

AGREEMENT BETWEEN THE TOWNS OF
DEERFIELD, SUNDERLAND and WHATELY
With respect to the South County Senior Center Operations

RECEIVED
BY: _____

THIS AGREEMENT entered into this 9th day of July, 2010 by and between the Towns of Deerfield, Sunderland and Whately, (hereinafter "the Towns").

WHEREAS the Towns wish to enter into an agreement pursuant to MGL c.40, §4A to cooperatively operate and maintain the South County Senior Center (hereinafter "Senior Center").

AND WHEREAS the parties to this AGREEMENT wish to establish uniform and equitable procedures respecting the financing, maintenance and operation of the Senior Center.

NOW, THEREFORE, THE TOWNS ENTER INTO THIS AGREEMENT with each other, pursuant to the provisions of section 4A of chapter 40 MGL in manner and form following:

1. FISCAL AGENT - The Town of Deerfield shall serve as fiscal agent for the Senior Center and assume control of all receipts and disbursements associated with the operation and maintenance of the Senior Center, irrespective of source. The Senior Center is, for fiscal purposes, hereby deemed a department of the Town of Deerfield. The Town of Deerfield will be responsible for payment of all building operations and maintenance expenses. All expenses of the Senior Center are subject to appropriations by the Town, and designated contributions from the Towns of Sunderland and Whately. Individual town yearly assessments will be calculated according to Section 7 of this agreement and divided into 4 equal installments for billing. The Town of Deerfield will bill the two other towns their quarterly assessments on July 1, October 1, January 1 and April 1 of each year. Quarterly assessments will be payable to the Town of Deerfield within 30 days of billing.
2. FISCAL AGENCY EXPENSE - All expense relating to the administration of the Senior Center incurred by the Town of Deerfield will be included in the Senior Center budget as an operating cost and appropriated by the Towns along with their designated contributions to the budget.
3. SENIOR CENTER EMPLOYEES - The Director of the Senior Center and all of its full-time, part-time and consulting staff are deemed to be employees of the Town of Deerfield and eligible for all employee benefits made available to other town employees, subject to the restrictions of applicable law and the personnel policies of the Town of Deerfield.

The Senior Center staff and Director are, hired by the Town of Deerfield in accordance with the recommendation of the South County Senior Center Board of Oversight. As employees of the Town of Deerfield, all Senior Center staff are subject to the Deerfield personnel policies.

The South County Senior Center Board of Oversight will have access to the Town of Deerfield personnel files of Senior Center staff.

The South County Senior Center Board of Oversight shall receive quarterly reports on personnel and personnel issues from the Director. The Board of Oversight will be responsible to submit quarterly reports to each of the town's Board of Selectmen.

- A. The Board of Oversight will have overall supervision over the Director. Day to day supervision will be available from the Town Administrator associated with the town of the Chairman of the Board of Oversight.

4. BOARD OF OVERSIGHT - Each Board of Selectmen from Deerfield, Sunderland and Whately will appoint one of its members to serve on the Board of Oversight.

COUNCILS ON AGING - Each town will seek the advice of their respective Councils on Aging with respect to overall direction and programs of the South County Senior Center. The Councils on Aging will serve solely in an advisory role and will have no governing authority over the South County Senior Center.

DIRECTOR - The Director of the Senior Center shall have responsibility for any and all of the day to day operations and maintenance of the Senior Center. For supervision see Section 3.

SENIOR CENTER DIRECTOR - POSITION VACANCY - in the event the position of Director of the Senior Center becomes vacant, a Search Committee will be established. It shall be comprised of a personnel committee appointed by the Board of Oversight and a representative from each of the Towns as appointed by each town's Board of Selectmen. The Search Committee will also include the Town Administrators of the three towns. The Search Committee shall present its recommendation to the Board of Oversight, who subsequently will present their recommendation to the Deerfield Board of Selectmen.

SENIOR CENTER DIRECTOR - REMOVAL, ETC - The Deerfield Board of Selectmen will hold a hearing on the matter in compliance with the personnel policies/bylaws of that town, as well as the provisions of applicable state and federal law, and shall make the final decision in accordance with the recommendation of the three town Board of Oversight.

5. ANNUAL BUDGET - PREPARATION - It shall be the duty of the South County Senior Center Director, in consultation with the Board of Oversight, to prepare an annual operating and maintenance budget and submit it in a timely manner to the Boards of Selectmen of the Towns. The budget shall be presented in a format which incorporates the following provisions:

- A. Total Budget - The total of all proposed operating and maintenance expenditures.
- B. Applicable Estimated Receipts - An enumeration of all anticipated receipts and other revenues (other than those received from appropriations by the Towns) which will be utilized to defray any part of the total budgeted expenditures.
- C. Net Budget - The difference between the Total Budget and Applicable Estimated Receipts which shall equal the proposed amount to be raised and appropriated by the Towns.
- D. Housing Budget - Those budget lines included within the Total Budget which pertain to the operation and maintenance of the physical plant utilized by the Senior Center (including but not limited to utilities, rents and leases, heat, custodial services and supplies, related insurances, snow removal, acquisition of fixed assets, and repair of fixed assets). Capital improvements specifically related to the Senior Center portion of the building will be apportioned according to Section 7. Capital projects related to the structure (shell) of the building and all mechanical operations of the building itself will be the responsibility of the Town of Deerfield.

7. ANNUAL BUDGET - APPORTIONMENT OF COSTS - The Net Budget of the Senior Center including those Housing budget items shall be apportioned to the Towns in the following manner:

Deerfield	50%
Sunderland	25%
Whately	25%

A review of these percentages will take place annually and may be changed to reflect any alteration in the senior (60+) population of the towns with the approval of the three Boards of Selectmen.

8. ANNUAL BUDGET - APPROVAL - The approval of the annual operating and maintenance budget of the Senior Center, as prepared by the Director, is subject to appropriation by the Towns.
9. EMERGENCY EXPENDITURES - Unforeseen and necessary expenditures relating to the operation of the Senior Center shall be shared by the Towns consistent with apportionment ratios in effect set forth in Section 7 of this Agreement, and subject to appropriation by the Towns.
10. AMENDMENTS - This Agreement shall be reviewed by the Board of Oversight and Director on an annual basis and may be amended by unanimous agreement of the Towns in writing.
11. TERMINATION - Any Town may terminate its status as party to this AGREEMENT by giving written notice to that effect to all other Towns and to the Board of Oversight. The Towns agree that the effective date of such termination must not be earlier than the first day of the second July following the date of such written notice.
12. EFFECTIVE DATE - This AGREEMENT becomes effective on the first day following the date of approval by the third member town so voting to approve.

Deerfield
Board of Selectmen



Mark Gilmore



Carolyn Shores Ness

John Paciorek

Date: 7/9/10

Sunderland
Board of Selectmen



Thomas Fydenkevez

Scott Bergeron



David Pierce

Date: 7/12/10

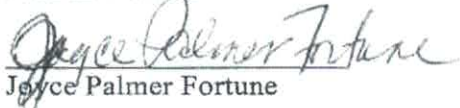
Whately
Board of Selectmen



Jonathan Edwards



Paul K. Newlin



Joyce Palmer Fortune

Date: 7/13/10

Version date: July 7, 2010