

**MEMORANDUM OF AGREEMENT  
BETWEEN THE BOARD OF SELECTMEN,  
AND THE CEMETERY COMMISSIONERS  
OF THE TOWN OF LITTLETON**

WHEREAS, the Cemetery Commissioners of the Town of Littleton desire to fill the full-time salaried position of Cemetery Superintendent, which the Personnel Board has rated at Grade 9 on salary Schedule A; and

WHEREAS, the Littleton Board of Selectmen adopted a hiring freeze policy, as amended, which applies to all general fund Town departments under the jurisdiction of the Board of Selectmen; and

WHEREAS, the Board of Selectmen desires to grant a waiver from the hiring freeze policy subject to the conditions set forth herein; and

WHEREAS, MGL C.114,§27, provides that elected cemetery commissioners shall “appoint such employees as are necessary to maintain such cemeteries”; and

WHEREAS, MGL C. 41,§23A provides that the Town Administrator “shall act by and for the selectmen in any matter which they may assign to him relating to the administration of the affairs of the town or of any town office or department under their supervision and control, or, with the approval of the selectmen, may perform such other duties as may be requested of him by any other town officer, board, committee or commission”; and

NOW, THEREFORE, the Board of Selectmen and the Cemetery Commissioners of the Town of Littleton hereby agree as follows:

1. An exception is hereby granted to the Board of Selectmen’s hiring freeze policy, as amended, to allow the filling of a full-time salaried position of Cemetery Superintendent to be appointed by the Cemetery Commissioners.
2. The Town Administrator shall post a position opening notice for Cemetery Superintendent in accordance with Personnel By-law §33-9(3), with applications to be received by a posted deadline, and shall forward all applications to the Cemetery Commissioners, for their review.
3. All deliberations and interviews by the Cemetery Commissioners shall be conducted in open session, pursuant to the Open Meeting Law. In accordance with Town Code Chapter 3, Section 5,<sup>1</sup> the Town Administrator shall provide input to the Cemetery Commissioners on their hiring of the Cemetery Superintendent.
4. The starting salary and benefits of the Cemetery Superintendent shall be subject to approval by the Personnel Board pursuant to Personnel By-law §§33-17 and 33-23(F).

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<sup>1</sup> Town Code Chapter 3, Section 5. The Town Administrator shall have input in the hiring of employees of the Town Boards unless otherwise stated in a statute. The Town Boards retain the hiring decision. The Town Administrator shall provide input to performance reviews to ensure that the reviews are conducted in a fair and timely manner in accordance with the Town’s performance review process.

5. In accordance with Town Code Chapter 3, Section 5, the Town Administrator shall provide input to the Cemetery Commissioners for their review of the Cemetery Superintendent's performance in accordance with the Town's performance review process.
6. The Town Administrator, through the Assistant Town Administrator for Administration and Finance, the Highway Operations Manager, and other Town staff as appropriate, shall assist the Cemetery Superintendent in carrying out his duties on the Cemetery Commission's behalf, in compliance with the Town's financial, procurement, regulatory, and other laws, policies and procedures, which are appended hereto and incorporated herein by reference.

BOARD OF SELECTMEN

By: \_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_

CEMETERY COMMISSIONERS

By: Paul Bahr  
Chairman

Dated: July 14, 2011

Janet Sullivan  
Mary P. Hosby