

Belmont Department of Public Facilities

**Memorandum of Agreement
Between the
Board of Selectmen, School Committee and Town Administrator**

As provided by Massachusetts General Laws Chapter 71, Section 37M, and as authorized by the vote of the Town of Belmont under Article 23 of the 2011 Annual Town Meeting, the Belmont School Committee, the Board of Selectmen and the Town Administrator agree to the creation of a joint municipal and school facilities department that will be known as the Department of Public Facilities and be organized as outlined in the Agreement. Nothing in the Agreement shall prohibit either the School Committee or Town Meeting from rescinding this Agreement as provided by law.

Article I. Department of Public Facilities: The Department of Public Facilities (DPF) shall be responsible for the coordination and care of all town-owned buildings inclusive of those under control of the Board of Selectmen, Town Administrator, and those under control of the School Committee. It shall coordinate for each building, except where noted, the following:

- custodial care/cleaning
- maintenance and repairs
- landscaping and pedestrian snow removal at School buildings only, and
- capital improvements

Article II. Public Facilities Board: The Department of Public Facilities shall be under the direction and control of a Public Facilities Board (PFB) that shall be composed of the Town Administrator and the Superintendent of Schools or their designees. The PFB shall be responsible for appointing the Director of Public Facilities for a term not to exceed three years. The PFB shall establish the compensation and benefits of the Director.

Article III. Director of Public Facilities: The Director of Public Facilities shall administer the Department's responsibilities under the supervision of the PFB. The Director shall be specially fitted by education, training and experience to perform the duties required of the Department. The Director shall appoint and remove, subject to approval by the PFB, assistants, agents and employees as may be required, pursuant to all Town personnel policies, collective bargaining agreements and relevant statutes.

The Director will insure that the assignment of personnel to a building is consistent with state and federal law, including CORI standards, and policies of the School Committee and Board of Selectmen.

The Director shall be the Department of Public Facilities' liaison to the PBC. The Department shall provide all staff support to the PBC with regard to building construction projects.

Article IV. Employer: The School Committee shall represent the Town for the purpose of bargaining with non-management employees of the Department. No collective bargaining agreement will be negotiated without consulting the Board of Selectmen. As provided by law, the Chairman of the Board of Selectmen shall be considered a voting member of the School Committee for the purpose of approving collective bargaining agreements with the Department of Public Facilities unions.

The Board of Selectmen, acting through the Public Facilities Board, will be the employer of management employees of the Department of Public Facilities.

Article V. Building Managers: Each municipal and school building shall have a building manager (e.g., school principal, police chief, etc.). The building manager shall have the right to provide direction to any custodial staff working in the building. The building manager shall be included in the hiring process for any custodial staff working in that building. The building manager shall have the right to petition the Director to remove building staff working in that building. The Superintendent of Schools, in the matter of school buildings, or the Town Administrator, in the matter of municipal buildings, shall address any unresolved differences between a building manager and the Director, depending on the building involved. In such instances the decision of the Superintendent or Town Administrator shall be final.

Notwithstanding the rights of the building manager, the Director shall have the authority to redeploy building staff temporarily or permanently, system wide; in a manner that yields the most efficient and cost effective maintenance and care of Town buildings.

Article VI. Operating Budget: The Director shall be responsible for developing an annual operating budget for the Department. The operating budget shall be sufficiently detailed to show separate budget allocations for school buildings and for municipal buildings. The school building portion of the operating budget shall be submitted to the Superintendent of Schools and approved by the School Committee prior to submission to the Warrant Committee. The Department budget shall be considered a shared expense budget when presented to Town Meeting. The operating budget shall include the estimated cost for all wages and salaries, operating expenses, supplies, utilities and capital purchases.

Article VII. Capital Plan: The Director shall be responsible for developing a five-year capital plan for the Department. The capital plan shall be sufficiently detailed to show the capital requirements, including major pieces of equipment, separately for school buildings and for municipal buildings. The first year of the capital plan is the capital budget. The school portion of the capital budget shall be submitted to the Superintendent of Schools and approved by the School Committee prior to submission to the Capital Budget Committee.

Article VIII. Use of School Buildings and Municipal Buildings: The Department shall be responsible for the scheduling and staffing of all school and municipal buildings after regular business hours and on weekends. Building managers shall have first priority in the use of their building after regular business hours. Following building managers, other Town organizations (e.g., Recreation, Adult Education) shall have priority over those non Town organizations in the

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scheduling and use of buildings. The Director in consultation with the School Department and the Town Administrator shall recommend a fee schedule for the use of school and municipal buildings by private organizations and groups. The PFB shall approve the fee schedule and present it to the Board of Selectmen and the School Committee. The Selectmen and the School Committee shall have 21 days to approve or reject the fee schedule. All fees collected by the Department for the use of school and municipal buildings shall be accounted for in a Revolving Fund, subject to Town Meeting approval, and expended as provided by law.

This Agreement is effective on the last date of execution by signatories as shown below, by authorized votes of the Board of Selectmen and the School Committee, and shall remain in effect unless revoked by the School Committee or by the Town Meeting. Amendments to this Agreement may be made by mutual agreement between the Board of Selectmen and the School Committee.

Board of Selectmen:

Ray T. Jones
[Signature]
[Signature]

Date: 12/14/11

Town Administrator:

[Signature]
Date: 12/14/2011

School Committee:

[Signature]
[Signature]
Kevin M. Cunningham
[Signature]
[Signature]
Rebecca Voz

Date: 12/16/2011