

**TOWN OF ROCHESTER
ANNUAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
MAY 21, 2012**

Plymouth, ss.

To the Constable(s) of the Town of Rochester in the County of Plymouth,

Greetings,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Rochester Memorial School, 16 Pine Street in said Town on Monday, the 21st of May 2012 at seven p.m. (7:00 p.m.) in the evening to act on the following articles:

ARTICLE 1: ANNUAL REPORT OF TOWN OFFICERS AND COMMITTEES

To see if the Town will accept the annual report of all town officers and committees, or take any other action thereon.

ARTICLE 2: ELECTED OFFICIALS SALARIES

To see if the Town will vote to fix the salaries of the elected officials of the Town for the Fiscal Year 2013 as follows:_ or take any other action thereon.

	Previous FY 2012	Requested FY 2013	Recommended FY 2013
Moderator - Annual Town Meeting	100.00	100.00	100.00
Special Town Meeting	50.00	50.00	50.00
Board of Selectmen (3) each member	4,241.00	4,241.00	4,241.00
Board of Assessors (3) each member	9,275.00	9,275.00	9,275.00
Board of Assessors (Assessment Admin)	24.59/hr	24.59/hr	24.59/hr
Tax Collector	21,426.00	21,426.00	21,426.00
Town Clerk	21,426.00	21,426.00	21,426.00
Tree Warden	661.00	661.00	661.00
Constables (2)	9.05/hr	9.05/hr	9.05/hr
Highway Surveyor	68,531.00	68,531.00	68,531.00
Board of Health Chairman	1,989.00	1,989.00	1,989.00
Board of Health (2) each member	1,659.00	1,659.00	1,659.00
Herring Inspector	419.00	419.00	419.00

ARTICLE 3: PERSONNEL BY-LAW AMENDMENT – CLASSIFICATION AND COMPENSATION PLAN

To see if the Town will vote to amend Part IV, Classification and Compensation Plan or take any other action thereon.
(SEE CHART ON NEXT PAGE)

ARTICLE 3:		
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CLASSIFICATION AND COMPENSATION PLAN	
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	EFFECTIVE JULY 1, 2012				
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[illegible][illegible][illegible]

None	10	\$20.45	\$21.06	\$21.70	\$22.35	\$23.02	\$23.71	\$24.42	\$25.15	\$25.91	\$26.68
BOS Adm Asst./Assessment Adm.	9	\$18.57	\$19.13	\$19.71	\$20.30	\$20.91	\$21.53	\$22.18	\$22.84	\$23.53	\$24.24
Adm. Asst. - General / Outreach	8	\$16.88	\$17.39	\$17.91	\$18.45	\$19.00	\$19.57	\$20.16	\$20.76	\$21.38	\$22.03
Adm. Asst. - Police / Payroll Clerk	7	\$15.36	\$15.82	\$16.30	\$16.79	\$17.29	\$17.81	\$18.34	\$18.89	\$19.46	\$20.04
Clerk/Secretary to Department Head	6	\$13.94	\$14.36	\$14.79	\$15.24	\$15.69	\$16.16	\$16.65	\$17.15	\$17.66	\$18.19
BOH Secretary	5	\$12.70	\$13.08	\$13.47	\$13.88	\$14.29	\$14.72	\$15.16	\$15.62	\$16.09	\$16.57
Program Assistant COA	4	\$11.54	\$11.88	\$12.24	\$12.61	\$12.98	\$13.37	\$13.77	\$14.19	\$14.61	\$15.05
Van Driver	3	\$10.50	\$10.81	\$11.13	\$11.47	\$11.81	\$12.17	\$12.53	\$12.91	\$13.30	\$13.69
COA Custodian	9	\$11.88	\$12.24	\$12.61	\$12.98	\$13.37	\$13.78	\$14.19	\$14.61	\$15.05	\$15.50
Recycle Operator	5	\$16.35	\$16.84	\$17.35	\$17.87	\$18.40	\$18.95	\$19.52	\$20.11	\$20.71	\$21.33
Heavy Motor Equip	5	\$16.44	\$16.94	\$17.44	\$17.97	\$18.51	\$19.06	\$19.63	\$20.22	\$20.83	\$21.45
Operator/Laborer	4	\$21.00	\$21.63	\$22.28	\$22.95	\$23.64	\$24.35	\$25.08	\$25.83	\$26.60	\$27.40
Lead Heavy Motor Equip Op	3	\$22.55	\$23.23	\$23.93	\$24.64	\$25.38	\$26.14	\$26.93	\$27.74	\$28.57	\$29.43

[illegible]

CLASSIFICATION AND COMPENSATION PLAN

ARTICLE 4: TOWN OF ROCHESTER FY 2013 OPERATING BUDGET

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray Town charges and expenses for the Fiscal Year ending June 30, 2013, or take any other action thereon.

(SEE CHART ON NEXT PAGE)

ARTICLE 5: DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

To see if the Town will vote to authorize revolving funds for certain Town departments under Massachusetts General Laws Chapter 44 Section 53E ½ for the Fiscal Year 2013 or take any other action thereon.

Revolving Fund
Article 5

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY 2013 Spending Limit
Library Materials	Board of Library Trustees	Charges and fees for lost, damaged, and overdue library material, lost library cards, photocopies, computer printouts, and facsimile transmissions	Purchase library materials, print and non-print, including without limitation books, periodicals, audio & video tapes and computer software, as well as other library materials and equipment	\$10,000
Recycling Program	Highway Surveyor	Fees for recycling materials, bins, etc., and the fees generated from disposal and sale of recycling materials.	Purchase recycling products and costs associated with disposal of recycling materials and equipment	\$20,000
Hazardous Waste Recovery	Fire Chief/Hazardous Waste Coordinator	Charges and fees for responses to hazardous material spills	Purchase materials used in response to hazardous material spills.	\$10,000
Rochester Country Fair Committee	Rochester Country Fair Committee	Entrance, advertising, vendor fees and fund raising activities.	Expenses incurred for fund raising activities, operating expenses of the annual fair, and scholarship awards	\$50,000
Cultural Council	Cultural Council Art Show	Vendor fees, application fees, and fund raising activities	Expenses incurred for operating the art show, and fund raising activities	\$5,000
Council on Aging	Council on Aging Director	Fees and receipts from fund raising, senior program activities, and rental fees for use of the building	Expenses incurred for senior programs and activities	\$10,000
Board of Health	Board of Health	Fees and reimbursements from Flu Clinics	Expenses incurred for Flu Clinics	\$1,000
TOTAL SPENDING				\$106,000

ARTICLE 4
TOWN OF ROCHESTER FY 2013 OPERATING BUDGET

		FY 2011	FY 2012	FY 2013	FY 2013
		APPROPRIATED	APPROPRIATED	DEPARTMENT REQUEST	FIN COM RECOMMENDED
GENERAL GOVERNMENT:					
113	Town Meeting	642	645	645	645
114	Town Moderator	345	345	345	345
122	Board of Selectmen	12,475	12,725	12,725	12,725
131	Finance Committee	800	800	800	800
132	Reserve Fund	40,000	40,000	40,000	40,000
135	Town Accountant	98,696	101,514	101,514	101,514
140	Information Systems	36,000	40,200	40,200	40,200
141	Board of Assessors	164,431	164,647	166,289	166,289
145	Treasurer	85,536	87,653	90,743	90,743
146	Tax Collector	33,055	33,583	33,583	33,583
151	Town Counsel	72,376	73,701	73,701	73,701
152	Personnel Board	900	200	200	200
161	Town Clerk	42,840	43,632	33,671	33,671
162	Elections	6,787	8,873	10,439	10,439
163	Board of Registrars	3,669	3,676	3,775	3,775
171	Conservation Commission	94,710	95,206	95,497	95,497
175	Planning Board	53,101	50,704	51,266	51,266
176	Zoning Board of Appeals	1,100	1,000	1,000	1,000
178	Town Planner Consulting	0	0	0	0
179	Soil Board	500	100	100	100
192	Town Hall	306,789	309,046	314,519	314,519
195	Town Hall Annex	37,000	38,100	43,500	43,500
PUBLIC SAFETY:					
210	Police	967,566	984,463	993,576	993,576
220	Fire	158,625	155,997	162,563	162,563
232	EMT	139,281	137,828	191,878	191,878
241	Building Inspector	80,678	80,676	81,230	81,230
242/243	Gas/Plumbing Inspector	13,160	13,000	13,000	13,000
245	Wiring Inspector	14,615	13,000	13,000	13,000
290	Gasoline Account	60,400	60,400	60,400	60,400
291	Emergency Management	1,665	1,465	1,465	1,465
292	Animal Control	11,340	11,340	10,850	10,850
294	Tree Warden	12,948	12,961	12,961	12,961
297	Constables	1,289	1,296	500	500
299	Communications/Dispatch	253,903	264,869	272,639	272,639
EDUCATION:					
300	Rochester Memorial School:	5,682,387	5,750,763	5,822,410	5,822,410
	Old Rochester Regional Assessment	4,218,210	4,467,477	4,361,931	4,361,931
	Old Colony Vocational Technical Ass	584,688	608,465	707,698	707,698
	TOTAL EDUCATION	10,485,285	10,826,705	10,892,039	10,892,039
PUBLIC WORKS:					
421	Highway Surveyor	67,187	68,531	68,531	68,531
422	Highway Department	396,709	397,714	403,017	403,017
423	Snow/Ice Removal	68,000	68,000	68,000	68,000
433/434	Solid Waste	155,460	173,787	178,129	178,129
435	Recycling	37,655	39,020	38,870	38,870
491	Cemeteries	8,650	8,650	8,650	8,650
HUMAN SERVICES:					
511	Board of Health	69,523	72,024	72,405	72,405
519	Inspector of Animals	1,500	1,500	1,000	1,000
541	Council On Aging	205,663	197,502	200,905	200,905
543	Veterans Services	35,114	38,573	48,773	48,773
CULTURE & RECREATION:					
610	Plumb Library	179,177	179,145	180,933	180,933
630	Park Department	25,370	15,370	15,370	15,370
631	Herring Inspector	736	744	744	744
691	Historical Commission	1,000	500	500	500
692	Town Events/Celebrations	1,000	1,000	1,000	1,000
694	Rochester Historic District	1,000	200	200	200
FIXED COSTS & OTHER REQUIREMENTS:					
710	Debt Service	1,073,458	1,092,764	1,086,681	1,086,681
830/840	Intergovernmental Assessments	1,509	1,592	1,592	1,592
900	Other Fixed Costs	1,389,107	1,505,056	1,554,123	1,554,123
	Total Operating Budget (Article 4)	17,010,325	17,532,022	17,750,036	17,750,036

ARTICLE 6: NATURAL RESOURCE EXPENSES

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the following recurring Environmental and Natural Resources Expenses or take any other action thereon.

FUND 2013 NATURAL RESOURCE EXPENSES

DEPARTMENT ITEM/PROJECT

Selectmen	Planting of Shellfish (Marion)	\$300
TOTAL ASSESSMENT		\$300

ARTICLE 7: CHAPTER 90 FUNDS APPROPRIATION

To see if the Town will vote to appropriate the sum of **\$307,023** from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90; for the purposes of repair, construction, maintenance and preservation of the Town roads and bridges and other related costs which qualify under the State Aid Highway Guidelines adopted by the Massachusetts Highway Authority.

ARTICLE 8: CONTINUAL EDUCATIONAL/ PROFESSIONAL DEVELOPMENT ACCOUNT

To see if the Town will accept the provisions of M.G.L. Chapter 71, section 71E to establish a revolving fund for Rochester Memorial School use, to be funded by receipts from adult education and continuing education programs, or take any other action relative thereto.

ARTICLE 9: OLD COLONY REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT INCURRING DEBT

To see if the Town will vote to replace Section XIII of the Regional Agreement of the Old Colony Regional Vocational Technical School District with the following as recommended by the Old Colony Regional Vocational School District Committee.

SECTION XIII - INCURRING OF DEBT

Within seven (7) days after the date of which the Committee authorizes the incurring of debt, other than temporary debt in anticipation of revenue to be received from member towns, the said Committee shall cause written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt, to be given to the Board of Selectmen of each member town. The notice for which provision is herein made shall be deemed to have been duly given to a Board of Selectmen of a member town if delivered to the Chairman of said Board or if mailed by registered or certified mail within the time specified, postage prepaid and addressed to the Chairman of said Board of Selectmen's Office or at his last known permanent address in such town. Within sixty (60) days after the date on which the Committee authorized the incurring of said debt, each member town shall hold a town meeting for the purpose of expressing approval or disapproval of the amount of said debt and if at such meeting a majority of the voters present and voting thereon express disapproval of the amount authorized by the Committee, the said debt shall not be incurred and the Committee shall thereupon prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefore

ARTICLE 10: SECTION IV.E. INDUSTRIAL DISTRICT ZONING BY-LAW AMENDMENT

E. Uses Permitted by Special Permit

4. Display of a sign pertaining to the use of the premises with a total area of more than fifty (50) square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted."

ARTICLE 11: SECTION XVI.1. SITE PLAN REVIEW AMENDMENT

1.14 Expiration

A site plan review approval granted under this section shall lapse within two (2) years, not including Such time required to pursue or await the determination of an appeal from the grant thereof or any other permit or license issued in connection therewith, if a substantial use thereof has not sooner commenced, or in the case of a permit for construction, if construction was not begun by such date. This time period may be extended for an additional one (1) year period at the discretion the Planning Board, provided an application for said extension was filed prior to the expiration of the first two (2) year term."

ARTICLE 12: FLOOD PLAIN DISTRICT BY-LAW, SECTION VII AMENDMENT

To see if the Town will vote to amend the Flood Plain District By-law, Section VII as follows:

Delete: Section 2. Paragraph 1 and substitute the following:

"2. District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Rochester designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Rochester are panel numbers 25023C0441J, 25023C0442J, 25023C0443J, 25023C0444J, 25023C0461J, 25023C0462J, 25023C0463J, 25023C0464J, 25023C0466J, 25023C0467J, 25023C0468J, 25023C0469J, 25023C0532J, 25023C0551J, 25023C0552J, 25023C0553J, 25023C0554J, 25023C0556J, and 25023C0558J dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector."

After Section 2, Paragraph 2, insert the following:

"In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge."

Delete Section 3 and insert the following:

"3. Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building

Code (780 CMR) which address floodplain and coastal high hazard areas;

- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

Insert the following after Section VII.3.b.4 (Special Permits):

5. In a riverine situation, the Rochester Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

7. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

ARTICLE 13: ACCEPT MGL CHAPTER 200A SECTION 9A (ALTERNATIVE PROCEDURE FOR DISPOSING OF ABANDONED FUNDS)

To see if the Town will vote to accept Section 9A of Chapter 200A of the Massachusetts General Laws relating to an alternative procedure for disposing of abandoned funds held by the Town; or act in any other manner in relation thereto.

DESCRIPTION: Acceptance of this statute would provide an alternative procedure for the Town Treasurer to deal with funds abandoned as a result of Town checks not being cashed.

ARTICLE 14: POWER PURCHASE AGREEMENT

To see if the Town will vote to authorize the Board of Selectmen and/or the Old Rochester Regional School committee to enter into alternate energy power purchase and/or net metering credit purchase agreements, including solar and wind energy and related net electricity metering credits, for terms of more than five years, on such terms and conditions as he Board of Selectmen deem in the best interest of the town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements, including all actions necessary or required by law; or take any other action thereon.

ARTICLE 15: SOLAR ARRAY PAYMENT IN LIEU OF TAXES (PILOT)

To see if the Town will vote to approve and enter into an Agreement for Payment in Lieu of Taxes (PILOT) for Personal Property, regarding a Renewable Energy Generation Facility for a 20 year term with Consolidated Edison Solutions, Inc., pursuant to the provisions of Massachusetts General Laws, Chapter. 59, Section 38H(b), and Chapter 164, Section 1, in connection with the 4.2 Megawatt Solar Energy Generation Facility on the property located on the land shown as Assessors' Map 45, Lots 7, 8 and 9, owned by the City of New Bedford, or take any action thereon..
(Board of Selectmen)

ARTICLE 16: BOATS

To see if the Town will vote to amend the General By-laws, Article XI (H) Boats, by making the following changes:

DELETE – the second paragraph that currently reads:

“Prohibited: the use of motor boats on Snow’s Pond in the Town of Rochester.”

DELETE – the third paragraph that currently reads: “Prohibited: the use of motor boats on Mary’s Pond in the Town of Rochester from 9:00 a.m. to 6:00 p.m.”

INSERT – the following as the second paragraph: “The use of internal combustion engines is prohibited on Mary’s Pond and Snow’s Pond in the Town of Rochester.”

DELETE – the fifth paragraph that currently reads: “The use of internal combustion powered outboard motors or internal combustion powered recreational vehicles of any type are banned from use on Mary’s Pond.” Or take any other action thereon.

ARTICLE 17: MARION ROAD, MARY’S POND ROAD WATER SERVICE

To see if the Town will vote to appropriate a sum of money for the installation/extension of water service on Marion Road and Mary’s Pond Road, including all appurtenances and connections associated therewith, and for all costs incidental and related thereto; and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

Given under our hands this 7th day of May 2012.

Rochester Board of Selectmen:

Richard Nunes, Chairman

Naida Parker, Vice Chairman

Bradford N. Morse, Clerk

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Rochester, qualified to vote in elections and Town affairs, to meet at Rochester Memorial School, 16 Pine Street, in said Town on Monday the 21st of May 2012 at the time and place for the purpose herein named by posting up attested copies thereon in the following places:

Rochester Post Office

Outside the Rochester Town Hall

Plumb Library

Council on Aging

Rochester Web Site