

A True Copy, Attest .

**SPECIAL TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS
JANUARY 27, 2025**

Marjorie L. Barrows
Marjorie L. Barrows, Town Clerk
Town of Rochester

Date: *January 10, 2025*

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 Rochester Memorial School, 16 Pine Street in said Town on Monday, the 27th of January 2025 at seven p.m. (7:00 p.m.) in the evening to act on the following articles:

ARTICLE 1: POLICE CELL RENOVATION

To see if the Town will vote to transfer from available funds the sum of One Hundred and Twenty Thousand Dollars (\$120,000) for materials and installation to renovate the police department cell area and install sliding jail doors or take any other action relative thereto.

ARTICLE 2: LIBRARY BOOK DEPOSIT

To see if the Town will vote to transfer from available funds the sum of Three Thousand Two Hundred and Twenty Five Dollars (\$3,225) for the purchase of a new hydraulic lift book deposit or take any other action relative thereto.

ARTICLE 3: RENOVATION POLICE 2ND FLOOR

To see if the Town will vote to transfer from available funds the sum of One Hundred and Seventy Five Thousand Dollars (\$175,000) for materials to renovate the police department attic area to create additional office, meeting, and storage space, or take any other action relative thereto.

ARTICLE 4: COA GREASE TRAP AND FLOORING

To see if the Town will vote to transfer from available funds the sum of Thirty Thousand Dollars (\$30,000) for materials and installation for new commercial-grade kitchen flooring and an internal grease trap for the Council on Aging Kitchen or take any other action relative thereto.

ARTICLE 5: SANDER TRUCK

To see if the Town will vote to transfer from available funds an amount not to exceed the sum of One Hundred Thousand Dollars (\$100,000) to purchase a used sander truck for the Highway Department or take any other action relative thereto.

ARTICLE 6: PFAS MONITORING AND SITE WORK DEP PERMIT

REC'D ROCHESTER TOWN CLERK
JAN 10 '25 AM 10:47

To see if the Town will vote to transfer from available funds the sum of Twenty-Six Thousand Five Hundred Dollars (\$26,500) for engineering costs related to post closure landfill monitoring, monitoring well elevation survey, and private well monitoring (PFAS), as required by the Massachusetts Department of Environmental Protection (DEP), or take any other action relative thereto.

ARTICLE 7: SITE WORK FOR PROPOSED FIRE STATION

To see if the Town will vote to transfer from available funds the sum of Fifty-Five Thousand Dollars (\$55,000) for engineering costs related to the proposed construction of a fire station, or take any other action relative thereto.

ARTICLE 8: APPOINTMENT OF TOWN CLERK

To see if the Town shall vote to change the currently elected position of Town Clerk into a Select Board appointed position of Town Clerk as per the provisions of MGL c. 41, § 1B, and place on the official ballot of the 2025 Annual Elections the following question for acceptance by the voters: "Shall the Town vote to have its elected Town Clerk become an appointed Town Clerk of the Town?"

ARTICLE 9: TREASURER INVESTMENT

To see if the Town will vote to accept the provisions of M.G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c. 203C, the so-called "Prudent Investment Rule", or take any other action relative thereto.

ARTICLE 10: AMEND PERSONNEL BYLAW

To see if the Town will vote to amend the Personnel By-laws as follows:

Part I

Purpose, Scope, Purpose, Administration, and Definitions

Purpose: The purpose of this Personnel Bylaw (the "Bylaw") is to establish a system of personnel administration governing employment within the Town of Rochester which is consistent with Massachusetts General Law, Chapter 151B, and to ensure that the recruitment, selection, and advancement of personnel shall be based on ability, knowledge, skill and performance under fair and open processes. The personnel system shall be administered without regard to race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, and with proper regard for privacy and employee rights.

Scope: The Bylaw shall apply to all employees of the Town of Rochester except:

- Those appointed or employed by the School Committee;

- Those who serve in offices filled by popular election and persons appointed to fill vacancies in elective offices;
- Those who serve on voluntary boards, commissions, committees, or authorities; or
- Others exempted by the Select Board .

To the extent that this Bylaw conflicts with any collective bargaining agreements or individual employment contracts to which the Town is a party, such agreements and contracts shall control. Contractors or tenants with offices in a Town facility and/or accept the use of Town resources are required to comply with any and all relevant provisions of this Bylaw). In addition, Police and Fire Department policies, procedures, guidelines, and general orders supersede any like policy or procedure in this Bylaw.

Establishment of the Personnel Board

Members of the Personnel Board shall be appointed by the Board of Selectmen for three-year terms. Whenever possible, the Board of Selectmen will appoint members possessing a professional personnel background. Four members shall be registered voters in the Town and the fifth full voting member shall be a fulltime Town employee under the jurisdiction of the Personnel Board. Members of the Personnel Board shall serve without compensation. The initial personnel board established under this bylaw shall be appointed in such a manner so that the term of two members shall be appointed for terms of three years, two members shall be appointed for terms of two years and one member shall be appointed for a term of one year. Thereafter, as terms, members shall be appointed for terms of three years.

Administration: The Town Administrator, under the policy direction of the Personnel Board and the Select Board shall be responsible for the proper administration of these policies. Specifically:

- The Town Administrator shall be vested with all the powers and duties specified in the Town Charter and this Bylaw.
- The Town Administrator shall establish such procedures as he/she deems necessary for the proper administration of the Bylaw and assigns to the Assistant Town Administrator/HR Director such duties as he/she deems necessary.

Definitions:

Appointing Authority - The Board of Selectmen, department head or any board, commission, committee or manager so empowered by statute, bylaws, charter or directive, that has the power to appoint an employee to any non-elective position is referred to as the Appointing Authority.

Collective Bargaining Agreement - The document resulting from the mutual obligation of employers and employees' representatives to meet at reasonable times and confer in good faith with respect to wages, hours, standards of productivity and performance, and other terms and conditions of employment. This includes the mutual obligation to negotiate an agreement and bargain over questions arising under an agreement.

Continuous Employment - Employment uninterrupted except for required military service and for authorized vacation, sick leave, bereavement leave, court leave, domestic violence leave or other approved leave of absence.

Department - Any department or agency of the Town subject to these policies.

Department Head - The officer or other body having immediate supervision and control of a department; in the instance of a department serving under the supervision and control of the Town Administrator, the officer, board or other body responsible to the Board of Selectmen for the administration of the department.

Exempt Employee - A salaried employee who is employed in an executive, administrative, or professional capacity and is not generally entitled to overtime pay as he or she meets the following criteria as defined by the Fair Labor Standards Act., 29 USC Sections 201-216: 1.)

- **Executive** — primary duty is to manage a department.
- **Administrative** — primary duty is office or non-manual work directly related to management policies, or directly assisting an executive.
- **Professional** — primary duty requires advance knowledge acquired by specialized study, work is intellectual, and the result is not standardized.

Employee - Any person paid and employed by the Town whether full-time, part-time, seasonal, special, regular, probationary or temporary.

Full-time Employee - A full-time employee is one who has completed the probationary period and who is scheduled to work an average of at least 37.5 hours per week throughout the year. Hours worked as an elected official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Grievance - A complaint or dispute between an employee and his/her supervisor.

Manual Laborer - A non-office worker position that requires regular lifting, carrying of objects, cleaning or other physically strenuous labor.

Non-Exempt Employee - An employee, whether paid a salary or hourly wage, whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay under certain conditions.

Overtime – For non-exempt employees, time worked in excess of the normal work week of 40 hours, or as otherwise calculated under a collective bargaining agreement or employment contract, subject to certain conditions.

Part-time Employee, benefits eligible - A part-time employee is eligible to receive certain benefits depending on their schedule and average weekly hours. An employee who regularly is

scheduled to work 20 or more hours per week but fewer than 37.5 hours per week throughout the year (with the exception of school employees) is eligible for health insurance and life insurance benefits **as well as prorated vacation, sick and personal time**. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Part-time Employee, not benefits eligible - A part-time employee working on average, fewer than 20 hours per week, annually, is not eligible for health insurance or life insurance benefits. Hours worked as an elected and/or appointed official may not be combined with hours worked in an appointed capacity in determining an employee's status.

Personnel Policy – A policy or procedure which implements and clarifies terms and conditions of employment.

Probationary Period - A working test period during which time an employee is required to demonstrate ability to meet acceptable standards of performance prior to an appointment to a classified position; generally, 6 months unless otherwise specified by law, or unless extended by an additional six months if deemed appropriate by the Town Administrator. During an employee's probationary period, the employee may be disciplined or discharged, and they shall have no recourse under the grievance procedure.

Public Safety Position - Any position included in the Fire Department, Police Department; any ambulance attendant, Emergency Medical Technician, or other similar position, not including administrative or housekeeping staff of said departments.

Regular Employee - A regular employee is one who has completed his/her probationary period and is retained in a position where the intent is more than six months continuous employment.

Temporary Employee - A temporary employee is a fulltime or part-time position that is not likely to require the services of an employee on a year-round basis. Seasonal employees and employees hired for a specific project on a short-term basis are considered temporary employees. Temporary employees are not eligible for any benefits offered by the Town. Temporary employees, after a six month period of continuous employment with the town, may be considered for permanent employment. Grant funded employees shall also be considered temporary employees.

Part II

The respective Town departments, subject to the approval of the Town Administrator, shall establish the regular hours per day and days per week or those hours that are otherwise determined to meet the departmental needs.

Each regular fulltime employee shall be provided with a one-half (1/2) hour unpaid meal period during the workday, with said meal period to be scheduled as close to the middle of the work shift as possible. All employees' work schedules shall provide for two (2) twenty (20)-minute coffee breaks. Each coffee break shall be scheduled as close to the middle of the first half and second half of the shift as possible. Those employees not partaking in the coffee breaks either

by choice or circumstances, at the discretion of the department head, may add the equivalent period to the lunch break.

(Amended: Article 4I Annual Town Meeting June 5, 2000) (Amended: Article _____)

Payroll: The Town payroll covers the fourteen (14) day period ending every other Saturday.
(Amended: Article 28(A) Annual Town Meeting June 17, 1997 reconvened) (Amended: Article 7 Special Town Meeting October 30, 2006)

Extra Pay/Overtime: Unless otherwise provided by law, all non-exempt employees who fall under the Fair Labor Standards Act (FLSA) will be paid straight time for such hours up to forty (40) hours in a calendar week. If an employee performs work for more than forty (40) in any calendar week, the employee shall be paid for overtime work in excess of forty (40) hours at the rate of one and one-half times their regular weekly pay divided by the number of hours in their normal work week schedule, unless exempt under Federal Law. Overtime rate will be calculated using the employee's normal work week schedule. Exempt professional employees are not entitled to overtime.

(Adopted: Article 13 Annual Town Meeting June 3, 2002,)
(Amended: Article 17 Annual Town Meeting June 4, 2007) (Amended: Article _____)

Overtime work shall only be permitted if the Town Administrator memorializes the same in writing and in advance of said work being conducted. With the exception of emergency situations, any overtime must be approved at least forty-eight (48) hours in advance by the department head.

(Amended: Article _____)

Part III

Recruitment, Hiring Practices, Vacancies, Transfers, Promotions, and Seniority Recruitment:

If a department requires the creating of new position, the department head shall submit, in writing, the proposed new position and the reason for the creation thereof to the Town Administrator for his/her approval before posting the new position. The same process applies for modifying the job description for existing positions. Proposed new positions and modified existing positions will be placed in the appropriate category, wage level, and step in the Classification and Compensations Plan as determined by a vote of the Personnel Board.

(Amended: Article 4J Annual Town Meeting Junew or revised ne 5, 2000) (Adopted: Article 11 Annual Town Meeting June 4, 2001)

(Amended: Article 14 Annual Town Meeting June 4, 2007)

(Amended: Article _____)

Hiring Practices:

The Town Administrator, in consultation with the applicable department head, shall have the authority to make all hiring decisions. The appointment shall be judged on the qualifications, abilities, and skills, provided that such judgment is not exercised arbitrarily, capriciously or unreasonably.

Applicants for employment may be rejected for, among other things, the following reasons: (1) the applicant lacks the established qualifications for the position; (2) the applicant is physically unfit to perform the duties of the position; or (3) the applicant has been dismissed from previous employment for delinquency, insubordination or misconduct, including sexual harassment, or has resigned because of delinquency or misconduct.

The Town Administrator, in consultation with the applicable department head, shall determine which assessments or other instruments will be used to evaluate the fitness of each candidate for a position. Such assessments may include a physical exam, written test, writing sample or any other assessments needed to determine an applicant's competency for the position.

The Town of Rochester is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job poses serious safety and health risks. To ensure a safe and healthy working environment, employees, including job applicants, may be required to submit to periodic drug testing.

Vacancies:

Any vacant permanent regular or part-time position must be posted for five (5) work days prior to beginning the hiring process. Whenever possible, it shall be the practice of the Town to promote qualified internal persons, based on their job performance and other factors, including seniority, to fill Town vacancies. Employees holding part-time positions, and who are qualified, will be considered when filling vacancies in permanent positions.

(Amended: Article _____)

Transfers and Promotions:

The decision to transfer or promote from within shall be made on the basis of qualifications and performance. Performance shall be based on written documentation. Where such factors are relatively equal, seniority shall be the determining factor. If no internal candidate is qualified, the position may be filled by an outside candidate.

(Amended: Article _____)

Seniority: As used in this Bylaw, seniority is defined as the length of service of Town employees who are not temporary employees. Seniority shall not be broken by vacation leave, sick leave, parental leave, leave due to injury, leave without pay, suspension or any call to military service. *(Amended: Article 4J Annual Town Meeting June 5, 2000)*

(Amended: Article 8 Special Town Meeting October 17, 2016) (Amended: Article _____)

Probationary Period: During his/her probationary period, an employee will be observed and evaluated on his or her conduct, performance against specified goals and objectives, and work habits.

An employee shall accrue authorized leave benefits as outlined in the by-laws during this period, but apart from accrued sick leave, may not use these accrued benefits as paid leave until successfully completing the first six months of the probationary period. During the probationary period, the employee does not have access to the "Grievance Procedure" as found in the by-laws and may be terminated or otherwise disciplined with or without cause at any time by the Town Administrator, upon the recommendation of the department head or supervisor.

Upon completion of the probationary period, the Town Administrator shall notify the employee, in writing, of the decision that the employee has or has not attained permanent employee status. This decision shall be based upon a performance appraisal and recommendation made by the employee's department head. Such notification shall be placed in the employee's human resources file.

(Amended: Article 4J Annual Town Meeting June 5, 2000) (Amended: Article 8 Special Town Meeting October 17, 2016)

Part IV

Wage Plans

Classification and Compensation Plans: The Classification and Compensation Plan is a plan classifying positions covered under the by-laws into groups and classes of positions in which employees perform substantially similar work and/or have substantially equal responsibilities. The Classification and Compensation plan shall be determined by the Personnel Board. The Classification and Compensation Plan includes position titles, categories, wage ranges and steps.

Revised ATM June 9, 1997	Effective July 1, 1997
Revised ATM May 9, 1998	Effective July 1, 1998
Revised ATM June 7, 1999	Effective July 1, 1999
Revised STM October 25, 1999	
Revised ATM June 5, 2000	Effective July 1, 2000
Revised ATM June 4, 2001	Effective July 1, 2001
Revised ATM June 3, 2002	<i>Effective July 1, 2002</i>
<i>Revised ATM June 9, 2003</i>	<i>Effective July 1, 2003</i>
<i>Revised ATM June 7, 2004</i>	<i>Effective July 1, 2004</i>
<i>Revised STM November 15, 2004</i>	
<i>Revised ATM June 5, 2005</i>	<i>Effective July 1, 2005</i>
<i>Revised ATM June 5, 2006</i>	<i>Effective July 1, 2006</i>
<i>Revised ATM June 4, 2007</i>	<i>Effective July 1, 2007</i>
<i>Revised ATM June 2, 2008</i>	<i>Effective July 1, 2008</i>
<i>Revised ATM May 18, 2009</i>	<i>Effective July 1, 2009</i>
<i>Revised ATM May 17, 2010</i>	<i>Effective July 1, 2010</i>
<i>Revised ATM May 23, 2011</i>	<i>Effective July 1, 2011</i>
<i>Accepted ATM May 21, 2012</i>	<i>Effective July 1, 2012 (no changes)</i>
<i>Revised ATM May 20, 2013</i>	<i>Effective July 1, 2013</i>
<i>Revised ATM May 19, 2014</i>	<i>Effective July 1, 2014</i>
<i>Revised ATM June 8, 2015</i>	<i>Effective July 1, 2015</i>
<i>Revised ATM June 13, 2016</i>	<i>Effective July 1, 2016</i>
<i>Revised ATM May 22, 2017</i>	<i>Effective July 1, 2017</i>
<i>Revised ATM May 13, 2024</i>	<i>Effective July 1, 2024</i>

Part V

Discipline, Discharge and Work Performance
(Amended: Article 4L Annual Town Meeting June 5, 2000)

Progressive Discipline:

The purpose of this policy is to provide the Town's procedure for administering progressive discipline in response to employee misconduct and performance deficiencies.

(Amended: Article 4M Annual Town Meeting June 5, 2000)

Discipline may include: a verbal warning, a written warning, suspension with or without pay, or termination from employment. Whether to discipline an employee and which discipline to issue shall be in the sole discretion of the Town Administrator, in consultation with applicable department head or his/her designee. The specific discipline the Town Administrator issues will depend on the nature and severity of the underlying misconduct or performance deficiency, as well as how frequently, if at all, the same or other misconduct or performance deficiency has occurred in the past.

Grievance Process

Employees may grieve any discipline he/she has been issued in accordance with the following 3 step procedure. Retaliation against employees for submitting a grievance under this section is strictly prohibited. All documents related to a grievance submitted under this section shall be **placed** in the employee's personnel file.

1. Employee grievances contesting a discipline he/she has been issued, must be submitted, in writing, to his/her department head within twenty (20) of issuance. After the department head receives the grievance, he/she will meet with the employee within ten (10) workdays to resolve the grievance. The department head shall provide the employee with written response to his/her grievance within five (5) workdays of the meeting date.
2. If the grievance is not resolved to the employee's satisfaction, the employee may submit an appeal, in writing, to the Personnel Board within five (5) workdays of receiving the department head's decision. The Town Personnel Board will meet with the employee within ten (10) work days of receiving the employee's appeal to resolve the grievance. The Personnel Board shall submit a written response to the employee's appeal within five (5) workdays of the meeting date.
3. If the grievance is not resolved to the employee's satisfaction, the employee may submit an appeal, in writing, to the Town Administrator within five (5) workdays of receiving the department head's decision. The Town Administrator will meet with the employee within ten (10) work days of receiving the employee's appeal to resolve the grievance. The Town Administrator shall submit a written response to the employee's appeal within five (5) workdays of the meeting date. The Town Administrator's response is not subject to appeal.

The foregoing procedure may be modified only by a written agreement to do so between the grievant and the Town Administrator.

(Amended: Article 4N-4O Annual Town Meeting June 5, 2000) (Amended: Article 7 Special Town Meeting October 17, 2016) (Amended: Article _____)

Part VI

Rate Increases and Evaluations

(Amended: Article 4P Annual Town Meeting June 5, 2000)

Permanent Regular Full-Time & Part – Time Employees:

For those eligible employees, step increases shall be based on experience in a position in employment for the Town of Rochester. A step increase may be given annually effective July 1st of the new fiscal year. An employee shall be eligible for a step increase if the employee has been employed in a town position for the prior twelve (12) months or having completed a six (6) month probationary period. An employee who transfers within to a new town position shall be eligible for a step increase provided the employee has worked the prior twelve months calendar year for the town of Rochester in a by-law position.

Regardless of length of service to the Town of Rochester, all regular full-time employees, part-time employees, and employees in the probationary period shall be eligible for a cost of living (COLA) increase if voted at the annual town meeting.

(Amended: Article _____)

Evaluations:

All permanent regular full-time and part-time by – law employees shall be evaluated annually by their department head. Department heads shall use the Town of Rochester's approved evaluation instrument. Employee evaluations should be completed by the department head no later than May 31st. Department heads must meet with the employee to review the employee's evaluation by June 15th. Department Heads must provide a copy of a signed evaluation to the Executive Assistant to the Town Administrator by June 30th for placement in the by-law employee's file. Employees may attach a rebuttal to his/her evaluation. Department heads are responsible for meeting individually with their employees and adhering to all the evaluation timelines.

(Amended: Article _____)

Longevity Pay

Regular full-time and part-time employees hired before 7/1/2025 are entitled to receive longevity incentive pay at the completion of 5, 10, 20 and 25 years of service as a benefitted employee. Longevity incentive pay shall be paid out at the following rate increase schedule. The percentage increase reflects a percentage of the employee's base pay for each longevity step increase.

5 years	2%
10 years	2%
20 years	1%
25 years	1%

Employees shall receive the pay increases reflected above beginning the next fiscal year after they reach the required length of service.

(Adopted: Article 4 Annual Town Meeting May 20, 2013) (Amended: Article _____)

Employees hired on or after 7/1/2025 shall be entitled to receive an annual longevity payment based on a flat amount rather than a percentage. This policy applies to all non-represented, regular full-time, and regular part-time employees. To be eligible, an employee must have completed their continuous length of service before December 1.

Longevity payment is awarded each year as follows:

After 5 years of service: \$400

Employee longevity payment continues each subsequent year of employment, increasing by \$50 each year.

For part-time employees working 20 or more hours per week, any longevity payments granted under the terms of this policy will be pro-rated on the basis that their part-time service bears to full-time service. Payments under this provision will be made in a lump sum payment on the first payroll of December. Upon separation of service, employees eligible for a longevity payment shall receive a pro-rated amount of said payment.

Employees eligible to receive longevity who leave the Town in good standing and return to work within two years will be entitled to receive credit for prior service for the purpose of calculating continuous service for longevity. The length of the absence shall not be included in the calculation of continuous service. Interruption of employment for the purpose of performing military service under orders shall not be deemed a break in continuous employment with the Town for the purpose of determining longevity eligibility.

Part VII

Holidays

The following days shall be considered as paid holidays and compensated for as provided in this section:

New Year's Day	Presidents' Day
Patriot's Day	Memorial Day
Independence Day	Columbus Day
Labor Day	Thanksgiving Day
Veteran's Day	Day after Thanksgiving
Martin Luther King's Birthday	Christmas Day Juneteenth

The Town will provide any changes to the above list of holidays to employees on July 1st.

In addition, an employee will receive any other day declared a holiday by the Governor, General Court, or the Board of Selectmen.

If a holiday falls on a Saturday, it shall be celebrated on the Friday before the Saturday holiday, unless observed statewide on another day. Where any of the holidays enumerated above falls

during an employee's vacation or a day that would otherwise be a regularly scheduled workday, the employee shall be entitled to an additional vacation day with pay, to be taken at the convenience of the Town.

A skeleton work force will be in effect on the day before Christmas so that each employee might have one of these two days as either a vacation day or personal day. Department Heads/Supervisors will determine adequate scheduling and staffing needs and arrangements for these days.

If a non-supervisory employee not regularly scheduled to work on holidays is called in or assigned to work on December 25th or Thanksgiving Day, he/she shall receive ,in addition to another day off within a reasonable period of time, time and one-half (1 ½ x) his/her regular hourly rate for each hour worked on said holiday.

Non-benefit - eligible employees called in or assigned to work on Christmas Day or Thanksgiving Day shall receive time and one-half (1 1/2 x) their regular hourly rate for each hour they worked on said holiday.

(Adopted: Article 12 Annual Town Meeting June 9, 2003)

(Amended: Article 15 Annual Town Meeting June 4, 2007) (Amended: Article _____)

Part VIII Vacations

Vacation leave shall be granted to benefits – eligible employees who have successfully completed their initial hiring probationary period. Employees who have completed less than six (6) months of employment shall not be entitled to vacation during their first partial year of employment.

Thereafter, employees shall be granted vacation leave with full pay on the anniversary date of each employee's start date –per service year as follows:

0-6 months	0 days
6 months – 12 months	5 days
1 year of continuous service (employment)	10 days (5 days of which may be taken in the second 6 months of service)
5 years of continuous service	15 days
10 years of continual service	20 days

After 10 years of continuous service an additional vacation day will be added each year to an employee's vacation time until a maximum of 25 days has been reached.

A break in continuous service means a termination of continuous employment due to resignation, contract non-renewal, termination, or job abandonment.

In the event of termination of employment of any benefits - eligible employee who has been in the continuous service of the Town for at least one (1) year, such employee shall be paid for any portion of his vacation, which may have accrued from the employee's anniversary date. In the event of the death of an employee, any such accrued vacation pay shall be payable to his estate.

Benefits - eligible employees will be allowed to take vacations as they desire when reasonable notice is given to the department head. Where the department head determines that approving a requested vacation period will result in inadequate coverage to perform the necessary work, the department head may deny the requested vacation period.

If more than one employee requests the same vacation period and the department head determines that only one such leave can be approved, the determining factor will be the employee that requests the vacation period first. If both employees request vacation leave at the same time, the employee with the most seniority shall be granted the vacation period.

Annual vacations shall not accumulate from year to year except when vacations cannot be taken for the Town's best interest, as determined by the Town Administrator. If this should occur and in consultation with the department head, a total of 5 vacation days may be carried forward to the next year and must be used within ninety (90) days of the employment anniversary date.
(Amended: Article 11 Annual Town Meeting June 2, 2008)
(Amended: Article _____)

Vacation pay for any regular part-time benefits-eligible employee is to be paid according to the number of pro-rated days or hours per full-time week, which the employee is normally required to work. See definition of regular part-time employee as has been provided earlier.
(Amended: Article 16 Annual Town Meeting June 4, 2007) (Amended: Article _____)

Part IX

Sick Leave and Personal Leave

Personal Days

Regular full-time employees will be allowed three (3) personal days a year. Part-time employees shall receive three (3) personal days according to the number of pro-rated days or hours per full time week, which the employee is required to work.

(Adopted: Article 6 Special Town Meeting October 23, 2000)

(Adopted: Article 7 Special Town Meeting November 15, 2004).

(Adopted: Article 8 Special Town Meeting November 15, 2004) (Amended: Article _____)

Medical Examination/Documentation

Employees may be required to submit annually to a physical examination administered by a town designated physician. Examination by a town designated physician may be required at other times during the year where management has reason to doubt an employee's ability to perform his/her job in a safe fashion, endangering himself/herself or others. In such instances, the physician's report and recommendation may serve as a basis for fitness to perform the essential duties of the employee's job. Additionally, the employee's department head or the Town Administrator may require a doctor's certificate on return to work after being out sick for five (5) consecutive days.

(Adopted: Article 9 Special Town Meeting November 15, 2004) (Amended: Article _____)

Sick Leave

Benefits - eligible employees shall earn sick leave at the rate of one and a quarter (1.25) days

per month for each month actually worked up to a maximum of fifteen (15) days per year. Unused sick leave may be allowed to accumulate from year to year up to a maximum of one hundred and twenty (120) days.

Employees whose original date of hire is before July 1, 2016 shall be paid 50% of their last rate of pay for each unused day, not to exceed 120 days, upon retirement. This same benefit shall be paid to the estate of an employee who dies while employed by the Town. This "grandfathered" status will follow such an employee with any change in job title or description.

(Adopted: Article 15 Annual Town Meeting June 3, 2002)

(Amended: Article 14 Annual Town Meeting June 13, 2016) (Amended: Article _____)

Sick Leave Use

A benefits - eligible employee may use sick leave when an immediate family member is ill. Immediate family is defined as follows: parents, spouse, children of employee, significant other or relative of the employee who resides in the employee's home.

(Amended: Article _____)

The Family and Medical Leave Act (FMLA) entitles employees to take up to 12 work weeks of unpaid, job-protected leave each year for specified family and medical reasons.

- 1.) Employee Eligibility - To be eligible for FMLA benefits an employee must have worked for the town for a total of at least 12 months and have worked at least 1,250 hours over the

previous 12 months (average 24 hours per week) immediately preceding the leave.

2.) Reasons for Taking FMLA Leave —

- a. To care for a son or daughter after birth or placement of a child for adoption or foster care. The FMLA leave guarantee expires 12 months after the birth or placement.
 - b. To care for a spouse, son, daughter, or parent who has a serious health condition. Caring for a family member who has a serious health condition, includes both physical and psychological care. Thus, even if the family member is hospitalized, leave should be granted to the parent or child who intends to be there to provide comfort and reassurance.
 - c. For a serious health condition that makes the employee unable to perform the essential functions of his/her job. A "serious health condition" is an illness, injury, or impairment or physical or mental condition that involves in-patient care in a hospital or other medical care facility or at least two visits to or by a health care provider, or at least one visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider. A "health care provider" is any doctor or osteopath authorized to practice medicine or osteopathy in the state the doctor practices and other persons deemed capable by the Secretary of Labor to perform health care services including podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners and nurse midwives and Christian Science practitioners.
 - d. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.
 - e. An eligible employee may also take up to 26 work weeks of leave during a "single 12-month period" (as it pertains to Military Family Leave Provisions under the FMLA) to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- 3.) Intermittent Leave – Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.
- a. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the approval of the Town Administrator.
 - b. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
- 4.) Advance Notice and Certification – Employees seeking to use FMLA may be required to provide:
- a. A 30 day advance notice when the reason for the leave is known in advance. If the employee fails to provide such notice for a foreseeable reason, the Town may refuse to allow the employee to leave until 30 days after notice.
 - b. Medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. The Town may require second and third opinions, at the Town's expense, and a fitness

for duty report to return to work.

- c. The Town is entitled to request medical certification during use of FMLA time every 30 days.
- 5.) Use of Sick Leave – Employees are required to use accrued paid time off during Family and Medical Leaves of Absence in the following order: (1) paid vacation leave, (2) paid personal leave; (3) paid sick leave. In such circumstances, use of sick leave counts as part of the 12 week FMLA entitlement; FMLA will run concurrently with sick leave.
- 6.) Rolling Year Method – The Town elects a “rolling” 12-month period measured backward from the date an employee uses any leave under the Act to calculate when an employee’s entitlement to unpaid FMLA leave begins and ends.
- 7.) Maintenance of Health Benefits – The Town is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The Town must make arrangements for employees to pay their share of the health plan premium. The Town’s obligation to maintain health benefits ends if the employee’s premium payment becomes more than 30 days late.
 - a. The Town’s obligation to maintain health insurance coverage during the FMLA leave ends when the employee’s entitlement to such leave ceases or when the employee informs the Town that he/she does not intend to return from leave or if the employee fails to return from leave.
 - b. If the employee does not return from leave for reasons unrelated to the employee’s own health or the health of the employee’s spouse, parent or child, the Town may be entitled to recover health insurance premiums paid during the period of FMLA leave.
 - c. If the employee refuses to pay back the premiums, the Town must initiate legal action to recover the money because Massachusetts law prohibits such deductions from wages.
- 8.) Unlawful Acts by the Town – It is unlawful for the Town to interfere with, restrain or deny the exercise of any right provided by FMLA. It is also unlawful for the Town to discharge or discriminate against any person for opposing any practice or because of involvement in any proceeding, related to FMLA.
- 9.) Enforcement – The FMLA will be enforced by the U.S. Department of Labor through investigation and resolution of complaints and violations.

ELIMINATE THE SECTION “ACCUMULATED SICK LEAVE”

Accumulated Sick Leave

A benefits - eligible employee who has exhausted his accumulated sick leave as a result of catastrophic accident or illness resulting in four (4) calendar weeks or more of disability will, upon return to work for a period of twenty-six (26) weeks without use of sick leave, be entitled to receive back twenty five (25%) percent of the total sick leave used during the most recent period of disability. Employees shall repay the Town for any sick leave used if a third party should compensate the employee for lost wages as part of any settlement. The employee shall provide the Town with an affidavit that he or she will not receive any other compensation for lost wages prior to this sick leave recharge taking effect. (*Adopted: Article 11 Special Town Meeting November 15, 2004*)

Sick Leave Bank

A. Design:

A Sick Leave Bank (SLB) shall be available for all regular full-time and part-time employees who have exhausted all of their sick leave, vacation days and personal leave. All regular full-time and

part-time employees will be eligible to join. Probationary employees will be eligible after successful completion of the six (6) month probationary period.

To become a member of the Sick Leave Bank ("SLB") employees must contribute one (1) sick day upon completion of the initial enrollment form. Thereafter, employees who are SLB members will contribute one (1) day annually at the start of the new fiscal year until the Bank reaches the ninety (90) days cap. When the SLB cap is reached, SLB member employees will be required to contribute one day annually only when the SLB falls below the cap, said day to be taken at the start of the new fiscal year. The SLB cap requirements will be managed and overseen by the Treasurer's department.

B. Enrollment and Eligibility:

Upon receiving the initial written notification of the formation of the Sick Leave Bank from the Treasurer's department, current regular full -time and part-time employees will automatically be enrolled as a SLB member. One (1) sick day will be deducted at this time from current employees' sick days unless the employee completes and returns within five (5) workdays an "Opt-Out" form.

For new hires, employees will be provided with an "Opt-Out" form upon successful completion of the employee's probationary period. If said form is not returned within five (5) workdays, the employee will automatically be enrolled as a SLB member.

Following the initial notification to all current employees of eligibility to join the SLB, no current employee will be able to become a SLB member. New hires will have only one opportunity to become a SLB member when the employee is hired.

An employee who no longer wishes to be a member of the SLB, must notify the Treasurer's department in writing of the said employee's desire to discontinue membership. Discontinuation of membership will become effective on July 1 of the next fiscal year. Should an employee who has discontinued membership wish to rejoin, that employee may do so provided the employee agrees to contribute the number of sick days the employee would have contributed if the employee had no break in membership during the time period the employee was not a member. An employee who rejoins the SLB will become a member effective on July 1 of the next fiscal year.

C. Sick Leave Bank Committee Composition:

Sick Leave Bank Committee (SLB) shall be comprised of three (3) Town employees and the Town Administrator. The Town employee Committee members shall serve a term of three (3) years. Should a Town employee Committee member step down during his/her term, a new committee member shall be elected to complete the term.

D. Sick Leave Bank Process:

Once a SLB member employee has exhausted all of his/her leave as outlined in Part A, the employee may apply in writing to the SLB for additional sick days. Requests to the SLB shall be for a member's illness only. The initial grant of sick leave shall not exceed thirty (30) days in a calendar year. The SLB Committee may consider awarding additional days under extenuating circumstances. The decision of the SLB Committee is final and cannot be grieved. The employee requesting SLB sick leave must submit the following documents to the town administrator with his/her leave request letter:

1. Signed medical documentation from a doctor documenting the need
2. Specific number of days requested
3. Estimated leave start and end date

(Amended: Article _____)

Education Assistance

The Town recognizes the skills and knowledge of its employees are critical to the success of the organization. **Benefits- eligible** employees covered by this by-law are eligible for educational assistance. The Town will pay 100% reimbursement for any job-related class for tuition fees only. Approval of courses will be determined by the Personnel Board. Classes must be taken at an approved college or university and will only be reimbursed upon submittal of at least a "B" grade or higher by the employee. **Exceptions may be approved for non-college/university classes which are deemed relevant to enhancing an employee's skill set. Tuition reimbursement will not exceed \$2,500 per employee per fiscal year.**

(Adopted: Article 5 Special Town Meeting October 23, 2000) (Amended: Article _____)

Insurance

Employees covered by these by-laws working in excess of twenty (20) hours per week will be eligible for group health insurance, dental insurance and life insurance offered by the Town. Employees and the Town will share the cost of health, dental, and life insurance, with each paying 50% toward the cost of premiums. Employees covered by this by-law are eligible for up to \$10,000 in life insurance coverage, but may purchase more coverage at an additional rate. Employees covered by this by-law are eligible for continuation of health benefits in accordance with federal regulations.

(Adopted: Article 5 Annual Town Meeting June 5, 2000)

PARENTAL LEAVE

An employee who has completed the initial probationary period shall be entitled to 8 weeks of unpaid parental leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child; provided, however, that any 2 employees of the Town shall only be entitled to 8 weeks of parental leave in aggregate for the birth or adoption of the same child. The employee shall give at least 2 weeks' notice to the Town of the anticipated date of departure and the employee's intention to return, or provide notice as soon as practicable if the delay is for reasons beyond the individual's control. The employee shall be restored to the employee's previous, or a similar, position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of the leave. An employee on parental leave for the adoption of a child shall be entitled to the same benefits offered by the Town to an employee on parental leave for the birth of a child. If the Town agrees to provide parental leave for longer than 8 weeks, the Town shall not deny the employee the rights under this section unless the Town clearly informs the employee, in writing, prior to the commencement of the parental leave, and prior to any subsequent extension of that leave, that taking longer than 8 weeks of leave shall result in the denial of reinstatement or the loss of other rights and benefits.

The Town shall not be required to restore an employee on parental leave to the previous or a similar position if other employees of equal length of service credit and status in the same or similar positions have been laid off due to economic conditions or other changes in operating conditions affecting employment during the employee's parental leave; provided, however, that the employee on parental leave shall retain any preferential consideration for another position to which the employee may be entitled as of the date of the leave.

Parental leave shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which the employee was eligible at the date of the leave or any other advantages or rights of employment incidental to the employment position; provided, however, that the parental leave shall not be included, when applicable, in the computation of the benefits, rights and advantages; and provided further, that the Town need not provide for the cost of any benefits, plans or programs during the parental leave unless the employer provides for such benefits, plans or programs to all employees who are on a leave of absence. Nothing in this section shall be construed to affect any bargaining agreement or town policy which provides for greater or additional benefits than those required under this section.

The Town will require any such employee on parental leave to pay for all health, dental, life, FSA or any outstanding premium if they are on an unpaid leave of absence. The employee will be responsible for coordinating such payment with the Treasurer/Collectors office prior to going out on leave. d. An employee may voluntarily use any accrued sick, vacation or personal time the employee has concurrently with all or part of her maternity leave. The Town cannot require an employee to use his/her accrued paid vacation or personal time concurrently with all or part of his/her parental leave. Such an election is to be made at the time of the request for leave.

e. Parental Leave shall run concurrently with Family and Medical Leave.

Part XIII

Bereavement Leave

Section 1. When a death occurs in an employee's immediate family, the employee shall be granted bereavement leave up to five (5) calendar days without loss of pay. "Immediate family" includes the following: spouse, child, or parent.

Section 2. For the death of a sister, brother, father – in – law, mother – in – law, grandchild, grandparent or a person who is a member of and living in the employee's household, the employee shall be eligible for bereavement leave up to three (3) calendar days without loss of pay.

Section 3. Extension of bereavement leave **without pay** may be granted by the department head only if such request is based upon special conditions affecting any member covered by this by-law.

(Adopted: Article 16 Annual Town Meeting June 3, 2002) (Amended: Article _____)

Part XIV

Jury Duty, Military Duty, Leave Without Pay

Section 1. Employees covered by this bylaw shall be allowed full pay for not more than ten (10) work days and shall be granted a military leave of absence without pay for the period of their required service with said forces in excess often (10) days.

Section 2. The Town agrees to pay the difference between an employee's wages and compensation received for jury duty.

Section 3. Leave without pay may be granted upon approval by the appropriate Department Head and Personnel Board. An employee may be granted leave without pay up to thirty (30) consecutive workdays. At the end of such leave, the employee shall return to the same or similar position at the same rate of pay. Failure to report promptly at the end of such leave shall be considered a resignation. During this type of leave, an employee shall not be eligible to accrue vacation leave or sick leave credits.

The Department Head shall be responsible:

To oversee that the conditions of each leave are, faithfully recorded, and
To see that the Town Administrator is notified in writing of all information relating to such leave.

(Amended: Article _____)

Part XV

Hazardous Conditions

The Town shall provide and maintain safe working conditions. In accordance with Occupational Safety and Health Act (OSHA) standards. As necessary, certain employees shall be provided with necessary safety equipment and clothing. Employees shall be required to wear and use safety equipment at all times while undertaking work for which the equipment is furnished. There shall be no exceptions.

Hazardous Conditions: The Chairman of the Select Board or the chair's designee shall take appropriate means to notify Town employees that there is no work on any day deemed hazardous by reason of weather conditions caused by snow, hurricane, tornado, or other natural phenomena, or other causes of hazardous conditions such as power failures, fires, floods, explosions or similar disasters. Employees performing essential services, such as uniformed members of the Police and Fire Departments, will be excused from duty only at the discretion of their representative department heads. Town employees who are notified that there is no work because of hazardous conditions will be compensated as though work was actually performed on that day.

(Amended: Article _____)

ARTICLE 11: EXCLUSION OF MUNICIPAL ADMINISTRATIVE BUILDINGS FROM PROHIBITED AREA

"To see if the Town will vote to exclude its municipal administrative buildings from being a "prohibited area" under M.G.L. Chapter 269, Section 10, thereby allowing possession of a firearm, loaded or unloaded, as defined in Section 121 of Chapter 140 in said buildings, or take any other action relative thereto."

ARTICLE 12: TOWN ADMINISTRATOR BYLAW

To see if the Town will vote to authorize the Board of Selectmen to file a Home Rule Petition with the General Court for a special law authorizing the roles of the Town's Select Board and Town Administrator. The proposed Special Act would read as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The executive powers of the town of Rochester shall be vested in the select board, who shall have all the powers given to select boards by the General Laws, except for those executive powers granted to the town administrator.

The select board shall serve as the chief goal-setting and policy-making agency of the town of Rochester. The duties and responsibilities for day-to-day management of the town shall be delegated to the town administrator. The board shall act through the adoption of policy directives and guidelines which shall be implemented by the town administrator and the officers and employees appointed by, or under the authority of, the board. Individual select board members shall not purport to represent the board or exercise the authority of the board except when specifically authorized by the board.

The select board shall:

- (a) enact rules and regulations to implement policies and to issue interpretations;
- (b) exercise, through the town administrator, general supervision over all matters affecting the interests or welfare of the town;
- (c) appoint the town counsel and any special counsels, and all members of committees, boards and commissions except the finance committee and except those appointed by the moderator, elected by the voters, or under the jurisdiction of the school committee, and may make appointments to temporary posts and committees the board creates for special purposes;
- (d) have general administrative oversight of such boards, committees and commissions appointed by the select board;
- (e) have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and by the by-laws of the town of Rochester;
- (f) issue all town meeting warrants;
- (g) review the annual proposed budget submitted by the town administrator and make recommendations with respect to the annual proposed budget as the board deems advisable; provided, however, that the town administrator shall present the budget to the town meeting, incorporating the recommendations of the select board and finance committee.
- (h) appoint, and may re-appoint, and enter into a contract for the employment of a town administrator for a term not to exceed what is allowed by statute, who shall be a person with executive and administrative qualifications and especially fitted by education, training and experience to perform the duties of the office; provided, that the town may from time to time, by by-law, establish such additional qualifications as it deems necessary and appropriate. The person shall not have served in an elective office in or for the town of Rochester for the appropriate cool off period required by the conflict of interest law, prior to their appointment. The person shall devote full time to the office and shall not hold any other public office, elective or appointive, nor shall engage in any other business, occupation or profession during the term of office, unless such action is approved in advance, in writing by the select board. The select board may enter into a formal contract with the town administrator consistent with the provisions of this act which shall take precedence over any personnel by-laws. The town administrator shall be a

citizen of the United States of America and need not be a resident of the town of Rochester. The select board shall evaluate annually the performance of the town administrator, based on mutually established predetermined goals, standards or criteria for performance and the evaluation shall, at least in summary form, be a public record.;

- (i) remove the town administrator at any time, for cause, upon seven (7) days prior written notice, and after hearing at which the town administrator shall have the right to be represented by counsel, in accordance with the terms of the town administrator's contract;
- (j) set the compensation for the town administrator, not to exceed the amount appropriated by the town meeting;
- (k) designate a qualified person as acting town administrator to perform the duties of the office during any vacancy exceeding 30 days, caused by the town administrator's absence, illness, suspension, removal or resignation; provided, that the appointment of an acting town administrator shall be for a period not to exceed 180 days.

SECTION 2. The town administrator shall be the chief administrative officer of the town of Rochester and shall act as the agent for the select board. The town administrator shall be responsible to the select board for coordinating and administering all town affairs under the jurisdiction of the select board.

The town administrator's powers and duties shall include those outlined in subsections (a) to (cc), inclusive.

- (a) Consult and advise the select board regarding its policies and implement those policies.
- (b) Attend all meetings of the select board, except when excused, and consult with and advise the select board on all matters that come before the board.
- (c) Attend all town meetings and advise the town meeting on all warrant articles within the jurisdiction of the select board.
- (d) Attend all finance committee meetings, except when excused by the select board, and keep the finance committee informed on all matters under the jurisdiction of the town administrator that come before the committee.
- (e) Manage and direct the daily reporting and supervision of all town departments under the jurisdiction of the select board including: building commissioner, police, civil defense, animal control officer, gas inspector, plumbing inspector, wiring inspector and weights and measures inspector, recreation, highway staff, planning, finance, finance director, treasurer, accounting, veterans, town counsel, other committees appointed by and under the jurisdiction of the select board and the fire department, subject to section 42 of chapter 48 of the General Laws.
- (f) Review and advise the select board on all warrants for the payment of town funds as prepared by the town accountant in accordance with section 56 of chapter 41 of the General Laws.
- (g) Except with respect to the school department, the town administrator shall have sole authority over the administration of personnel policies for all town employees, unless otherwise stated in statute or bylaws, including but not limited to personnel policies and practices, rules and regulations and standards, including provisions for an annual employee performance review, the consolidated personnel by-law and shall prepare the job compensation plan for consideration of town meeting if necessary. With respect to the fire department, such authority shall be subject to section 42 of chapter 48 of the General Laws.
- (h) Administer the town's insurance policies, including the ability to settle claims; provided, however, that all insurance contracts and claims settlements shall receive the approval of the select board.
- (i) Each department head, with the approval of the town administrator, shall appoint and

remove all department staff within their respective departments. With the approval of the select board, the town administrator shall appoint and remove all department heads under the direct control of the select board. All appointments shall be based entirely on merit and fitness. The town administrator shall be responsible for the initial screening of all applicants and shall recommend to the select board finalists for the positions of fire chief, police chief and all applicable department heads. The select board will maintain the right to appoint a member to sit on any search committee for a department head position. All appointments and terminations shall be conducted in accordance with the General Laws, personnel policies, by-laws of the town of Rochester and any applicable employment contracts; provided, that fire department appointments shall also be subject to section 42 of chapter 48 of the General Laws.

(j) With the approval of the select board, reorganize any departmental structures under the jurisdiction of the select board.

(k) With the approval of the select board, negotiate all collective bargaining agreements on behalf of the town, except for the school department. The town administrator may seek the assistance of labor counsel if the town administrator deems it necessary to effectuate successful negotiations. All final agreements must be approved and executed by the select board. The town administrator shall serve as the town's designee for school employee negotiations and shall participate and vote as a member of the town's school committee.

(l) With the approval of the select board, execute contracts on behalf of the town.

(m) With the approval of the select board, establish compensation packages for all town employees under the jurisdiction of the select board, not subject to a collective bargaining agreement. Such compensation shall not exceed the amount appropriated therefore by town meeting and shall be subject to all applicable statutes and by-laws.

(n) Submit to the select board a written proposed budget for town government for the ensuing fiscal year. The proposed budget shall detail all estimated revenue from all sources, and all proposed expenditures, including debt service for the previous, current and ensuing 5 years. The proposed budget shall include proposed expenditures for both current operations and capital projects during the ensuing year, detailed by department, committee, agency, purpose and position and proposed financing methods. The proposed budget shall include estimated revenues and free cash available at the close of the fiscal year, including estimated balances in special accounts. The town may, by by-law, establish additional financial information and reports to be provided by the town administrator. To assist the town administrator in preparing the proposed annual budget of revenue and expenditures, the finance director, all boards, officers and committees of the town, including the school committee, shall furnish to the town administrator, in a writing in such a form as the town administrator shall establish, all relevant information in their possession, including a detailed estimate of the appropriations required and any available funds.

(o) Establish calendar dates by which the proposed budget, revenue statement and tax rate estimate are to be submitted to the select board.

(p) Direct action as deemed necessary to ensure that all operating and capital budgets under the direct control of the town administrator are maintained in accordance with the town meeting vote that approved those budgets and coordinate efforts with the governing bodies of those departments not under the direct supervision of the town administrator to ensure that those operating and capital budgets are maintained in accordance with the town meeting vote that approved those budgets.

(q) Keep and complete records of the office of the town administrator and annually submit to the select board, unless requested to do so more frequently, a full report of the operations of the office.

(r) Be responsible for coordination of operational and strategic planning for the town.

(s) Serve as the procurement officer for the town, establish and enforce procurement policies and guidelines in accordance with applicable state laws.

(t) Manage and oversee the use, maintenance, security and, with the approval of the select board,

regulate the rental for all the town buildings, properties and facilities, including information technology, except those under the jurisdiction of the school department, unless requested by the school department.

- (u) Prepare the application of all town warrants for approval by the select board.
- (v) With the approval of the select board, prosecute, defend and settle all litigation for or against the town, subject to such appropriation as may be necessary to effect settlement, except for litigation involving only the school department, or its officers and employees.
- (w) Review current by-laws, regulations and policies that affect the departments and agencies under the jurisdiction of the select board and make recommendations for changes as deemed necessary.
- (x) Negotiate contracts and grants which the select board is authorized by law to enter into, subject to final approval and execution by the select board.
- (y) Act as liaison and represent the select board before state, federal and regional authorities.
- (z) Develop and maintain a full and complete inventory of all town owned real and personal property.
- (aa) Delegate and direct any qualified town official or employee to carry out any duty that is within the authority of the town administrator.
- (bb) During a temporary absence, with the approval of the select board, the town administrator may designate a qualified administrative employee or officer to exercise the powers and perform the duties of the town administrator.
- (cc) Perform any other duties or tasks assigned by the select board pursuant to contract negotiations, that do not conflict with any statute or bylaw.

SECTION 3. The town administrator of the town of Rochester shall have access to all municipal books, papers and documents or information necessary for the proper performance of the duties of the town administrator. The town administrator may, without notice, cause the affairs of any division or department under the town administrator's supervision, or the conduct of any officer or employee thereof, to be examined.

SECTION 4. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town of Rochester, or any other authority, which are in force in the town on the effective date of this act, not inconsistent with this act, shall continue in full force and effect.

SECTION 5. No contract existing, and no action at law or suit in equity, or other proceeding pending, on the effective date of this act shall be affected by this act.

SECTION 6. The town of Rochester shall be governed by this act. To the extent that this act modifies or repeals existing General Laws and special acts or the by-laws of the Town of Rochester, this act shall govern.

SECTION 7. This act shall not impair the rights or obligations of any person holding a town office, or employed by the town, on its effective date, except those duties assigned by this act to another officer or employer, and except those duties which are subsequently assigned to another officer or employee pursuant to this act. No person who continues in the permanent full-time service or employment of the town shall forfeit their pay, grade or time in service as a result of this act.

SECTION 8. This act shall take effect upon its acceptance by the town of Rochester by a vote at town meeting.

ARTICLE 13: AMEND THE TOWN OF ROCHESTER ZONING BY-LAWS BY ADDING A NEW CHAPTER 22.80 (BATTERY ENERGY STORAGE)

To see if the Town will amend Section 22.80 Battery Energy Storage Systems of the Town of Rochester Zoning By-Law as follows:

*New language shown in **BOLD/ITALIZED**, deleted language in ~~strikethrough~~.

CHAPTER 22.80: Battery Energy Storage Systems

1.1 Purpose

The purpose of this By-Law is to provide standards for the placement, design, construction, monitoring, modification, and removal of Battery Energy Storage Systems (BESS), said standards designed to address public safety, minimize impacts on scenic, natural, and historic resources of the Town and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

1.2 Authority

All BESS installations per § 1.3 above shall require Special Permit approval from the Planning Board pursuant to M.G.L. Chapter 40A §9.

1.23 Definitions

BATTERY ENERGY STORAGE SYSTEM – a physical container or structure providing containment to one or more battery cells for storing electrical energy derived from solar or sourced directly from the electrical grid. A BESS may include features that provide cooling, ventilation, fire suppression, and an electronic battery management system. A BESS may be a primary structure and use or may be accessory to a solar energy facility, power generation facility, an electrical sub-station, or other similar structures and uses. A Battery Energy Storage System can be classified as Tier 1, Tier 2, or Tier 3 Battery Energy Storage System, as follows:

- A. Tier 1 Battery Energy Storage Systems are defined as those that have an aggregate energy capacity *less than or* equal to 20kWh ~~and greater and~~, whose purpose is to store energy from residential solar energy systems if in a room or enclosed area, consist of only a single energy storage system technology. The facility must comply with the State's electrical code (527 CMR. 12.00), *State Building Code (780 CMR)* and the State's Fire Code (527 CMR 1.00).
- B. Tier 2 Battery Energy Storage Systems are defined as those that are interconnected to utility distribution lines and have an aggregate energy capacity greater than 20kWh but less than or equal to 10 Megawatts. The facility must comply with the State's electrical code (527 CMR. 12.00), *State Building Code (780 CMR)* and the State's Fire Code (527 CMR 1.00).

- C. Tier 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 Megawatts. The facility must comply with the State's electrical code (527 CMR. 12.00), *State Building Code (780 CMR)* and the State's Fire Code (527 CMR 1.00).

1.34 Applicability

- A. Building-integrated Battery Energy Storage Systems
1. A BESS that is integrated into a building shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.
 2. A *Tier 2 or Tier 3* BESS may be coupled with rooftop solar or behind the meter applications.
 3. A building-integrated BESS may be located in any zoning districts except the Groundwater Protection District, ~~and the Mattapoisett River Valley Watershed, where a Special permit is required for location of a building integrated BESS.~~
- B. Co-located Battery Energy Storage Systems
1. It is encouraged that Battery Energy Storage Facilities be co-located with solar photovoltaic installations, electric power generation stations, and sub-stations.
 2. A BESS associated with on-site solar power generation shall be permitted by Special Permit in all districts *except the Groundwater Protection District*, ~~where solar photovoltaic installations are permitted as of right with Site Plan Approval requirements established herein, and in Section 22.50 of the Zoning By Law for solar photovoltaic installations provided that a BESS may not be placed or constructed in the Groundwater Protection District, and the Mattapoisett River Valley Watershed unless the Planning Board has issued a Special Permit therefor.~~
- C. Except as may be otherwise stated herein, a BESS not associated with on-site solar generation shall *be permitted by Special Permit in all districts except the Groundwater Protection District* ~~require site plan approval as stated herein, and in accordance with Section 22.50 of the Zoning By Law for solar photovoltaic installations, and further, such systems that are proposed in the Groundwater Protection District require issuance of a Special Permit from the Planning Board in accordance with Section 21.30 of the Zoning By-Laws and the requirements set forth herein.~~
1. The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewable energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
- D. Modifications to, retrofits or replacements of an existing BESS that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this By-Law and shall be treated as a new system.
- E. BESS installations are not permitted within 300 feet of a street or way, unless existing topographic features of the landscape preclude observation of the entire BESS from any portion of the way. Side and rear setbacks shall be 100 feet.

- F. A Tier 1 BESS is allowed as of right without Site Plan Review but is subject to residential setback requirements in accordance with Chapter 22.40 of the Town's By-Laws.

1.45 General Requirements

- A. All Tier 2 and 3 battery energy storage systems shall require ~~site plan approval by a *Special Permit* from~~ the Planning Board prior to construction, installation, or modification as provided in this By-Law. ~~A *Special Permit* is required for proposals within the Groundwater Protection District and the Mattapoissett River Valley Watershed as noted above.~~
- B. The construction, operation, and decommissioning of any BESS shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
- C. A building permit and an electrical permit shall be required for installation of any BESS.

1.56 Application Materials

- A. In addition to requirements for Site Plan Approval ~~(or a *Special Permit*, where required) under Chapter 22.10, Section 1.10.1 General stated elsewhere in the By-Laws~~, the application ~~for a *Special Permit*~~ shall include the following:
1. A site plan prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:
 - a. An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees- mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;
 - b. Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
 - c. Trees with a Diameter at Breast Height (DBH) of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
 - d. Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
 - e. Property lines of adjacent parcels within 30 feet;
 - f. Location, dimensions, and types of existing major structures on the property;
 - g. Location of the proposed BESS, foundation/pad, and associated equipment;
 - h. The right-of-way of any public road that is contiguous with the property;
 - i. Any overhead or underground utilities.
 - j. At least one color photograph of the existing site, measuring eight inches by 10 inches.
 - k. Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural

Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.

- l. Locations of floodplains or inundation areas for moderate or high hazard dams.
 - m. Locations of local or National Historic Districts.
 - n. Stormwater management and erosion and sediment control.
2. A preliminary equipment specification sheet that documents the proposed BESS components, inverters and associated electrical equipment that are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit;
 3. One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all National Electrical Code (NEC) compliant disconnects and overcurrent devices;
 4. Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
 5. Contact information and signature of agents representing the project proponent, if any;
 6. Contact information for the person(s) responsible for public inquiries throughout the life of the system;
 7. An operations and maintenance plan for the BESS. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information;
 8. BESS technical specifications, including manufacturer and model;
 9. Electrical schematic;
 10. Documentation that shows the owner of the BESS has site control, which shall include easements and access roads;
 11. Documentation that shows the owner of the BESS has notified the electric utility of this installation;
 12. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service

- and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
 - e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove and replace damaged BESS equipment from the facility.
 - g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
 - h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
13. Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system; *and*
14. A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

1.67 Design and Site Standards

- A. In addition to the standards for Site Plan Review ~~in~~ *under Chapter 22.10* of the Zoning By-Laws, the applicant shall adhere to the following standards and provide such information on the site plan:
1. Utility Lines. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
 2. Signage. The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 3. Lighting. Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

4. Vegetation and Tree-Cutting. Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable By-Laws and regulations.
5. Noise. The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 10 dBA as measured at the property line.

1.78 Special Permit Criteria

- A. The Planning Board *shall* ~~may~~ approve an application ~~if the Board finds that he system~~ complies with the Site Plan Review and Approval criteria *set forth above* and ~~may approve a Special Permit application with the conditions for granting Special Permits under the Groundwater Protection District or Mattapoissett River Valley Watershed, where applicable.~~ A proposal for a BESS shall also satisfy the following additional criteria:
 1. Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
 2. The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the Town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
 3. No ~~occupancy permit~~ *certificate of completion* shall be granted by the Building Inspector, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated off-site improvements, have been completed in accordance with the approved plan and certified same to the Building Inspector.
 4. The Planning Board may, in its discretion, require that approval of an as-built plan shall be upon provision of a proper bond, covenant, or third-party agreement to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
 5. The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a

temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

1.89 Decommissioning

- A. As part of the applicant's submission to the Planning Board for Site Plan Approval, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. Approval of any BESS system shall be conditioned upon implementation of a decommissioning plan. The plan shall include:
1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all BESS components, structures, equipment, security barriers, and transmission lines from the property.
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
 3. The anticipated life of the BESS.
 4. The estimated decommissioning costs and how said estimate was determined.
 5. The method of ensuring that funds will be available for decommissioning and restoration.
 6. The method by which the decommissioning cost will be kept current. *As part of this method, Applicant shall submit annual operational reports to the Planning Board by January 31st of each year.*
 7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
 8. A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- B. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town of Rochester, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation. ~~The fund shall be bound by a suitable agreement that is in a form approved by Town Counsel.~~
- C. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan. The owner and/or operator shall pay for the cost of this

review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.

1.910 Abandonment

- A. The BESS shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the available bond or surety for the removal of a system and restore the site in accordance with the decommissioning plan.

1.4011 Severability

If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Rochester Zoning By-Laws.

ARTICLE 14: VISUAL SCREENING OF ALL LARGE-SCALE PHOTOVOLTAIC STRUCTURES

To amend Chapter 22.50 of the Zoning By-Laws, by adding the following language to Section 1.8 Large Scale Solar Photovoltaic:

Screening

The applicant shall visually screen all Large-Scale Photovoltaic structures from abutting properties by either a combination of existing vegetation, landscape plantings, and/or fencing. The height of the screening shall be one foot above the highest point of the solar array. For projects located in or abutting a Residential / Agricultural District, 100% visual screening shall be attained as would be viewed from the first floor of an abutting residential property. The Planning Board may allow for flexibility in these requirements based on topography or existing vegetation.

ARTICLE 15: SHORT-TERM RENTALS

To amend the Town of Rochester's Zoning By-laws to add a new Chapter 22.90 relative to short-terms rentals as follows, or take any other action relative thereto:

Chapter 22.90 Short-Term Rentals

A. Purpose

To provide for the administration and enforcement of Rochester's Short-Term Rentals.

B. Specific Objectives

1. Require registration of short-term rental units.
2. Protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public.
3. Provide for the orderly operation of short-term rentals within the Town and mitigate impacts on neighborhood character and housing prices.
4. Preserve the availability of long-term rental units and mitigate impacts on infrastructure services such as sewer, parking, access, fire codes, building code enforcement and snow removal.
5. Assist the Board of Health, the Building Department, and the Fire Department in the enforcement of state and local health and safety laws and regulations.
6. Provide a method for correcting violations when conditions require immediate attention.

C. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COMMISSIONER

The Building Commissioner of the Town of Rochester or their designee.

DWELLING

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, single family or multi-family residential buildings/dwellings.

OCCUPANCY

The use or possession of or the right to use or possess a short-term rental of not more than 30 consecutive days.

OCCUPANT (GUEST)

Any individual or group of individuals residing overnight in a short-term rental.

OPERATOR (HOST)

Any person or entity operating a short-term rental.

OPERATOR'S AGENT

A person who, on behalf of an operator of a short-term rental: i) manages the operation or upkeep of a property offered for rent; or ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company, real estate agent or listing service, including online listing services.

OWNER

Any person, as defined immediately below, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee, referee or any other person

acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Rochester or any of its agencies.

SHORT-TERM RENTAL

A Dwelling unit or any bedroom within a Dwelling rented out using advanced reservations, for a fee, for a period of not more than 30 consecutive calendar days.

D. Short-term rental registration.

Registration is required for all Short-Term Rentals. Short-Term rentals shall only be allowed in single-family or multi-family dwelling units (excluding accessory buildings).

1. No Owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Rochester Building Department and obtaining a Special Permit from the Planning Board. No tenant or lessee of an Owner shall let or sublet a Dwelling unit or bedroom in a unit as a Short-Term Rental.
2. Limits on total number of registrations within the Town shall be as established by Planning Board Regulations.
3. Compliance. A Dwelling used as a Short-Term Rental shall at all times be in compliance with the provisions of all state and local health and safety laws, bylaws and regulations.
4. Application required. The Owner of the Dwelling shall be required to complete a Rochester Short-Term Rental registration application with the Rochester Building Department. The applicant shall also provide proof each short-term rental is registered with the Massachusetts Department of Revenue.
5. Abutter notification. For an initial application to register a Dwelling unit as a Short-Term Rental, the applicant is required to send notification informing abutters within 300 feet and provide proof to the Town of the notification using one of the following methods: hand delivery; certified mail, return receipt requested; certified mail. Proof of abutter notification shall be included with the application.
6. The Rochester Building Commissioner shall, in accordance with the above subsections, and applicable building codes, issue a certificate of registration which shall expire on the following December 31, provided that the certificate may be renewed each year upon payment of a required fee. Failure to renew a registration will result in the Dwelling unit to lose its place on the Town's list of active units, if after notice and a 30-day cure period, the property owner does not complete registration. The Building Commissioner will share the list of Short-Term Rentals with the Police and Fire Departments.
7. Fees. The fee for a Short-Term Rental registration shall be as established and revised from time to time by the Select Board.
8. No transferability. Short-Term Rental registrations shall be granted solely to an owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property and may not be recorded; it shall be terminated upon sale or transfer of the property for which the

registration has been issued.

E. Publication of registration number.

The Town-issued registration number shall be included on any listing offering the Short-Term Rental for rent.

F. Contact information of Owner (and agent if one).

1. An Owner of a Short-Term Rental shall provide the Rochester Building Department with his/her current residential address and telephone number upon application for a registration as well as a full and complete list of persons (as defined above) who have a direct or indirect interest in any property for which a Short-Term Rental registration in the Town of Rochester has been issued or for which a Short-Term Rental registration application is pending.
2. The name and contact information of the Owner/Operator must be provided, along with the name and contact information of any Owner/Operator's Agent, if different from the Owner/Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within forty-eight (48) hours of contact by the Rochester Board of Health to complaints regarding the condition or operation of the Short-Term Rental. Contact information must include a telephone number that is available 24 hours per day, seven days a week to Short-Term Rental occupants and the above stated public safety agencies. This contact information shall be included in the application for a Short-Term Rental registration and shall be posted conspicuously within the rental unit.

G. Posting of notices.

The Town, acting by and through its Select Board or designee thereof, shall provide information to each registered operator summarizing the regulations for Short-Term Rentals. For each Short-Term Rental registration issued, this will include but shall not be limited to; the name and twenty-four-hour contact information of the Owner, Operator or Operator's Agent designated in the application, requirements for trash removal, occupancy requirements, parking, and noise restrictions. The Operator shall:

1. Provide each Occupant a copy of the provided information; and
2. Post the information, along with the Short-Term Rental registration, in a conspicuous location within the Short-Term Rental.

H. Specific standards for Short-Term Rental properties.

1. Trash removal. The Short-Term Rental operator shall be responsible for ensuring that household trash is removed from the premises immediately after occupancy is concluded or once per week, whichever is more frequent.
2. Parking. On-site parking of one space per Short-Term Rental bedroom.
3. Renting for durations of less than 20 consecutive hours shall not be permitted.
4. Commercial meetings and uses are prohibited in Short-Term Rentals.
5. Each Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Owner or Operator shall provide and maintain one two-and-one-half-pound multipurpose fire extinguisher on each floor.

I. Occupancy requirements.

The maximum number of Occupants in a Short-Term Rental shall be two per bedroom.

J. Keeping of register.

The Owner/Operator or Agent shall be responsible for keeping a register containing the name of the occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two years.

K. Ineligible units.

The following are not eligible to be rented or offered to rent as short-term rentals:

1. Dwellings restricted as affordable units under any deed rider or zoning approval or units that are otherwise subject to housing or rental assistance under local, state, or federal law.
2. Accessory Dwelling Units, as such units are defined in the Rochester Zoning Bylaws.
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental.
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop-work orders, unsafe orders, or cease-and-desist orders.

L. Failure to pay municipal taxes, fees, assessments, and charges.

The privilege of receiving or holding a Short-Term Rental registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of MGL c. 40, § 57 and Rochester Bylaws, for denial, suspension, amendment, or revocation of a Short-Term Rental registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

M. Inspections.

Short-Term Rentals shall be subject to a mandatory initial inspection and thereafter inspections every year by the Rochester Building Commissioner, Fire Department, Health Department or other duly authorized authority from the Town.

N. Enforcement.

1. The Building Commissioner may enforce this Bylaw in the manner set forth under G.L. c.40A, § 7.
2. Additionally, or in the alternative, for any violations of this bylaw, the Building Commissioner may issue fines of \$300 per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. Fines hereunder may be assessed in accordance with G.L. c.40, §21D.
3. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

O. Adoption of regulations.

The Rochester Planning Board will adopt Regulations for the implementation of this Chapter.

P. Room occupancy excise and community fees.

Short-term rentals subject to the provisions of this bylaw may be subject to the room occupancy excise under MGL c. 64G and short-term rental community impact surcharge established by the Rochester Select Board.

Q. Applicable Provisions.

All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.

ARTICLE 16: ACCESSORY DWELLING UNIT

To see if the Town will vote to amend the Town's Zoning By-laws by adding a new section 20.40 E.16 and renumbering the underlying subsection 16 and remainder of the section as follows, and take any other action relative thereto:

20.40 E.16

An Accessory Dwelling Unit ("ADU") as defined in accordance with the provisions of M.G.L. c. 40A, Section 1A, as may be amended, is allowed by right in the Agricultural/Residential District, provided it meets the following criteria:

1. It is not larger in floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.
2. ADUs in the Historic District must receive a certificate of appropriateness.
3. The ADU meets all other dimensional and parking requirements set forth herein.
4. The Building Inspector may allow reasonable deviation from the requirements of this section where necessary to install features that facilitate access and mobility for disabled persons.
5. The Permit shall be issued to the owner of record of the property and shall specify that short-term rentals are not permitted, as defined in the Zoning Bylaws.
6. The ADU shall remain accessory to the primary dwelling and cannot be further expanded.
7. Only one ADU per single family dwelling shall be permitted by right.
8. The ADU incorporated into an existing house shall be designed so that the appearance of the existing structure remains that of a single-family dwelling, subject to the following conditions:
 - 8.1 Any additional exterior stairway shall be consistent with the appearance of the existing structure.
 - 8.2 Any new entrance shall be located on the side or in the rear of the structure.
9. An ADU that is a separate structure shall be subject to the following additional requirements:
 - 9.1 A Certified Plot Plan is required. The plan shall demonstrate adequate parking and maximize convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways;
 - 9.2 The appearance matches the style of the principal structure; and
 - 9.3 The ADU shall be behind the front face of the principal structure (not in the front yard).

10. All parking is to be on-site with at least one non-tandem space available to the occupants of the ADU.

11. All ADUs shall have their own means of access and egress. Two are required.

12. Proof is provided that the septic system is, or will be, sized for any additional building occupancy.

13. All dimensional and setback requirements must be maintained.

14. All applicable provisions of the building, health, and safety codes, as determined by the Building Commissioner and Board of Health shall be met.

15. Applications for Variances under other sections of the by-laws are not excluded by this section.

Existing sections 20.40 E.16 and 20.40 E.17 shall be re-designated as 20.40 E.17 and 20.40 E.18 accordingly.

ARTICLE 17: USE VARIANCE AMENDMENT

To see if the Town will vote to amend the Town's Zoning By-laws by deleting the words "or use variance" from Section 20.40 F.6 and by deleting and replacing the language of Section 18.10 B. 3. Variance or Use Variance with the following new Section:

3. Variance

To hear and decide petitions for variances, in accordance with G.L. c. 40A, § 10, after a public hearing for which notice has been given in accordance with G.L. c. 40A, § 11, provided that:

(a) No variance may authorize a use or activity not otherwise permitted in the District in which the land or structure is located.

(b) The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially detracting or deviating from the intent of this Bylaw.

(c) The Board may impose conditions, safeguards, and limitation of time and for use, including the continued existence of any particular structures but excluding any particular condition, safeguards, or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner, or any owner.

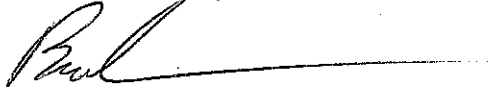
(d) If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse; provided, however, that the Board in its discretion and upon written application by the grantee of the variance may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with the Board prior to the expiration of such one year period. If the Board does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new public hearing.

And to take any other action relative thereto.

Given under our hands this 6th day in January, 2025.

Rochester Select Board:

Bradford N. Morse, Chair

A handwritten signature in cursive script, appearing to read "Bradford N. Morse".

Adam Murphy, Vice Chair

A handwritten signature in cursive script, appearing to read "Adam Murphy".

Paul Ciaburri, Clerk

A handwritten signature in cursive script, appearing to read "Paul Ciaburri".

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 27th of January 2025 at the time and place for the purpose herein named by posting attested copies thereon in the following places:

Rochester Post Office

Outside the Rochester Town Hall

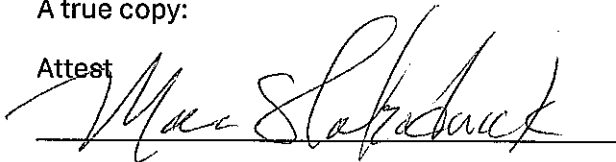
Plumb Library

Council On Aging

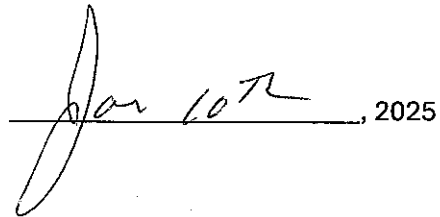
Rochester Web Site

A true copy:

Attest



Constable

 2025