

Chapter 160
MEMORANDUM OF UNDERSTANDING

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[**HISTORY: Article I adopted by the Library Trustees and the Board of Selectmen 8-21-2001; Article II adopted by the Recreation Committee and the Board of Selectmen 5-07-2002 Amendments noted where applicable.**]

GENERAL REFERENCES

See A253.

See A254.

Parks and Recreation Committee — See Ch. 7; Art. II

ARTICLE I
Library Trustees
[Adopted 8-21-2001]

§ 160-1 Purpose of Memorandum.

The purpose of this memorandum of understanding is to affirm the harmonious and mutually supportive relationship which exists between the Library Trustees and the Board of Selectmen, and to explain some of the little known facts about the Library's unique status and the special relationship it enjoys with the Town and its Board of Selectmen.

It is especially important to recognize and celebrate these good relations because, while the Library is a legally separate and distinct entity from the Town, residents and taxpayers see the Library as an important municipal service and resource. Many persons may not understand the historical independent form of governance that the Legislature has seen fit to extend to municipal libraries. In fact, the Library Board of Trustees is the sole governing body of the Library. The Library Director and staff members are Library employees, not town employees. The Library Director supervises Library employees and they are hired and fired by the Trustees with input from the Director. The Trustees set employee compensation and other terms and conditions of employment. Clearly, the Legislature meant for Library Trustees to be truly independent in the operation and management of the Library.

The Library is largely supported by municipal taxpayers' money, however, and each year the Trustees must present and justify their budget to the Selectmen, Budget Committee and ultimately Town Meeting. Once money has been raised and appropriated at Town Meeting, the Trustees are solely responsible for the expenditure of the money appropriated.

§ 160-2 Definition.

The Peterborough Library is governed by state laws. This memorandum states and celebrates this historic difference and is an effort to memorialize the spirit of cooperation between this Board of Selectmen and the Library Trustees. It is understood that this document is a memorandum of understanding and is not to be construed as a binding contract.

§ 160-3 Memorandum of Understanding.

In Peterborough the Library Trustees have had a successful relationship working with the Town through its

Board of Selectmen. The Trustees have gratefully accepted the Town's generous offering of municipal resources in fiscal, personnel and other matters, including:

1. The trustees have voluntarily have adopted and follow the Town's personnel policies with regard to job classification, compensation, benefits and personnel manual criteria.¹
2. In certain circumstances including personnel issues and other legal matters, the Trustees may seek and obtain legal advice from the Town's counsel, as authorized by the Town Administrator and/or the Board of Selectmen.
3. All Library invoices are voluntarily paid by the Town, which is then reimbursed by the Library from appropriated Library funds. This procedure facilitates efficient budgeting and invoice tracking. The Trustees presents their budget in a gross budget fashion (pursuant to state law) in which both expenses and off-setting revenues are clearly denoted.
4. The town voluntarily manages certain administrative functions of the Library including payroll, benefit administration, property and workers compensation insurance and general accounting functions. (This is a representative sampling of the tasks performed by the town in support of the Library.)
5. The Library and Library annex (the Kyes-Sage House) are Town buildings, and as such are maintained by Town employees in conjunction with the Trustees. The Library Trustees budget for all costs associated with materials and supplies.
6. The Library's trust funds, consisting of monies entrusted to the Town for the Library, are overseen by the Trustees of the Trust Funds (pursuant to state law) who dispense income from these funds to the Library. Any revenues forthcoming to the town pursuant to item three of this memorandum will be credited accordingly.
7. The Library Director is by courtesy treated as a Town Department Head, which helps foster a spirit of cooperation between Library management and Town Management.

ARTICLE II
Recreation Committee
[Adopted 5-07-2002]

§ 160-4 Purpose of Memorandum.

The purpose of this Memorandum of Understanding is to clarify and confirm the roles and responsibilities of the Board of Selectmen and the Recreation Committee regarding issues relating to the recreation department of the Town of Peterborough.

The Peterborough Recreation Committee, comprised of five elected officials, wishes to maintain the solid and respected relationship it has with the Town of Peterborough and the Board of Selectmen. The Board of Selectmen has the responsibility to manage the prudential affairs of the Town.

The Selectmen's responsibility requires that the Peterborough Recreation Committee and the Recreation Department are fully supported, managed, advocated for and held accountable in a manner consistent with all other Town Departments. This requires management support and oversight by the Town's Selectmen and administration, thereby enabling the Recreation Committee to concentrate on the management of recreational programs, operations and facilities.

And most importantly, as it is in the best interest of the Town of Peterborough that the Board of Selectmen and the Peterborough Recreation Committee work together.

§ 160-5 Definition.

This memorandum recognizes, informs and celebrates the spirit of cooperation between this Board of Selectmen and the Peterborough Recreation Committee. It is understood that this document is a memorandum of understanding and not to be construed as a binding contract.

¹ The Library Trustees voted about ten to fifteen years ago that the Library would abide by the Town's policies regarding employee salaries, benefits and personnel matters. The Trustees reconfirmed that decision on July 17, 2001.

§ 160-6 Memorandum of Understanding.

The two elected bodies have agreed to the following:

1. The Peterborough Recreation Committee is empowered by the Town of Peterborough with full responsibility for the recreation program planning process and implementation thereof. The Selectmen and Town Administrator are responsible for all budgetary, policy and personnel matters of the Town.
2. The Peterborough Recreation Committee is committed to abiding by and upholding all the rules and regulations as outlined by the Peterborough Town Policy Manual. The PRC is committed to instituting recreation policies intended to provide the "best interest" of all participants in public recreation in Our Town.
3. The PRC shall present its budget in a gross budget fashion (pursuant to state law) in which both expenses and all offsetting revenues are clearly denoted (RSA 32:5) to both the BOS and Budget Committee per town policy. Once money has been appropriated the PRC can spend said money in accordance with town policies and procedures.
4. The PRC shall review the recommended program initiatives and suggested yearly operating plan as outlined in the Strategic Planning Committee's final report, and implement as appropriate.
5. The Town Administrator, in collaboration with the PRC, shall review the performance of the Director of Recreation.
6. The PRC in collaboration with the BOS (or conversely) shall exact disciplinary action or termination of the DOR if necessary.
7. Recreation Department employees will be reviewed by the DOR pursuant to town employee policy.
8. A committee, comprised of PRC members and a Selectman and/or Town Administrator, shall interview candidates for the position of DOR. Their finalist shall be presented and recommended to the Board of Selectmen for approval.
9. The Peterborough Recreation Committee Chairperson and the Town Administrator will maintain regular communication.
10. The DOR will report to the Town Administrator as to all budgetary and Town policy matters. The DOR shall report to the PRC regarding the day to day operation of the recreation department.
11. The Peterborough Recreation Committee will present and recommend to the Board of Selectmen for approval, a candidate to fill any vacancy should an elected PRC official not be able to fulfill his or her elected term.
12. The Director of Public Works and the Director of Recreation are committed to an ongoing maintenance program pursuant to Appendix E.