

**MEMORANDUM OF AGREEMENT
BETWEEN THE BOARD OF SELECTMEN,
BOARD OF HEALTH, AND ZONING BOARD OF APPEALS
OF THE TOWN OF LITTLETON**

WHEREAS, the Board of Health, the Zoning Board of Appeals, and the Building Commissioner with the approval of the Town Administrator desire to fill jointly a full-time (40 hour per week) administrative assistant position rated by the Personnel Board at Grade 6 in 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, the Town Code provides in Chapter 3, Section 3 that the Building Commissioner is among the Town department heads appointed by the Town Administrator with the Selectmen's approval, and that "Employees of the heads of said departments shall be appointed by the department head subject to approval of the Town Administrator"; and

WHEREAS, MGL C.111,§27 provides that a Board of Health may appoint its own "officers, agents and assistants to execute the health laws and its regulations . . .": and

WHEREAS, MGL C.40A,§12 provides that a "zoning board of appeals . . . may, subject to appropriation, employ experts and clerical and other assistants. . ."; 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, the Board of Health and the Zoning Board of Appeals 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 (40 hour per week) position of Administrative Assistant for the Building Commissioner, Board of Health, and Zoning Board of Appeals.
2. The Town Administrator shall thereupon invite applications for the position of Administrative Assistant by posting and advertising in accordance with Personnel By-law §33-9(3), and by receiving applications until a posted deadline.
3. The Town Administrator hereby designates the Building Commissioner to convene a Search Committee to be comprised of the Building Commissioner, and no more than two members

each from the Board of Health and the Zoning Board of Appeals, to conduct a paper screening of applications and interviews of selected candidates.

4. The Search Committee may conduct its initial screening in executive session pursuant to the Open Meeting Law, insofar as it is not comprised of a quorum of the members of the Board of Health or the Zoning Board of Appeals.
5. The Building Commissioner with the approval of the Town Administrator, the Board of Health, and the Zoning Board of Appeals shall reach agreement on the appointment of an Administrative Assistant, which appointment shall be subject to successful completion of reference and background checks.
6. All deliberations by the Board of Health and the Zoning Board of Appeals relative to this appointment shall be conducted in open session, pursuant to the Open Meeting Law.
7. The starting salary and benefits of the Administrative Assistant shall be subject to approval by the Personnel Board pursuant to Personnel By-law §§33-17 and 33-23(F).
8. The Building Commissioner shall directly supervise the Administrative Assistant, with input from the Chair or designee of the Board of Health and the Zoning Board of Appeals.
9. The performance appraisal of the Administrative Assistant shall be conducted by the Building Commissioner, with input from the Chair or designee of the Board of Health and the Zoning Board of Appeals.
10. Recognizing that the FY 2012 operating budget contains funding for 26 hours per week of administrative assistant services for the Building Commissioner, 4 hours per week for the Zoning Board of Appeals, and 23 hours per week for the Board of Health, the Town Administrator shall have discretion, within budgeted amounts, to assign incumbent part-time Town employees to provide supplemental services to support this staffing plan, as needed, in consultation with the affected boards and departments.

11. On or by January 1, 2012, the Building Commissioner, the Board of Health, and the Zoning Board of Appeals will meet to review the operation of this Memorandum of Agreement and to determine its effectiveness, and assess the need for possible amendments.

BOARD OF SELECTMEN

By: _____
Chairman

Dated: _____

BOARD OF HEALTH

By: Peter A. Yapp
Chairman

Dated: 6/28/2011

ZONING BOARD OF APPEALS

By: _____
Chairman

Dated: _____