*\* Issue 2 formal apologies: 1. St Marks School. 2. Agency Providing Grant.*

*\* Contact the Inspector General's Office to Inform them of Findings.*

*\* Start a forensic investigation of the Town DPW & Town Administrator.*

### **How The Project Changed:**

### **From A Sidewalk to St Marks, Into A Much Bigger Project.**

**1. The "St Marks Road Project"** is on a TRIANGLE of land of about 3 acres. West is St Marks Rd. East is Rte 85. South is the Town Library. North area is grass, used for parking by St Marks (e.g: parents watching sports).

**2. The Project began in 2019/20. At that time, there were two important issues relating to St Marks School.**  
(A) Payments In Lieu Of Taxes (PILOT) payments. The low payments were a bone of contention for over a decade.  
(B) The completion of a sidewalk from Main St, up Rte 85, to St Marks School front entry.

**3. The Project began very simply -- To build one Sidewalk to St Marks School. Then it expanded.**  
The DPW Superintendent, Town Administrator, and possibly a rep of the Selectboard, offered the "enlarged scheme" to St Marks. This was eventually accepted by St Marks IF Town Meeting approved easements.

**4. The first presentation of the Project was made on December 15, 2020, by the DPW Sup to the Selectboard.**  
The enlarged scheme consisted NOT ONLY of the single sidewalk to St Marks, BUT ALSO these 3 additional items:

**A. A new intersection** between St Marks Rd and Rte 85, located 300 feet south of the existing intersection.

**B. A new St Marks Road**, linking to Rte 85, 300 feet south of the existing intersection.

**C. A new parking lot** where the existing intersection now stands.

- This new parking lot is primarily for the use of St Marks School (and on some occasions, exclusively).

- This new parking lot is to be paid for by the Town, using regular town funding sources.

### **Summary Of The Five Significant Offenses Discovered.**

#### **1. There Were Three Inter-Connected Conflicts Of Interest, Early On.**

**A. The DPW Sup had an obvious conflict of interest. She is** an alumna of St Marks. She participated in making an offer of a "free" parking lot for St Marks, paid for by the Town. Then she made it worse by trying to cover it up with false justifications of need.

**B. The Selectboard appointed a member to negotiate HIGHER "Payments In Lieu Of Taxes" (PILOT) from St Marks, while also participating in the creation of a scheme to provide St Marks with "free" parking lot.**

The obvious conflict was this: On the one hand, that Town official was asking St Marks for higher PILOT dues, while on the other hand, that same official was assisting the DPW in a scheme to give St Marks an expensive "free"

gift -- a new parking lot, paid for by the Town.  
(St Marks: 211 acres. Assessed value \$115,500,000. Tax IF FOR PROFIT \$1,704,000. Actual PILOT \$90,000.)

**C. The current Selectboard has one member who has a direct conflict of interest in the project.** The current Selectboard member moved to reappoint the then current DPW Sup to a further three years employment contract, while (1) knowing the serious mismanagement by the Sup and (2) having a direct conflict of interest because a member of the Selectboard's family was actually employed by the Sup. That family member earns \$70,000 per year snowplowing.

**2. The DPW Sup made three false claims, trying to "justify the need" for the Project.**

Dec 15, 2020. - The DPW Sup and Town Admin made repeated FALSE claims about the "need" for the project, in an attempt to find a convincing reason to "justify" it. These false claims were an attempt to provide "cover" for the two inter-twined conflicts -- to disguise BOTH (A) The Conflict of Interest owned by the DPW Sup because she was an alumnus of St Marks, AND (B) The Conflict of Interest created by the Selectman participating in two contrary tasks: (1) Asking for higher PILOT dues, while also (2) paying for a free parking lot for St Marks.

**The following were the three false claims made by DPW, to "justify" the project:**

- A. Dec 15, 2020. - The DPW Sup made a false claim of serious "ponding" at the existing intersection.
- B. 2021 thru 2022 - The DPW Sup expanded the false claims into MAJOR "flooding" at the existing intersection.
- C. 2022. - The DPW falsely claimed the intersection was a public safety issue, with small turning radii for trucks. (This is contradicted by the former DPW Director who rebuilt the intersection in 2005, specifically to handle trucks).

**3. Spring 2021 - The DPW Sup and the Town Admin spent \$290,000 State Grant Funds Illegally, in 2 ways:**

- A. Funds should have been spent on a Sidewalk, Pocket Park & "History Walk".** Not on a road and parking lot.
- B. Funds should have been spent on Public property, not on private property of St Marks School.**

Then they tried to "fix" this, by proposing the following two tactics:

- i. **Saying they would refund the State funds** and replace them with Chapter 90 funds, used for roads.
- ii. **Creating an illegal scheme to use "licenses"** instead of easements. Easements must be approved by Town Meeting. Their strategy was to AVOID a vote at Town Meeting, which they feared they would lose because of growing opposition. But they did NOT fool Town Meeting. At the next two Town Meetings, the vote was overwhelmingly to REJECT easements and licenses.

**4. The DPW Sup violated the wishes of the State agency funding the grant.**

Spring 2021. - The DPW Sup overrode the wishes of the State funding Agency, which wanted to locate the Pocket Park on Main St downtown, and not in an isolated location on the triangle. No matter, the DPW Sup brazenly told other Town officials that the park had to be located on the St Marks Triangle.

**Important note about Pocket Park:** Throughout 2021 and 2022, while planning for the Pocket Park progressed, nobody was aware (other than the DPW Sup herself) that the State wanted the Pocket Park to be located on Main St. This was discovered two years later, after the video of the Dec 15, 2020 meeting was carefully reviewed, to reveal the DPW Sup stating: "The State wants the Park to be on Main Street."

**5. The Town Admin did not produce evidence requested by investigators.**

2021 - 2022. The Town Admin repeatedly failed to produce information requested by investigators looking for evidence of fraud, and ignored written requests for Attachments containing most information. There are two violations of State law here:

- A. Attachments referenced in emails are part of the Official Record, but they were not included.**
- B. Documents must be produced within 10 days, but this time limit was not complied with.**

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***The State grant of \$290,000 was mis-spent. The Town must EITHER refund the same amount, OR complete the following three items: A sidewalk, Pocket Park, and History Walk. .*** Meanwhile we are locked out of other grants.

Disclaimer: The above statements are the best I have been able to summarize, with the information provided to me from many sources. Please contact me if you feel that anything is in error. Former Selectman David Parry. Email: [parrydavidw@aol.com](mailto:parrydavidw@aol.com). Tel: 774 249 8544. .