

Town of Conway, Massachusetts

ANNUAL TOWN MEETING

12 April 2004

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 248 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Winnie Corse and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted to hear and accept the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: To hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATION FISCAL 2005	VOTE
114	MODERATOR	\$300.00	Passed Unanimously
122	SELECTMEN	\$5,600.00	Passed Unanimously
130	FINANCE COMMITTEE	\$100.00	Passed Unanimously
132	RESERVE FUND	\$8,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$8,850.00	Passed Unanimously
136	AUDITOR	\$50.00	Passed Unanimously
141	ASSESSORS	\$16,900.00	Passed Unanimously
145/146	TREASURER/COLLECTOR	\$55,750.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$8,000.00	Passed Unanimously
159	TOWN OFFICE	\$34,393.00	Passed Unanimously
161	TOWN CLERK	\$12,425.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$5,194.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$950.00	Passed Unanimously
175	PLANNING BOARD	\$4,600.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$100.00	Passed Unanimously
180	RECREATION COMMISSION	\$2,500.00	Passed Unanimously
190	CONTINGENT	\$3,000.00	Passed Unanimously
191	SALARY ADJUSTMENTS	\$4,000.00	Passed Unanimously
192	TOWN HALL	\$12,797.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$8,780.00	Passed Unanimously
195	TOWN REPORTS	\$2,500.00	Passed Unanimously
197	FOURNIER BUILDING	\$3,500.00	Passed Unanimously
210	POLICE DEPARTMENT	\$75,054.00	Passed Unanimously
212	DOG/ANIMAL CONTROL	\$872.00	Passed Unanimously
215	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
220	FIRE DEPARTMENT	\$22,284.00	Passed Unanimously
221	FIREMENS BLDG HEATING	\$750.00	Passed Unanimously
231	AMBULANCE	\$15,391.00	Passed Unanimously
241	FRKLN CTY CO-OP INSP. PRG	\$34,192.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,248,783.00	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$99,000.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$6,500.00	Passed Unanimously
300	CONWAY GRAM SCHOOL TOTAL	\$1,354,283.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$343,351.00	Passed Unanimously
424	STREET LIGHTS	\$6,000.00	Passed Unanimously
510	BOARD OF HEALTH	\$139,758.00	Passed Unanimously
541	COUNCIL ON AGING	\$800.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$3,545.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$5,500.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$400.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$220,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$43,560.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE. BOND	\$140,853.00	Passed Unanimously
830	FRKLN REG. COUNCIL OF GOV.	\$17,828.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$148,955.00	Passed Unanimously
892	FRONTIER REGIONAL SCHOOL	\$786,539.00	Passed Unanimously
893	SMITH VOCATIONAL SCHOOL	\$0.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$3,000.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$211,000.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$525.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$17,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	\$15,000.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$52,000.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	TOTALS	\$3,889,329.00	

ARTICLE 3: Unanimously voted to accept and expend \$139,029.00 in accordance with Chapter 246B of the Acts of 2002, these funds to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34, Clause 2(a).

ARTICLE 4: Unanimously voted to expend \$57,600 in anticipation of reimbursement from the State under the provisions of M.G. L. Chapter 90, to pay for work to be done pursuant to the Conway Streetscape Project.

ARTICLE 5: Unanimously voted to authorize continued use of the Ambulance Revolving account, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, expenditures not to exceed \$10,000 for FY2005.

ARTICLE 6: Unanimously voted to appropriate from the Ambulance Revolving Account the sum of \$130,000 towards the purchase of a new Ambulance for the Ambulance Department, and to dispose of the existing town Ambulance through public sale or by transfer to the Conway Fire department for use as a squad vehicle.

ARTICLE 7: Unanimously voted to appropriate from free cash the sum of \$10,627 (the town's share of a total \$65,000 appropriation) for re-roofing and making other necessary repairs to the School Central Office building.

ARTICLE 8: Unanimously voted to establish a Festival of the Hills Scholarship Trust for the purpose of granting educational scholarships to graduating high school seniors from Conway: Said trust shall be directed by a 5 member board of trustees, appointed annually by the Board of Selectmen, that shall be in charge of investing all funds and will be accountable to the Board of Selectmen of the Town of Conway under Massachusetts General Law Chapter 41, Section 53.

ARTICLE 9: Unanimously voted to appropriate from free cash the sum of \$2,000 for the purchase of computer equipment, cabling, software and supplies for the purpose of providing internet access to the Town Office building and the Town Hall.

ARTICLE 10: Unanimously voted to appropriate from Overlay Surplus the sum of \$10,000 for the purchase of a computer for the Assessors office, as well as proprietary Assessor's software, and associated supplies and fees.

ARTICLE 11: Unanimously voted to authorizes the Board of Selectmen to enter into an inter-municipal agreement for the provision of consulting and support services for the town's computerized assessment system. The annual obligation of the town under this agreement to be paid from the assessors' expense appropriation.

ARTICLE 12: Unanimously voted to appropriate from Overlay Surplus the sum of \$15,000 for the FY2005 tri-annual property revaluation.

ARTICLE 13: Unanimously voted to appropriate from free cash the sum of \$22,000 for the purpose of adding and/or insulating the oil tank that services the Town Hall building, refinishing the upstairs (gymnasium) floor in the Town Hall building, and replacing the windows on the first floor of the Town Hall building. NOT

ARTICLE 14: Unanimously voted to appropriate from free cash the sum of \$15,000 for replacement of the windows on the first & second floor of the Town Office building, and for the purpose of upgrading the electrical service and installation of an air-conditioner for the second floor office of the Treasurer/Collector in the Town Office Building.

ARTICLE 15: Failed to appropriate from free cash the sum of \$15,000 for a new siren and associated equipment for emergency management, fires and weather alerts.

Moderator required a hand count and declared the article failed: 90 for vs 109 against

ARTICLE 16: Unanimously voted to appropriate from free cash the sum of \$19,400 for 8 sets of turn out gear and 1000 feet of four inch hose for the Fire Department.

ARTICLE 17: Voted to appropriate from free cash the sum of \$20,000 to equip the Highway Department sanding vehicles with spray tanks and piping for ice melt liquid.

ARTICLE 18: Voted to appropriate from free cash the sum of \$30,000 & transfer from the FY04 Capital Expenditure line item the sum of \$30,000 to replace the Highway Department front end loader, and dispose of the existing loader.

ARTICLE 19: Unanimously voted to appropriate from free cash the sum of \$3,000 for general repairs, roof work and new walk in doors for the Highway Department garage building.

ARTICLE 20: Unanimously voted to assign the Dog Refund, so called, in the amount of \$959.26 from Fiscal Year 2004 to the use of the School Committee, or take any other action relative thereto.

ARTICLE 21: Failed to authorize the Selectmen to purchase 31.236 acres of land on Conway Station Road from Leland Totman, and **not to** appropriate from free cash the sum of \$125,000 towards the purchase price of said property.

Article required 2/3 majority vote to pass. Moderator called for a hand count and declared the article failed by one vote: 223 votes cast - 147 for vs 76 against

ARTICLE 22: Unanimously voted to appropriate from free cash the sum of \$5,500 to cover the costs of reprinting the town history.

ARTICLE 23: Unanimously voted to raise and appropriate in Fiscal Year 2004 the additional sum of \$48,135 to cover the cost of the town's share of the Franklin County Technical School budget for operating year 2003-2004 (Said amount being the difference between \$135,091, voted at Town Meeting, April 14 2003, and the Franklin County Technical School assessment of \$183,226).

ARTICLE 24: Voted to **pass over** the article requesting withdrawal from the Regional Vocational-Technical School District Agreement voted by Town Meeting on April 12, 1974 and any subsequent agreements, in accordance with the provisions of Section XII of the existing Agreement.

Article required 2/3 majority vote to pass over. Moderator declared the motion on a voice vote

ARTICLE 25: Moderator required a hand count and declared the following passed:

Whereas Several Acts and Orders recently enacted at the Federal level, including sections of the USA PATRIOT Act and several Executive Orders, now threaten many of our fundamental rights and liberties guaranteed by the Constitution of the Commonwealth of Massachusetts and by the United States Constitution Bill of Rights, including

- Freedom of speech, religion, assembly and privacy;
- The right to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas these civil liberties are now threatened by

A. The USA PATRIOT Act, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as "terrorist organizations"; and
- Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

B. Federal Executive Orders, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

Therefore We the people of Conway, Massachusetts, honoring those who have sacrificed their lives to protect these rights and liberties, do hereby request:

1. That local law enforcement, to the extent legally permissible, continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures, even if requested or authorized to infringe upon these rights by federal law enforcement, acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
2. That our local officials, the U.S. Attorney General's Office, the Office of the Federal Bureau of Investigation and Massachusetts State Police report regularly and publicly to the to the Town of Conway the extend to and manner in which they have acted in Western Massachusetts under the USA PATRIOT Act, new Executive Orders, or COINTELPRO-type regulations, including disclosing the names of any Conway area residents detained in Western Massachusetts or elsewhere;
3. That our United States Congressman and Senators monitor the implementation of the Acts and Orders cited herein, vote against any attempt to make the USA PATRIOT Act permanent, and actively work for the repeal of the parts of those Acts and Orders that violate our fundamental rights and liberties as stated in the Constitutions of the Commonwealth and the United States.

Vote by actual hand count was 124 for vs 73 against

ARTICLE 26: Voted to **pass over** the article authorizing Selectmen, pursuant to MGL Ch. 82, § 21-24, to change the status of portions of Whately Glen Road said authorization to be contingent upon the Franklin Regional Council of Governments agreement to discontinue any interest it may have in Whately Glen Road following layout as a town road.

Moderator required a hand count: 122 to pass over vs. 38 to consider.

ARTICLE 27: Unanimously voted to accept as a town road, pursuant to Massachusetts General Laws Chapter 82, Section 21, a town road four (4) rods wide from the southeastern end of the road laid out by vote of the Selectmen in May 1846 and accepted at Town Meeting [from the new county road (Whately Road, so called) to David Field's house (now Frederick Parker)], to the drive way of Jack Dixon, an approximate distance of 1,600 feet. Said layout shall precisely follow the original county road laid out in 1810 and subsequently deemed discontinued by the Franklin Regional Council of Governments by action of the Massachusetts Court of Appeals in 2003 (Recore v. Town of Conway, August 21, 2003 decision). Said road shall be known as Fields Hill Road.

ARTICLE 28: Unanimously voted to **pass over** article to create a statutory private way, pursuant to MGL Ch. 82, § 21, beginning at the driveway of Jack Dixon and extending southerly to the intersection with Norton Hollow Road, an approximate distance of 4,200 feet.

ARTICLE 29: Voted to accept as a town road, pursuant to Massachusetts General Laws Chapter 82, Section 21, of a town way from the county road, Whately Road, so called, to the gate at the northwest corner of Eleanor Brown's property, an approximate distance of 900 feet. Said layout shall precisely follow the original county road laid out in 1810 and subsequently deemed discontinued by the Franklin Regional Council of Governments by action of the Massachusetts Court of Appeals in 2003 (Recore v. Town of Conway, August 21, 2003 decision). Said Road shall be known as Fisher Place Road.

Article required 2/3 majority vote to pass over. Moderator declared the motion on a voice vote

AT 10:46 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting and reconvene on Wednesday, April 14, 2004, at 7:30 p.m. in the Grammar School to consider the remaining articles of the warrant.

Notices were posted in accordance with Town Bylaw and the meeting was reconvened at the time and place and for the purpose specified in the warrant. 152 voters were checked at the door and issued colored cards for the purpose of voting. The meeting was called to order by Moderator Nick Filler, and the following items were voted by those persons in attendance:

ARTICLE 30: Voted to instruct the moderator to appoint a broad based committee to study the long range needs of the town including all town facilities and to report back to the annual town meeting in 2005 with a recommendation as to whether or not Selectmen should be allowed to rent, convey or otherwise dispose of the Fournier homestead, excluding demolition, under MGL Ch. 30B, § 16 and to report on any other related findings.

ARTICLE 31: Failed to vote to replace the current Town of Conway Wireless Communications Facilities Bylaw, with an amendment to the Conway Protective Bylaws.

Article required 2/3 majority vote. Moderator requested a hand count. Actual count was 88 in favor of the bylaw, 50 opposed.

ARTICLE 32: Unanimously voted to divide the article and vote on individual changes to amend the current Town of Conway Protective Bylaws with the text that follows:

(Proposed changes and additions to this by-law appear in **bold print**.)

SECTION 22: Permitted Uses-Rural/Residential and Agricultural District

Any otherwise lawful activity meeting all requirements of this Bylaw shall be permitted except the following:

22.1: Restricted Uses

(a) (No change)

(b) Moreover, no use of any premises is permitted that would cause unreasonable traffic, noise, light, order, electromagnetic radiation of pollution levels incompatible with the character of the neighborhood, **as determined by the Planning Board. Uses as stated under 23.1 are also prohibited.** However, Section 22.1 shall not apply to any educational, religious, agricultural, floricultural, or other uses exempted by statute. Section 22.1 shall not be construed to restrict the use of any premises for occasional large gatherings of people for social or other non-commercial purposes.

Division I: *Approved – 110 in favor; 8 opposed*

22.2: Multi-Family Dwellings (Added December 1980)

One or two dwelling units within a single structure are permitted. Multi-Family dwellings are prohibited, (Amended 16 November 1981) **except as permitted in Section 22.3.**

Division II: *Unanimously approved*

22.3 Accessory Apartments

(a) Purpose

1. **For the purpose of providing an additional small dwelling unit to rent, enabling owners of two-family dwellings that are larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Planning Board may grant a Special Permit in accordance with the following requirements;**

(b) Conditions and Requirements

1. **Not more than one (1) accessory apartment shall be located within any existing two-family residential structure. (Note: one-family residences, by right, can be made into two-family units [see Article 5] and then have an accessory apartment added.) This means that the total dwelling units allowed per structure is three;**
2. **The accessory apartment shall be located within the existing residential structure (hereafter referred to as the primary residence);**
3. **The external appearance of the existing structure shall not be significantly altered from the original and shall maintain the character of the neighborhood. Any stairways, access, or egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;**
4. **Such Special Permit, when granted, shall be recorded at the Registry of Deeds and issued to the owner/occupant of the primary residence and be in force for as long the owner/occupant owns and occupies the building. The Special Permit shall lapse upon transfer of said property or when the owner no longer occupies the property. If the Special Permit lapses, the new owner may apply for a new special permit within 6 months of taking ownership of the property. The owner of the building shall occupy one of the dwelling units, except that the owner/occupant can be absent for up to 6 (six) months per calendar year;**
5. **For the purposes of this by-law, the “owner” shall be defined as one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes. Said owner may designate a legal relative as a “life tenant” who may occupy the house in the owner’s stead. Certification by affidavit shall be provided by the owner;**
6. **The accessory apartment shall meet the standards of the State Building Code and State Environmental Code, 780CMR 6th edition MA Building Code, chapter 36 3603.41, Title V. Prior to issuing a Special Permit the owner of the property or his or her agent must submit an approved building permit, with floor plans, elevations, or other drawings sufficient to demonstrate compliance with the conditions and requirements of the Special Permit. Prior to occupancy of the accessory apartment the owner must obtain and submit a copy of the Certificate of Occupancy issued by the building inspection department;**

(c) Parking

1. **Refer to Section 34: Off Street Parking for parking requirements.**

(d) Violations and Enforcement

1. **This by-law shall be enforced by the Planning Board and shall be consistent with MGL Chapter 40A Section 7.**

Division III: *Approved – 99 in favor; 19 opposed*

ARTICLE 33: Unanimously voted to divide the article and vote on individual changes to amend the current Town of Conway Protective Bylaws with the text that follows:

(Proposed changes and additions to this by-law appear in **bold print**. Proposed changes that would result in wording being deleted also appear in bold with a strike through the current wording)

ARTICLE 4: DIMENSIONAL REQUIREMENTS

SECTION 41: Lot Area and Clearances

41.1: Lot Area

No building shall be erected or mobile home placed on a lot unless the lot:

- (a) complies with state and local sanitary codes;
- (b) has a minimum of ~~200~~ **(300)** feet of frontage on a public way

Division I: Did not meet the 2/3 majority vote requirement for change - 44 in favor; 78 opposed

- (b) [has a minimum of 200 feet of frontage on a public way] **that currently provides suitable access for fire, police, and emergency vehicles.**

Division II: Approved – 85 in favor; 29 opposed

- (c) has a minimum area of ~~one-acre~~ **(two acres)** or complies with the requirements for back lots in 41.1 (c) or as may be exempted under Section 6 or MGL Chapter 40A. (Amended 11 March 1993).

Division III: Did not meet the 2/3 majority vote requirement for change – Moderator declared the amendment failed on a voice vote

- (d) Back Lots-an individual lot need not have the required amount of street frontage provided that all of the following requirements are met:
 - (1) The area of the lot is a minimum of four acres;
 - (2) The lot includes a strip of land, easement, or right of way at least 20 feet in width by which it is connected with a public way;
 - (3) The width of the lot where the principal building is to be built is a minimum of 200 feet.

No more than one ~~dwelling~~ **(residential building)** is allowed per building lot. (Amended 11 March 1993) This provision shall not restrict the number of outbuildings related to a dwelling, which can be placed on a lot.

Division IV: Unanimously approved

Driveway access to the residential building of a lot as defined under sections (b) and (c) may or may not enter through the determined frontage of said lot. Safe access shall be the first priority.

Division V: Unanimously approved

ARTICLE 34: Voted to amend the current Town of Conway Protective Bylaws with the text that follows:

Actual hand count - 73 in favor; 20 opposed

41.4 Driveways

All driveways shall be designed according to requirements listed below. Driveways serving three or more lots have additional requirements (see Common Driveways, Section 41.5).

- (a) at its intersection with the traveled surface of a public way, at least the first 20 feet in length constructed with a minimum curb cut of 20 feet, a maximum slope of 8 percent¹, and driveway should have crown or slope to direct² water away from the public way, and a culvert where applicable.**

1. *amended unanimously*

2. *amended by majority vote 32 in favor; 25 opposed*

- (b) A line-of-sight of sufficient distance to permit safe entering onto the travel portion of public way, calculated per AASHTO (American Association of State Highway and Transportation Officials) and MUTCO (Manual on Uniform Traffic Control Devices) as supplied by the Highway Superintendent, and available at the Town Office.**

- (c) The approval and signature of the Highway Superintendent on the building permit application, indicating that the driveway meets the above standards before a building permit can be issued.**

41.4 (41.5): Common Driveways

(Originally, Section 41.4 COMMON DRIVEWAY BYLAW added 11 MARCH 1993)

The purpose of this Bylaw is to provide for the safety, welfare, and convenience of town residents and to encourage appropriate land use.

~~41.4-1~~ **(41.5-1):** Definitions and Exceptions

(no change in current text)

~~4.4-2~~ **(41.5-2): Design and Performance Requirements**

A common driveway shall have:

- (a) A minimum right-of-way width of 30 feet and a maximum gradient of 12%. For short sections, at steeper gradients, the Zoning Board of Appeals may grant variances. This paragraph shall not apply to rights-of-way existing prior to March 11, 1993:
- (b) A stable sub-base of at least 18 inches of gravel, a minimum wear surface of crushed stone or trap rock applied to a minimum wear surface of crushed stone or trap rock applied to a minimum depth of 4 inches, a minimum width of 12 feet, a minimum centerline radius of 75 feet and a minimum of 3 feet or total shoulder:
- (c) If the driveway is a dead-end, a “hammerhead” or other turnaround adequate for a 30 foot vehicle:
- (d) A curb cut of at least 20 feet in width, with a minimum radius of four feet, and an approach area of a least 20 feet in length from the edge of traveled surface of the public way with a slope of not more than 4% grade. This paragraph shall not apply to rights-of-way existing prior to March 11, 1993:
- (e) A “pullout” every 500 feet for a 30 foot vehicle:
- (f) Such storm drains, swales, culverts and drainage retention areas as are necessary to permit the unimpeded flow of all natural water courses, to insure drainage of the driveway, to prevent washout and erosion and to intercept all storm water drainage created by the construction of the common driveway adequate to meet a 25 year frequency storm. All Wetlands Protection Act Requirements must be met:
- (g) A line-of-sight of sufficient distance to permit safe entering onto the travel portion of public way, calculated per AASHTO (American Association of State Highway and Transportation Officials) and MUTCO (Manual on Uniform Traffic Control Devices) as supplied by the Highway Superintendent, and available at the Town Office.**
- (h) A proposed name for the common driveway(s), subject to Planning Board approval.

~~41.4-3~~ **(41.5-3): Maintenance**

(no change in current text)

~~41.4-4~~ **(41.5-4): Compliance**

No building permit shall be issued for any lot(s) to be served by a common driveway providing access to three or more building lots until an as-built plan, prepared by a Registered Massachusetts Civil Engineer, Landscape Architect, Architect, and/or Land Surveyor, and demonstrating compliance with 41.4 for the lot(s) for which building permits are sought, has been submitted to and approved by the Planning Board or its agents. All as-built plans shall show a statement certifying that the common driveway meets the requirements of ~~41.4-2(e)~~ **(41.5-2(c))** shall be provided at a temporary terminus of any common driveway providing access to three or more building lots.

AT 10:45 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 15, 2004, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., To bring in their votes for one Selectman for three years, one Assessor for three years, one Member, Board of Health for three years, one Member, Local School Committee for three years, one Member, Frontier Regional School District Committee for three years, one Town Clerk for three years, one Auditor for one year, and one Moderator for one year, three town Constables for three years, and vote the Community Preservation Ballot Question.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

ANNUAL TOWN MEETING 11 April 2005

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 206 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Sydney Ramey and Peg Tiley served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Heard and accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

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231	AMBULANCE	\$15,000.00	Passed Unanimously
241	FRKLN CTY CO-OP INSP. PRG	Moved to 830	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
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300B	GRAM SCH TRANSPORTATION	\$97,240.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$.00	Passed Unanimously
300	CONWAY GRAM SCHOOL TOTAL	\$1,417,753.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$380,041.00	Passed Unanimously
424	STREET LIGHTS	\$6,000.00	Passed Unanimously
510	BOARD OF HEALTH	\$140,195.00	Passed Unanimously
541	COUNCIL ON AGING	\$800.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$3,915.00	Passed Unanimously
630	RECREATION COMMISSION	\$2500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$6,000.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$400.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$215,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$36,492.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE. BOND	\$124,624.00	Passed Unanimously
830	FRKLN REG. COUNCIL OF GOV.	\$48,255.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$143,094.00	Passed Unanimously
892	FRONTIER REGIONAL SCHOOL	\$834,634.00	Passed Unanimously
893	SMITH VOCATIONAL SCHOOL	\$0.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$3,000.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$218,310.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$525.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$17,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	\$8,800.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$54,500.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	TOTALS	\$4,041,412.00	

ARTICLE 3: Unanimously voted to accept and expend \$166,545 in accordance with **Chapter 291** of the Acts of 2004, these funds to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34.

ARTICLE 4: Voted to authorize continued use of the **Ambulance Revolving Account**, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, expenditures not to exceed \$10,647 for FY2006.

ARTICLE 5: Unanimously voted to appropriate from free cash the sum of \$2,414 to pay the interest for **short term borrowings** in the current fiscal year (FY05).

ARTICLE 6: Failed. DID NOT appropriate the sum of \$11,658.70 to pay **uncovered FY 2004 Town operating expenses** of \$2,038.79 in Medicare insurance premiums, \$4,357.91 in Social Security taxes, or \$5,262.00 in Town insurance premiums. *A 4/5 vote was required – Moderator determined the vote failed on a voice vote.*

ARTICLE 7: Voted to appropriate from free cash the sum of \$6,750 toward the costs of a new **copier** for the Town Office.

ARTICLE 8: Unanimously voted to appropriate from free cash the sum of \$3,500 for general repairs and painting of trim on the **Town Office Building**.

ARTICLE 9: Unanimously voted to appropriate from free cash the sum of \$10,296.00 (the Town's share of a total \$65,000 appropriation) for installation of new windows and doors, and making other necessary repairs to the **School Central Office building**.

ARTICLE 10: Failed. DID NOT appropriate the sum of \$15,000 for unanticipated costs associated with the **Grammar School Fuel oil spill**.

ARTICLE 11: Voted to allocate ½ of the proceeds from the **sale of timber** from the Town property off of Cricket Hill Road to land conservation and preservation, and the remaining ½ to the General fund.

ARTICLE 12: Voted to appropriate from free cash the sum of \$5,000 in anticipation of the expenses associated with the creation of a forestry plan for the **Fournier property** and authorize the select board to sell timber on the land in accord with recommendations of the plan.

ARTICLE 13: Voted to appropriate from free cash the sum of \$15,000 to pay for the costs incurred in hiring a **consultant** to oversee the completion of the construction of the **Conway Streetscape Project**.

ARTICLE 14: Failed. DID NOT change the general bylaw that provides for the date of **Annual Town Meetings** by changing the second Monday in April at 7:30 p.m. to the second Saturday in April at 9:00 a.m.

ARTICLE 15: Failed. DID NOT appropriate the sum of \$698.87 to pay uncovered **Cultural Council** expenses.

ARTICLE 16: Unanimously voted to raise and appropriate by taxation the sum of \$1,500 for the **Field Memorial Library**, to satisfy the certification requirements of the Massachusetts Board of Library Commissioners.

ARTICLE 17: Unanimously voted to appropriate from free cash the sum of \$3,174 for the Town's share of the capital assessment for the **Franklin County Technical School**.

ARTICLE 18: Unanimously voted to establish a **Community Preservation Act Committee** to oversee the management of the Community Preservation Act monies pursuant to M.G.L. Chapter 44B, Section 5. The Community Preservation Act Committee shall study Town needs, consult with existing boards and hold public informational hearings as needed before making recommendations at Town Meetings to authorize spending funds for specific purposes that are consistent with the Community Preservation Act. The Committee shall include, but not be limited to, one member of the Conservation Commission, one member of the Historical Commission, one member of the Planning/Selectboard, one member of the Park and Recreation Commission, and one member acting in the capacity or performing the like duties of a member of a Housing Authority.

Motion was made, seconded and unanimously approved to consider articles 19 and 20 in reverse order.

ARTICLE 20: Heard the report of the Building Committee and voted to appropriate from free cash a sum *not to exceed* \$10,000 to conduct a feasibility study for a new Town **Garage and Public Safety building**.

Motion was made, seconded and unanimously approved to amend the article by inserting the words "not to exceed" as indicated in above wording.

ARTICLE 19: Voted under Massachusetts General Laws Chapter 30B, section 16 to allow the Selectmen to rent or convey ownership of the **Fournier homestead** located on Roaring Brook road Extension.

ARTICLE 21: Unanimously voted to transfer \$30,000 from the FY 05 capital funds account and appropriate from free cash the sum of \$5,000 , a total of \$35,000, to purchase a new **police cruiser** and to allow disposal or title transfer of current police cruiser.

ARTICLE 22: Failed. DID NOT vote to purchase 0.29 acres of land located at 33 Main Street, Town Tax Map 103, Parcel 40, currently belonging to the Margo H. **Mallary Estate**, for municipal purposes, for a sum not to exceed \$115,750.

After considerable discussion, motion was made, seconded and approved to table this article and return to it before final adjournment. Upon return to the article, it was defeated on a hand count – YES = 72 / NO = 40. The article required a 2/3 majority vote to pass.

ARTICLE 23: Voted to appropriate from free cash the sum of \$39,000 for repair and improvements (including black top) of the **Transfer Station**.

ARTICLE 24: Voted to appropriate from free cash the sum of \$14,000 to purchase a new trash compactor for the Transfer Station.

ARTICLE 25: Voted to approve the Springfield Materials Recycling Facility Municipal Agreement with Recycle America Alliance and the Massachusetts Department of Environmental Protection for the receipt and processing of the Town's recyclable materials at the Springfield Materials Recycling Facility for ten years. The town will receive \$15.67 per ton of recyclables plus a share of the revenue generated from the sale of recyclables per the contract.

ARTICLE 26: Voted to appropriate from free cash the sum of \$5,000 for drainage improvements on the Conway **ball field**.

ARTICLE 27: Voted to appropriate from free cash the sum of \$5,000 to conduct a **Master Plan feasibility study**.

ARTICLE 28: Voted to appropriate from free cash the funds not to exceed a total of \$1,200 for a new locking, fire-proof file cabinet, a new digital camera, and new telephone for the Board of Assessors' office.

ARTICLE 29: Unanimously voted to accept by local option the provisions of G.L. 59, Sect 5(54), which allows a town to establish a **minimum fair cash value** required for **personal property** accounts to be taxed, said minimum value to be set at \$ 2,000.

ARTICLE 30: Unanimously voted to accept G.L. Ch. 59, Sect. 5, provision added by Ch. 181 of the Acts of 1995, to allow the annual increase of the qualifying asset limits and of the personal real estate tax exemptions received under Clauses 17, 17C, 17C1/2, 17D (for qualifying senior citizens and surviving spouses and minors) and Clauses 41, 41B and 41C (qualifying senior citizens) by a cost of living increase (COLA) that is set by the Massachusetts Commissioner of Revenue, based on the United States Department of Labor, Bureau of Labor Statistics' Consumer Price Index for Urban Consumers during the previous year; and to establish the Town of Conway COLA for FY2006 at 2.8 percent.

ARTICLE 31: Unanimously voted to authorize the municipality to enter into an inter-municipal joint purchasing agreement pursuant to G.L. Ch. 40, Sect. 4A for the provision of technology solutions and related consulting and support services with the Community Software Consortium, preserving the rights and privileges established in prior agreement(s). The duration of this agreement, in accordance to statute, shall be for no more than 25 years, with the ability of the community to withdraw from this agreement at any time. The annual obligation of the municipality under this agreement will be paid from the participating departments' expense appropriations. The annual obligation is determined by membership vote pursuant to the consortium's bylaws.

ARTICLE 32: Unanimously voted to authorize the Assessors to not Assess the Farm Animal and Machinery Excise tax, pursuant to home rule option.

ARTICLE 33: Unanimously voted to approve the payment, from the regular budget, of Assessors' Clerk wages at the same hourly rate as had been budgeted to an elected member of the Board who performs that clerical work in addition to their regular work as an elected member (retroactive for FY2005 and, if necessary, for FY2006).

ARTICLE 34: Voted to appropriate from free cash the sum of \$7,500 to partially fund the costs of the remaining restoration/preservation work on the one-room Boyden School House historical project.

ARTICLE 35: Unanimously voted to amend the current Town of Conway General Bylaws with the text that follows: *New text is **underlined, in bold and in italics** revised text is double-underlined*

FINANCIAL, Section 4: No contract for the purchase by the Town or on its behalf by any officer, agent, Board, Commissioner, Committee, thereof, for apparatus, supplies, materials or equipment, the estimated or actual cost of which exceeds **the provisions of Chapter 30, Section B** of the General Laws except in cases of extreme emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in at least one newspaper, if any, published in the town or district, otherwise in at least one newspaper of general circulation In the town or district, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve to the town or district the right to reject any or all such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading the provisions of this section. Materials purchased by any town, under specifications of the state Department of Public Works, and at prices established by said Department of Public Works, pursuant to advertising and bidding for such purposes, in connection with work to be performed under the provisions of Chapter eighty-one or Chapter ninety, shall not be subject to the requirements of this section.

The provisions of this section shall be deemed to have been complied with on all purchases made under the provisions of sections twenty-two A and twenty-two B of Chapter seven when one municipality acting on behalf of other municipalities complies with the provisions of this section, or when purchases are made from a vendor holding a contract with the Commonwealth for the item or items being purchased.

Whoever violates any provision of this section shall be punished by a fine of not more than ten thousand dollars (\$10,000.00) or by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one-half years, or by both said fine and imprisonment; and in the event of final conviction, said person shall be incapable of holding any office of honor, trust, or profit under the Commonwealth or under any county, district or municipal agency. *(Amended 1 – Annual Meeting - 11 April 1983)*

Section 5: Every town contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building, estimated to cost more than **five** thousand dollars (**\$5,000.00**) shall be awarded upon the basis of competitive bids to the lowest responsible and eligible bidder, in accordance with the procedure set forth In the provisions of sections 44B exclusive of section 44A of Chapter 149 of the General Laws. *(Original Adopted – Annual Meeting – 6 March 1961)*

(Article 35 continued)

Section 6: **DISPOSITION OF TANGIBLE** PROPERTY (Under **Chapter 30B, Section 15 of the General Laws**) Any board or officer in charge of a department of the Town may, with the approval of the Selectmen, sell any personal property of the Town within the possession or control of the Department, which has become obsolete or is not required for further use by the department and which does not, in the opinion of the Selectmen, exceed **one thousand \$1,000.00** in value. *(Original Adopted – Annual Meeting – 6 March 1961)*

Section 7: DISPOSITION OR ACQUISITION OF REAL PROPERTY (Under Chapter 30B, Section 16)
Any governmental body duly authorized by law to engage in transactions of real property shall abide by the provisions of Chapter 30B, Section 16 in the conveyance, rental, or disposition of Town property

ARTICLE 36: Unanimously voted to amend the current Town of Conway General Bylaws with the text that follows. *new text is **underlined, in bold and in italics***

LEGAL, Section 2: The Selectmen may at their discretion, compromise or settle any claim or suit to which the Town is a party, which does not require the payment by the Town of an amount in excess of **two thousand** five-hundred dollars (**\$2,500.00**). No settlement of a claim or suit obligating the Town in an amount in excess of **two thousand** five-hundred dollars (**\$2,500.00**) shall be made except as authorized by law, without the consent of the Town Meeting.

ARTICLE 37: Unanimously voted to amend the current Town of Conway General Bylaws with the text that follows.

RECORDS, Section 2: All Officers, Boards, Standing Committees and Special Committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the Town Accountant (Treasurer) for statements in detail of receipts and expenditures, and may make therein recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the annual Town Report.

ARTICLE 38: Unanimously voted to **delete** the portion of the Town of Conway General Bylaw labeled Condition and Development of property and related to Building Regulations and Stripping Land of Soil and Loam because they are included in the Protective Bylaws.

ARTICLE 39: Voted to amend the current Town of Conway Protective Bylaws with the text that follows: *new text is **underlined, in bold and in italics***

ARTICLE 3: GENERAL REGULATIONS

SECTION 32: Environmental Controls

32.3: **Water Discharge**

No building or driveway shall be constructed so as to allow water, snow, ice or waste material to be deposited upon or discharged upon a public way **or upon a neighboring property other than along natural water channels at a speed and volume similar to that which occurred prior to construction.**

Section 32.4: Stripping Land of Soil and Loam

No person, firm, or corporation shall strip, sever, remove, or convey away any soil, loam, clay, sand or gravel from any land in the Town of Conway not in public use, unless and until such stripping, severance, removal, or conveyance away is first authorized by a Special Permit issued by the Planning Board, except for the continued operation of an existing sand or gravel pit. **No SPECIAL permit is required in conjunction with the construction of a building and/or septic system provided the contours of the land are not altered by a depth or height in excess of six (6) feet and that no change is made to the natural flow of storm water.** No such permit shall be issued until an application therefore has been filed with the Board. Said Board shall then hold a public meeting on the application and notice of the filing in relation thereto.

Motion made, seconded and unanimously passed to add the word "SPECIAL" to the amended text of Section 32.4: Stripping Land of Soil and Loam.

Article was passed on a hand count: YES = 92 / NO = 2.

ARTICLE 40: Unanimously voted to amend the current Town of Conway Protective Bylaws with the text that follows: *new text is **underlined, in bold and in italics**- amended text is **UNDERLINED, IN BOLD ITALICS AND IN UPPER CASE.***

ARTICLE 4: DIMENSIONAL REQUIREMENTS

SECTION 41: Lot Area and Clearances

Section 41.1: Lot Area

(d) Back Lots – an individual lot need not have the required amount of street frontage provided that all of the following requirements are met:

- (1) The area of the lot is a minimum of four acres;
- (2) The lot includes a strip of land, easement, or right of way at least 20 feet in width by which it is connected with a public way. **Legal proof of such connection SHALL be required from the landowner as part of a request for a building permit;**
- (3) The width of the lot where the principal building is to be built is a minimum of 200 feet.

Motion made, seconded and unanimously passed to add the word "SHALL" to the amended text of Section 41.1 - Lot Area (d), (2).

ARTICLE 41: Voted to amend the current Town of Conway Protective Bylaws with the text that follows - *new text is underlined, in bold and in italics revised text is double-underlined.*

ARTICLE: 8 WIRELESS COMMUNICATION FACILITIES

Purpose. The purpose of this Wireless Communications Facilities Bylaw is to protect the scenic, historic and natural resources of the Town of Conway while accommodating the wireless telecommunications needs of town residents and businesses.

This ~~amendment~~ **Bylaw** does not apply to satellite dishes and antennas for residential use.

The Conway Planning Board shall issue Special Permit to duly licensed wireless carriers, as defined in the Telecommunications Act of 1996, 47 U.S.C. §332(c)(7)(ii), in Conway, providing the following:

Applicants shall:

- (a) Waive exemption, Massachusetts General Law chapter 59 §5 clause 16, and shall recognize the Conway Planning Board as the sole permit authority, for the town of Conway.
- (b) Demonstrate that existing facilities cannot accommodate applicant's needs.
- (c) Be responsible for the cost of designing the entire wireless communication infrastructure for the entire Town of Conway.
- (d) Contact all other wireless carriers, currently licensed in Massachusetts, and demonstrate having made sufficient provisions for their shared and cooperative use of facilities ~~constructed to~~.
- (e) Demonstrate that proposed new facilities will:
 - (1) maximize use for all currently licensed carriers,
 - (2) protect the town's esthetic concerns **by addressing** color or camouflage, backdrop to protect ridge line, preservation of on site vegetation, **and** illumination, to minimize visual impact,
 - (3) use existing structures where possible. (i.e., high tension tower, inside steeples, disguised on water towers, on public buildings), and where free-standing antenna are proposed, that only monopoles shall be used.
 - (4) yield to the Conway Planning Board concerns of monopole height and number of monopoles. **New towers shall be the minimum height necessary to comply with the purpose of this Bylaw, and not exceed 120 feet.**
 - (5) comply with existing building codes **and the Conway Protective Bylaws.**
- (f) **Meet requests by the Town for access and antenna space to serve the needs of the Town's emergency service providers.**
- (g) **Comply with requirements set forth by the Planning Board to demonstrate the visibility of any proposed new tower(s), e.g., by a balloon or mast raised at the location of the proposed Wireless Communication Facility.**
- (h) Not post any advertising on proposed facilities.
- (i) Pay for the cost of the Planning Board's communications consultants and attorneys to evaluate the application and provide any information requested by these agents.
- (j) Post bond sufficient to cover the cost of seizing and dismantling the proposed facilities, if not in continuous active use, for said purpose, for a period of six months and recognize the Conway Planning Board's authority to order such.
- (k) Provide, if applicable, a written statement that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
- (l) Provide annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration, the Massachusetts Department of Public Health and the National Standards Institute and required maintenance shall be filed with the Building Inspector by the Special Permit Holder.
- (m) Severability – if any portion of this Bylaw is determined to be invalid, it shall not render the rest of the bylaw invalid.

Article was passed on a hand count: YES = 79 / NO = 13.

AT 11:38 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 14, 2005, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to act on the following as provided in the by-laws: To bring in their votes for one Selectman for three years, one Assessor for three years, one Member, Board of Health for three years, two Members, Local School Committee for three years, one Auditor for one year, and one Moderator for one year, one Tree Warden for three years

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

ANNUAL TOWN MEETING

10 April 2006

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 213 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Winona Corse and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2007	VOTE
114	MODERATOR	\$300.00	Passed Unanimously
122	SELECTMEN	\$5,900.00	Passed Unanimously
130	FINANCE COMMITTEE	\$75.00	Passed Unanimously
132	RESERVE FUND	\$8,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$12,000.00	Passed Unanimously
136	AUDITOR	\$50.00	Passed Unanimously
141	ASSESSORS	\$40,300.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$59,047.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$8,000.00	Passed Unanimously
159	TOWN OFFICE	\$39,012.00	Passed Unanimously
161	TOWN CLERK	\$17,715.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$5,033.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$950.00	Passed Unanimously
175	PLANNING BOARD	\$4,850.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$200.00	Passed Unanimously
190	CONTINGENT	\$4,000.00	Passed Unanimously
191	SALARY ADJUSTMENTS	\$0.00	Passed Unanimously
192	TOWN HALL	\$14,284.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$10,020.00	Passed Unanimously
195	TOWN REPORTS	\$2,500.00	Passed Unanimously
197	FOURNIER BUILDING	\$3,500.00	Passed Unanimously
210	POLICE DEPARTMENT	\$80,523.00	Passed Unanimously
212	DOG/ANIMAL CONTROL	\$887.00	Passed Unanimously
215	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
220	FIRE DEPARTMENT	\$31,453.00	Passed Unanimously
221	FIREMENS BLDG HEATING	\$1,000.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,337,223.00	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$118,741.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$0.00	Passed Unanimously
300	CONWAY GRAM SCHOOL TOTAL	\$1,455,964.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$413,651.00	Passed Unanimously
424	STREET LIGHTS	\$6,800.00	Passed Unanimously
510	BOARD OF HEALTH	\$154,811.00	Passed Unanimously
541	COUNCIL ON AGING	\$800.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$3,915.00	Passed Unanimously
610	FIELD MEMORIAL LIBRARY	\$1,538.00	Passed Unanimously
630	RECREATION COMMISSION	\$2,500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$6,000.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$650.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$210,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$29,585.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE. BOND	\$116,680.00	Passed Unanimously
830	FRKLN REG. COUNCIL OF GOV.	\$55,349.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$101,700.00	Passed Unanimously
892	FRONTIER REGIONAL SCHOOL	\$830,635.00	Passed Unanimously
893	SMITH VOCATIONAL SCHOOL	\$0.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$5,000.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$234,400.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$550.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$22,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	\$0.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$64,500.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	TOTALS	\$4,114,227.00	

ARTICLE 3: Unanimously voted to accept and expend \$165,144.00 in accordance with **Chapter 291** of the Acts of 2004, these funds to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34.

ARTICLE 4: Unanimously voted to pass over the article, the deficit issue having been resolved through correction of the treasurer's records.

ARTICLE 5: Unanimously voted to appropriate from free cash the sum of \$10,062.00 (the town's share of a total \$65,000.00 appropriation) for installation of new windows and doors and making other necessary repairs to the **School Central Office Building**.

ARTICLE 6: Unanimously voted to provide \$0 (no sum) for the town's share of capital assessment for **Franklin County Technical School** – no capital program at this time.

ARTICLE 7: Voted to pass over article re **“Senior Citizen Property Tax Work-Off Abatement.”**

ARTICLE 8: Unanimously voted to assign the so called **dog refund**, received in the amount of \$771.10 from Fiscal year 2006, to the use of the School Committee

ARTICLE 9: Voted to take from free cash, the sum of \$84,000 as per the signed Purchase & Sale agreement for the procurement of four (4) acres from Assessor's **Map 411, Lot 8.1** Gary Lisewski and Jean Lisewski for a highway garage and school expansion. Moderator declared the 2/3 majority on a voice vote.

ARTICLE 10: Vote to take from free cash the sum of up to \$35,000 for the purpose of a site and design study to develop plans for the construction of a new **highway facility**.

Motion was made, seconded and unanimously approved to consider articles 11, 12, and 13 in reverse order

ARTICLE 13: Voted to approve the sale of the **sheep barn** and associated land, which is located at the Fournier homestead on Fournier Road

ARTICLE 12: Voted take from free cash the sum of \$1.00 to purchase the land owned by Greg Rose located on Shelburne Falls Road, Assessor's **Map 102 - Lot 45**, for municipal purposes. This purchase will be in exchange and contingent upon the purchase of the Fournier homestead, the sheep barn and two (2) acres of land owned by the Town located at 40 Fournier Road. *Vote by actual hand count was YES = 146; NO = 29.*

ARTICLE 11: Voted to take from free cash up to, but not to exceed the sum of \$25,000 to pay for necessary repairs to the **Fournier House septic system**.

ARTICLE 14: Failed. Voted NOT to provide up to the sum of \$125,000 as per the signed Purchase & Sale agreement, and an additional \$10,000 to provide for environmental liability insurance for procurement of the Mallary property located at **33 Main Street**

ARTICLE 15: Voted to authorize continued use of the **Ambulance Revolving Account**, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, expenditures not to exceed \$12,100 for FY2007

ARTICLE 16: Voted to take from free cash the sum of \$10,000 to complete Phase II of a three phase **master planning** process

ARTICLE 17: Voted to take from free cash the sum of \$5,000 to purchase a **tax collection** software package that is compatible with current Town Assessor's software

ARTICLE 18: Unanimously voted to take from free cash the sum of \$6,750 toward the costs of an **office equipment** package including a new telephone system, computer upgrades for the Town Office

ARTICLE 19: Voted to take from free cash the sum of \$4,000 to purchase a **Geographic Information Systems** (GIS) software package, a printer/plotter and GPS units for the Town Hall to be utilized by several town departments including but not limited to the Assessors Office, the Highway Department and the Planning Board.

ARTICLE 20: Voted to take from free cash the sum of \$15,000 to purchase an **accounting software** package that will upgrade and expedite workloads for several departments.

Article 21 was amended from the floor and voted as follows:

ARTICLE 21: Voted to purchase a new six-wheel dump truck with multi-purpose body and snowplow for a sum not to exceed \$130,000.00, funds to be appropriated as follows: (i) \$30,000 from the Town's Capital Expenditures account; (ii) any amount received by the town upon trade-in or sale of the existing ten-wheel dump truck; and (iii) the balance of the purchase price, if any, to be paid from the Town's Chapter 90 funds.

The Moderator declared a two-thirds majority on a voice vote.

ARTICLE 22: Failed. Voted NOT to provide the sum of \$26,000 to purchase a new tractor with a **snow-blower** attachment to enable Highway Department personnel to clear snow from public sidewalks.

ARTICLE 23: Voted to appropriate from Ambulance Revolving Account the sum of \$4,100 to pay for **ambulance equipment** in the form of a vital signs monitor

ARTICLE 24: Voted to appropriate from free cash the sum of \$970.00 to purchase new **recreation equipment** for the Town ball field and basketball court.

ARTICLE 25: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. To appropriate \$4,000 from Community Preservation Historical Reserve (FY2005) for Restoration of headstones at historical Pine Grove and Howland Cemeteries
- B. To appropriate \$10,562 from Fund Balance for Old Boyden School House Interior Restoration
- C. To appropriate \$4,000 from Annual Revenues (FY2007) for Administration of the Community Preservation Committee

To provide required Reserves from FY2006 Annual Revenues

- D. \$9,000 to the Community Preservation Open Space Reserve
- \$9,000 to the Community Preservation Historical Reserve
- \$9,000 to the Community Preservation Community Housing Reserve

To provide required Reserves from FY2007 Annual Revenues

- E. \$9,000 to the Community Preservation Open Space Reserve
- \$9,000 to the Community Preservation Historical Reserve
- \$9,000 to the Community Preservation Community Housing Reserve

Each item (A,B,C,D) above was considered and passed individually

ARTICLE 26: Unanimously voted to approve the expansion of the size of the **Board of Health** from three (3) members to five (5) members, pursuant to M.G.L. Chapter 41, Section 2 that increases or decreases the number of officers or Board members, and to allow for a vote of such new members at town election. Terms for the first new member shall run for 2 years, and 3 years for the second additional member with each subsequent term lasting for 3 years each thereafter.

ARTICLE 27: Unanimously voted to establish a **Housing Committee** whose primary responsibility will be to study, assess and potentially establish affordable and / or elderly housing within the town, to be appointed by the Town Moderator.

ARTICLE 28: Voted to approve the study and assessment of a **district sewer system** that would be capable of servicing small segments of Town, independent of other systems.

ARTICLE 29: Voted to direct the Town Historical Commission to pursue opening the **Burkeville Covered Bridge** to regular passenger-vehicle traffic.

ARTICLE 30: Voted to accept and adopt the principles and policies of the **National Management Systems (NIMS)**, and formally recognize this system as the local standard for incident management, and as such, adopt the Incident Command System as the Town's official incident response system.

ARTICLE 31: Voted to pass over article that would direct the Selectmen to layout Fields Hill and Poplar Hill Roads that were recently discontinued by Judge Green's decision in the Town of Conway.

AT 11:30 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 13, 2006, at the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to act on the following as provided in the by-laws: To bring in votes for one Selectman for three years, one Assessor for three years, one Board of Health Member for three years, two Members of the Local School Committee for three years, one Auditor for one year, and one Moderator for one year.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

ANNUAL TOWN MEETING 09 April 2007

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 209 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Sydney Ramey and Peg Tiley served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2008	VOTE
114	MODERATOR	\$300.00	Passed Unanimously
122	SELECTMEN	\$6,050.00	Passed Unanimously
130	FINANCE COMMITTEE	\$850.00	Passed Unanimously
132	RESERVE FUND	\$10,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$18,059.00	Passed Unanimously
136	AUDITOR	\$50.00	Passed Unanimously
141	ASSESSORS	\$40,300.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$58,565.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$8,000.00	Passed Unanimously
159	TOWN OFFICE	\$33,497.00	Passed Unanimously
161	TOWN CLERK	\$17,620.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$3,700.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$1,135.00	Passed Unanimously
175	PLANNING BOARD	\$4,850.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$200.00	Passed Unanimously
190	CONTINGENCY FUND	\$6,000.00	Passed Unanimously
191	SALARY ADJUSTMENTS	\$0.00	Passed Unanimously
192	TOWN HALL	\$14,508.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$11,567.00	Passed Unanimously
195	TOWN REPORTS	\$2,500.00	Passed Unanimously
197	FOURNIER BUILDING	\$1,000.00	Passed Unanimously
210	POLICE DEPARTMENT	\$86,425.00	Passed Unanimously
212	DOG/ANIMAL CONTROL	\$600.00	Passed Unanimously
215	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
220	FIRE DEPARTMENT	\$32,054.00	Passed Unanimously
221	FIREMEN'S BLDG HEATING	\$1,000.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,412,180.00	Passed
300B	GRAM SCH TRANSPORTATION	\$62,517.00	Passed
300C	GRAM SCH FIXED ASSETS	\$0.00	Passed
300	CONWAY GRAM SCHOOL TOTAL	\$1,474,697.00	
400	HIGHWAY DEPARTMENT	\$422,188.00	Passed Unanimously
424	STREET LIGHTS	\$6,800.00	Passed Unanimously
510	BOARD OF HEALTH	\$159,003.00	Passed Unanimously
541	COUNCIL ON AGING	\$800.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$4,700.00	Passed Unanimously
610	FIELD MEMORIAL LIBRARY	\$1,577.00	Passed Unanimously
630	RECREATION COMMISSION	\$1,025.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$6,000.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$650.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$205,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$22,841.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE. BOND	\$116,663.00	Passed Unanimously
830	FRKLN REG. COUNCIL OF GOV.	\$59,199.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$103,073.00	Passed
892	FRONTIER REGIONAL SCHOOL	\$826,686.00	Passed
913	UNEMPLOYMENT COMPENSATION	\$8,800.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$246,000.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$650.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$22,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	\$0.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$90,324.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	TOTALS	\$4,185,106.00	

ARTICLE 3: Voted to take from free cash the sum of \$15,000 to cover the costs of the FY2008 triennial **reevaluation** of real and personal property by the Board of Assessors.

ARTICLE 4: Voted to take from free cash the sum of \$9,613.50 (the Town's Share of a total \$65,000 appropriation) for installation of new windows and doors, and making other necessary repairs to the **school central office building**.

ARTICLE 5: Voted to appropriate from free cash the sum of \$22,000 to fund a shortfall in the town's FY2007 **General Liability Insurance** account. *Moderator declared a 4/5ths majority on a voice vote.*

ARTICLE 6: Voted to accept and expend \$164,751 in accordance with **Chapter 291-C**, these funds to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34.

ARTICLE 7: Voted to accept and expend \$75,691 in accordance with **Chapter 122**, these funds to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34.

ARTICLE 8: Unanimously voted to withdraw from the **County Dog Program** but continue to participate in the Franklin Regional Council of Governments' (FRCOG) bid process for dog tags and licenses, which would include reimbursements to the FRCOG for said bid process and allow Conway to establish and retain fees collected.

ARTICLE 9: Voted to appropriate from free cash the sum of \$10,000 to complete the final phase of the master planning process and draft the **Master Plan**. *Vote by hand count was 109 yes and 70 no.*

Voted to consider Article 24 out of order.

ARTICLE 24: Approve the creation of an **Open Space Committee** with duties as follows:

- 1) develop and present proposals for conserving specific properties to the Community Preservation Committee,
- 2) Update and maintain the Town's Open Space Plan,
- 3) Propose priorities for the preservation of open space,
- 4) Work with citizens, town groups and committees and organizations, and regional groups as appropriate to achieve conservation objectives.

Said committee shall consist of five to seven members appointed for staggered terms by the Selectboard.

ARTICLE 10: Voted to appropriate from free cash the sum of \$7,500 for the purpose of a site and feasibility study to develop plans for **use of open space** located on Shelburne Falls Road, Map 102, Lots 44 and 49.

ARTICLE 11: Unanimously voted to appropriate from free cash the sum of \$5,000 to purchase a **Criminal Justice Information System** (CJIS) terminal for the Police Department that will connect Conway to the State computer identification system and assist local authorities through increased automation.

ARTICLE 12: Unanimously voted to appropriate from free cash the sum of \$6,000 to purchase **uniform firearms** for all members of the Police Department to alleviate the use of private equipment.

ARTICLE 13: Unanimously voted to appropriate the sum of \$30,000.00 from the capital expenditures account and \$35,000.00 from free cash (total of \$65,000) to purchase a 4x4 **plow/sander truck** for use by the Highway Department, which shall replace a currently inoperable vehicle. *This article failed on its first consideration, was reconsidered after article 14 and the new vote was declared unanimous by the Moderator.*

ARTICLE 14: Voted to appropriate from free cash the sum of \$30,000 to purchase a 1-Ton 4x4 **pickup truck** for use by the Highway Department, which shall include the trade-in value of the vehicle being replaced. *Moderator declared a 2/3rds majority on a voice vote.*

ARTICLE 15: Unanimously voted to appropriate from free cash the sum of \$4,000 to **repair the Town Hall** roof and cupola, as well as install new lighting and computer circuits for the Town Assessor's office.

ARTICLE 16: Voted to transfer from free cash the sum of \$125,000 to the town's General **Stabilization Fund** Account to develop assets for the design and construction of a new Town Garage.

ARTICLE 17: Unanimously voted to appropriate from free cash the sum of \$7,500 for the purpose of a feasibility study to determine the suitability of potential sites for the construction or rehabilitation of **elderly affordable housing** in Conway.

ARTICLE 18: Unanimously voted to authorize continued use of the **ambulance revolving account**, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, expenditures for the sum of \$13,198 for FY2008.

ARTICLE 19: Unanimously voted to appropriate from free cash the sum of \$6,000 to provide **15 new pagers** required by the Fire and Ambulance Departments.

ARTICLE 20: Unanimously voted to appropriate from free cash the sum of \$5,000 for the Conway Fire Department to erect a "**dry hydrant**" for fire protection at the junction of the South River and Poland Brook on the property of Josephine Burnett. The said hydrant is to extend from the river to the edge of North Poland Road so that is accessible in the winter months.

ARTICLE 21: Voted to table the article regarding the amendment of the **Common Driveway Bylaw**. Article submitted by petition without required hearings.

ARTICLE 22: Voted not to accept the resolution regarding **genetically engineered (GE) crops**. *Vote by hand count was 46 YES and 81 NO.*

ARTICLE 23: Unanimously voted to establish an **Agricultural Commission** to represent the Conway commercial farming and agricultural community, as well as other farming and forestry activities, and who's membership will consist of five (5) members to be appointed by the Selectboard.

ARTICLE 24: *Considered out of order following article 9.*

ARTICLE 25: Unanimously voted to authorize the Selectmen to **release** the Town’s interest in the **Agricultural Preservation Restriction** dated December 21, 2001, recorded at Book 3918, Page 148, and to **accept** from Ann H. Borton, Trustee, a **Conservation Restriction** on two parcels on Main Poland Road, to be held by the Franklin Land Trust, Inc., and the Town of Conway, through its Conservation Commission.

ARTICLE 26: Unanimously voted to accept a **permanent easement** conveyed from the deed of George Bluh at 228 Matthews Road, Book 2858, page 29, for the purpose of the drainage of storm water outfall from existing and proposed culverts.

ARTICLE 27: Unanimously voted to accept the provisions of Section 18 of Chapter 32B of the Massachusetts General Laws, “Transfer of Retirees, Spouses and Dependents Enrolled in Medicare Part A to Medicare Extension Plan”; there under, all retirees, their spouses and dependents insured or eligible to be insured shall be required to transfer to a **Medicare extension plan**.

ARTICLE 28: Unanimously voted to adopt M.G.L. Chapter 41, Section 55, with respect to the **Town Accountant’s position** and the relation to appointment, tenure, powers and duties, and to perform and possess the powers of Town Auditor pursuant to M.G.L. Chapter 41, Sections 50 through 53.

ARTICLE 29: Unanimously voted to authorize the Board of Health and the Selectboard to enter into an Inter Municipal **Mutual Aid Agreement** between Conway and various other governmental units to provide public health, public works, and general government administration services which Conway’s Board of Health, Highway Department and other town administrative bodies are authorized to perform in accordance with said agreement.

ARTICLE 30: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. Voted to Appropriate \$7,500 from Community Preservation Historical Reserve (FY2006) for Restoration by Tree and Limb Removal at historical Pine Grove and Howland Cemeteries
- B. Unanimously voted to Appropriate \$4,000 from Annual Revenues (FY2008) for Administration of the Community Preservation Committee

Unanimously voted to provide required Reserves from FY2008 Annual Revenues

- C. \$9,900 to the Community Preservation Open Space Reserve
\$9,900 to the Community Preservation Historical Reserve
\$9,900 to the Community Preservation Community Housing Reserve

AT 11:18 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 12, 2007, at the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to act on the following as provided in the by-laws: to bring in their votes for one Selectman for three years; one Assessor for three years; one member, Board of Health for three years; one member, Board of Health for two years; one member, Board of Health for one year; one member, Local School Committee for three years; one member, Frontier Regional School District Committee for three years; one Town Clerk for three years; one Auditor for one year; and one Moderator for one year; and three town Constables for three years.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Annual Town Meeting
14 April 2008

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 200 voters were checked at the door and issued pink cards for the purpose of voting. Lorraine Boyden, Winnie Corse and Peg Tiley served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2009	VOTE
114	MODERATOR	\$300.00	Passed Unanimously
122	SELECTMEN	\$6,200.00	Passed Unanimously
130	FINANCE COMMITTEE	\$500.00	Passed Unanimously
132	RESERVE FUND	\$15,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$18,282.00	Passed Unanimously
141	ASSESSORS	\$42,325.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$60,555.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$10,000.00	Passed Unanimously
159	TOWN OFFICE	\$35,649.00	Passed Unanimously
161	TOWN CLERK	\$18,463.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$7,080.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$1,535.00	Passed Unanimously
175	PLANNING BOARD	\$4,850.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$200.00	Passed Unanimously
190	CONTINGENT	\$6,000.00	Passed Unanimously
191	SALARY ADJUSTMENTS	\$10,000.00	Passed Unanimously
192	TOWN HALL	\$21,876.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$15,750.00	Passed Unanimously
196	EMERGENCY MGMT DIR	\$5,000.00	Passed Unanimously
195	TOWN REPORTS	\$2,700.00	Passed Unanimously
197	FOURNIER BUILDING	\$1,000.00	Passed Unanimously
210	POLICE DEPARTMENT	\$94,236.00	Passed Unanimously
220	FIRE DEPARTMENT	\$35,003.00	Passed Unanimously
221	FIREMEN'S BLDG HEATING	\$3,000.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
292	DOG/ANIMAL CONTROL	\$600.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,460,953.00	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$64,169.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$0.00	Passed Unanimously
300	CONWAY GRAM SCHOOL TOTAL	\$1,525,122.00	
400	HIGHWAY DEPARTMENT	\$470,785.00	Passed Unanimously
424	STREET LIGHTS	\$5,900.00	Passed Unanimously
510	BOARD OF HEALTH	\$159,003.00	Passed Unanimously
541	COUNCIL ON AGING	\$500.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$5,000.00	Passed Unanimously
610	FIELD MEMORIAL LIBRARY	\$1,601.00	Passed Unanimously
630	RECREATION COMMISSION	\$1,500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$6,000.00	Passed Unanimously
692	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$200.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$200,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$16,310.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE BOND	\$96,300.00	Passed Unanimously
830	FRANKLIN REG. COUNCIL OF GOV.	\$57,742.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$127,818.00	Passed Unanimously
892	FRONTIER REGIONAL SCHOOL	\$882,167.00	Passed
913	UNEMPLOYMENT COMPENSATION	\$6,100.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$281,400.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$650.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$23,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	\$0.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$72,395.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	Grand Totals:	\$4,403,197.00	

Annual Town Meeting, 14 April 2008 – page 2

ARTICLE 3: Unanimously voted that the Town accept and expend any and all monies apportioned to contract #50772 from FY2008 to FY2017, to be expended in anticipation of reimbursement from the State under the provisions of M.G.L. Chapter 90, Section 34-**Appropriation of Highway Funds**.

ARTICLE 4: Voted that the Town appropriate from free cash the sum of \$8,990 (the last payment of the Town's share of a total \$65,000 appropriation) for installation of new windows and doors, and making other necessary repairs to the **School Central Office Building**.

ARTICLE 5: Unanimously voted that the Town appropriate from Overlay surplus the sum of \$15,000 to fund the FY2008 Town Hall and Town Office deficits caused by the increased cost of and expanded use of **Electricity and Heating** in the Town Hall, Town Office, *Highway and Firemen's* buildings.

Note: wording for "Highway and Firemen's" unanimously voted as amendment. 9/10 vote required for passage. Moderator declared unanimous.

ARTICLE 6: Unanimously voted that the Town appropriate from Overlay surplus the sum of \$70,000 to fund the FY2008 Winter Roads deficit caused by the extended use of town equipment and Highway Department personnel due to **Unforeseen Weather Conditions** during this past winter.

Note: 9/10 vote required for passage. Moderator declared unanimous.

Voted to consider Article 33 out of order.

ARTICLE 33: Failed - Voted not to support the Selectboard in negotiations regarding the purchase of the **Mallary Property (Germain's garage)** located at 33 Main Street.

Voted to consider Articles 35 and 36 out of order.

ARTICLE 35: Unanimously voted that the Town allow the **Franklin County Tech School to establish a stabilization fund** in accordance with M.G.L. Chapter 71, Section 16 G1/2.

ARTICLE 36: Unanimously voted that the Town allow the **Franklin County Tech School to transfer funds** from the school district's Capital Assessment Fund to its stabilization fund, in accordance with M.G.L. Chapter 71, Section 16 G1/2, for the purpose of remodeling and making extraordinary repairs the school district's facilities and grounds.

ARTICLE 7: Voted that the Town appropriate from free cash the sum of \$10,330 and authorize selectmen to enter into a 5-year lease to own agreement for the sum of \$21,900 per year for five (5) years, subject to annual reimbursement from New England Utilities of \$19,834 for an 'Over the Fence' **4x4 Tractor Mower** as part of an inter-municipal program.

Voted to consider Article 19 out of order.

ARTICLE 19: Unanimously voted that the Town establish a five (5) member **Capital Improvements Planning Committee** to be appointed by the Selectboard, to include one (1) member of the Finance Committee, one (1) member of the Selectboard, and three (3) members at large who will study all capital projects and improvements for the purpose of long-range financial planning, and who will develop a multi-year plan for capital improvements, which will be updated annually, approved by the Selectboard, and reported at each annual Town Meeting.

ARTICLE 8: Voted that the Town appropriate from free cash the sum of \$50,000 and from the FY2008 capital account the sum of \$30,000, a total of \$80,000, toward the future purchase of a **Tanker Fire Truck** to replace the existing 1984 Tanker.

ARTICLE 9: Voted to pass over the article requesting that the Town appropriate from free cash the sum of \$50,000 to purchase a used **4x4 Backhoe**.

ARTICLE 10: Unanimously voted that the Town appropriate from the Road Machinery earnings account the sum of \$4,100 for the purchase of a 10 foot **One-way Reversible Snow Plow**.

ARTICLE 11: Unanimously voted that the Town appropriate from the Road Machinery earnings account the sum of \$7,800 for the purchase of a 11 foot Vortex Reversible **Half Butterfly Snow Plow**.

ARTICLE 12: Voted that the Town appropriate from free cash the sum of \$9,900 to purchase a municipal payroll and personnel **Software Package** that is compatible with the current software used by the Treasurer's Office.

ARTICLE 13: Voted that the Town appropriate from free cash the additional sum of \$10,000 for the purpose of a site and **Design Study** to develop plans for the construction of a new highway facility.

ARTICLE 14: Voted to pass over the article requesting that the Town appropriate from free cash the sum of \$10,000 to convert the current cornfield (formerly the Rose Property), located on Shelburne Falls Road, into an area of turf for the purpose of establishing a **Park with Playing Fields**.

Annual Town Meeting, 14 April 2008 – page 3

ARTICLE 15: Voted to **pass over** the article requesting that the Town appropriate from free cash the sum of \$10,000 to construct a **Driveway and Parking Area** for the town field (formerly the Rose Property) located on Shelburne Falls Road.

ARTICLE 16: Voted to **pass over** the article requesting that the Town appropriate from free cash the sum of \$10,000 for the construction of a **Riverside Trail** within the town field (formerly the Rose Property) located on Shelburne Falls Road.

Voted to consider Article 20 out of order.

ARTICLE 20: Voted to **pass over** the article requesting that the Town authorize the Selectboard to establish a **Town Community Garden** at the new town field located on Shelburne Falls Road (formerly the Rose Property).

ARTICLE 17: Voted that the Town establish a 5 member **Planning Board** in accordance with M.G.L. Chapter 41, Section 81A, to include the Selectboard and two (2) additional members and the Town shall not at this time enact sub-division regulations as part of the creation of this body as outlined in M.G.L. Chapter 41, Section 81N. The two new members will be elected at town election and terms for the first new member shall run for 2 years, and 3 years for the second additional member with each subsequent term lasting for 3 years each thereafter.

ARTICLE 18: Voted that the Town ratify all **Previous Votes of the Selectboard**, acting as the Conway Planning Board, or those votes by Town Meeting directing the Selectboard to act as the defacto Conway Planning Board.

ARTICLE 19: *Considered out of order following article 7*

ARTICLE 20: *Considered out of order following article 16*

Voted to consider Article 30 out of order.

ARTICLE 30: **Failed** - Voted **not to** amend the Conway Protective Bylaws by adding a new sub-section to **Article 3, Section 32** pertaining to snow removal from municipal sidewalks.

ARTICLE 21: Voted to **pass over** the article requesting that the Town amend the Town of Conway Protective Bylaws, Article 4, Section 41, specifically pertaining to the **Common Driveway Bylaw**.

ARTICLE 22: Unanimously voted that the Town appropriate from free cash the sum of \$3,200 for the maintenance and care of the two **Town Commons** and uptown garden created by the Streetscape Project, located at the Town Library, the Town Hall and at Maple Street along Main Street in Conway.

ARTICLE 23: Unanimously voted that the Town appropriate from free cash the sum of \$500 to be used by the **Cable/Broadband Committee** for expenses associated with the re-negotiation of the Town's cable contract.

ARTICLE 24: Unanimously voted that the Town authorize the continued use of the **Ambulance Revolving Account**, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, and authorize the expenditure of the sum of \$17,391 for FY2009.

ARTICLE 25: Voted that the Town appropriate the sum of \$18,423 from the Ambulance Revolving Account to purchase AmbuPro **EMS Software** to be used by the Ambulance Department.

ARTICLE 26: Unanimously voted that the Town appropriate from free cash the sum of \$3,125 for the purchase and installation of **Imaging Software** to be used by the Police Department.

ARTICLE 27: Voted that the Town appropriate from free cash the sum of \$9,000 for **New Carpeting and Plumbing Fixtures** in the Town Office.

ARTICLE 28: Voted that the Town appropriate from Overlay surplus the sum on \$5,000 to be set aside toward the triennial **FY2011 Property Revaluation** budget.

ARTICLE 29: Voted to change the existing age to 65 years, income to \$18,000 single or \$25,000 married and asset limits \$40,000 single or \$55,000 married for a resident property owner to qualify for a **Clause 41C Exemption** on their property tax assessment in accordance with M.G.L. Chapter 59, Section 5.

ARTICLE 30: *Considered after article 18.*

ARTICLE 31: Unanimously voted that the Town accept the provisions of M.G.L. **Chapter 40, Section 57**, that allows the Town of Conway to “revoke or suspend a building permit, or any local license or permit....for any person, corporation or business enterprise who has neglected or refused to pay any local taxes...”; that will provide the Tax Collector a means of recourse should these actions be necessary.

ARTICLE 32: Voted to approve the following **Resolution**:

Whereas we the residents of the Town of Conway live in close proximity to the Vermont Yankee Nuclear Power Plant, and whereas said facility contains radioactive material which, if released could endanger our lives, the value of our property, and the habitability of Conway, we resolve to instruct The Selectboard to write and mail letters to The Governor and Attorney General of The Commonwealth urging them to work with their colleagues in The State of Vermont to insist that the issue of vulnerability to sabotage at this facility be considered and addressed as a necessary condition of finalizing the re-licensing process.

Annual Town Meeting, 14 April 2008 – page 4

ARTICLE 33: *Considered out of order between article 6 and 7*

ARTICLE 34: Unanimously voted to accept a **Permanent Easement** conveyed from the deed of Josephine Burnett of 40-42 North Poland Road, Book 1274, page 478, for the purpose of installation of a 'dry hydrant' as a means of providing additional fire protection/prevention for the Western Region of Conway.

ARTICLE 35: *Considered out of order between article 6 and 7*

ARTICLE 36: *Considered out of order between article 6 and 7*

ARTICLE 37: Voted that the Town appropriate or reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee and set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. Voted to appropriate \$2,500 from Annual Revenues (FY2009) for Historic District Marker Signs in the center of Conway.
- B. Voted to appropriate \$4,000 from Annual Revenues (FY2009) for Administration of the Community Preservation Committee

Unanimously voted to **provide required Reserves from FY2009 Annual Revenues** as follows:

- C. \$7,700 to the Community Preservation Open Space Reserve
\$5,200 to the Community Preservation Historical Reserve
\$7,700 to the Community Preservation Community Housing Reserve
\$52,320 to the Community Preservation Community Budgeted Reserve

AT 11:35 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 17, 2008, at the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to act on the following as provided in the by-laws: to bring in their votes for one Selectman for three years; one Assessor for three years; two members, Board of Health for three years; two members, Local School Committee for three years; one Moderator for one year; and one Tree Warden three years.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Annual Town Meeting 13 April 2009

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 192 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Winnie Corse and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2010	VOTE
114	MODERATOR	\$300.00	Passed Unanimously
122	SELECTMEN	\$6,500.00	Passed Unanimously
130	FINANCE COMMITTEE	\$500.00	Passed Unanimously
132	RESERVE FUND	\$15,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$21,241.00	Passed Unanimously
141	ASSESSORS	\$41,118.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$60,078.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$10,000.00	Passed Unanimously
159	TOWN OFFICE	\$35,354.00	Passed Unanimously
161	TOWN CLERK	\$18,872.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$3,400.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$1,500.00	Passed Unanimously
175	PLANNING BOARD	\$950.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$175.00	Passed Unanimously
190	CONTINGENT	\$6,000.00	Passed Unanimously
191	SALARY ADJUSTMENTS	0.00	Passed Unanimously
192	TOWN HALL	\$22,108.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$15,440.00	Passed Unanimously
195	TOWN REPORT	\$3,000.00	Passed Unanimously
197	FOURNIER BUILDING	\$1,000.00	Passed Unanimously
210	POLICE DEPARTMENT	\$100,174.00	Passed Unanimously
220	FIRE DEPARTMENT	\$39,379.00	Passed Unanimously
221	FIREMEN'S BLDG HEATING	\$3,000.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
291	EMERGENCY MGMT DIR	\$5,000.00	Passed Unanimously
292	DOG WARDEN	\$600.00	Passed Unanimously
294	TREE WARDEN	\$275.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,450,550.00	
300B	GRAM SCH TRANSPORTATION	\$75,212.00	
300C	GRAM SCH FIXED ASSETS	\$0.00	
300	CONWAY GRAM SCHOOL TOTAL	\$1,525,762.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$487,596.00	Passed Unanimously
424	STREET LIGHTS	\$5,900.00	Passed Unanimously
510	BOARD OF HEALTH	\$159,003.00	Passed Unanimously
541	COUNCIL ON AGING	\$500.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$500.00	Passed Unanimously
543	VETERANS SERVICE	\$5,400.00	Passed Unanimously
610	FIELD MEMORIAL LIBRARY	0	(see article # 4)
630	PARKS, RECREATION AND TRAILS COM	\$2,500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$6,000.00	Passed Unanimously
692	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$300.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$195,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$9,795.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE BOND	\$67,250.00	Passed Unanimously
830	FRANKLIN REG. COUNCIL OF GOV.	\$56,604.00	Passed Unanimously
891	FRANKLIN COUNTY TECH	\$139,519.00	Passed Unanimously
892	FRONTIER REGIONAL SCHOOL	\$880,221.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$9,290.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$330,324.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$1,700.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$23,000.00	Passed Unanimously
918	SOCIAL SECURITY TAX RETIREMENT	0.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$72,428.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$30,000.00	Passed Unanimously
	Grand Totals:	\$4,436,656.00	

Annual Town Meeting, 13 April 2009 – page 2

ARTICLE 3: Unanimously voted to appropriate from Overlay Surplus the sum of \$6,000 to be set aside toward the triennial FY2011 **Property Revaluation** budget.

ARTICLE 4: Unanimously voted to appropriate from free cash the sum of \$1,625.00, to provide funding for **Local Library** operations and expenses.

ARTICLE 5: Voted to appropriate from overlay surplus the sum of \$21,675.00 to cover **State Shortfall**.

ARTICLE 6: Voted to appropriate from free cash the sum of \$40,000.00 for the **Study Phase** required to remediate ice dam-created leaks at the Conway Grammar School, and also to provide temporary repairs to the existing structure.

ARTICLE 7: Unanimously voted to appropriate from the School Roof Settlement account to provide a sum not to exceed \$94,665.00 for the **Design and Construction Phase** required to remediate ice dam-created leaks at the Conway Grammar School.

ARTICLE 8: Voted to appropriate from free cash the sum of \$31,500.00, to provide funding for the paving and repair of the road surface from the beginning of the **Conway Grammar School Access Road** (Fournier Road) at Route 116 to the school entrance.

ARTICLE 9: Vote to strike the article.

ARTICLE 10: Vote to strike the article.

ARTICLE 11: Voted to authorize the Select Board to request an **Energy Audit** from the Siemens Corporation for all town buildings including the Grammar School. The cost of this audit to be funded from free cash and not to exceed \$4,000.00 for Town buildings survey.

ARTICLE 12: Voted to consider the article after Article 16.

ARTICLE 13: Voted to appropriate from free cash the sum of \$11,000.00 for the purchase of an **Emergency Backup Generator** and associated equipment.

ARTICLE 14: Voted to appropriate from free cash a sum not to exceed \$3,000.00 to update the current **Office Telephone System** for efficient use at the all town offices.

ARTICLE 15: Voted to appropriate from free cash the sum of \$1,564.00 to purchase **Office Equipment** including an automated mailing system, envelop sealer and scanner to assist in streamlining the work of the Treasurer's Office.

ARTICLE 16: Voted to **Establish a Capital Stabilization Fund** account, per M.G.L. Chapter 40, Section 5B for the purpose of making capital purchases.

ARTICLE 12: Voted to appropriate from free cash the sum of \$50,000.00 and to transfer from the FY2009 Capital Expenditures Fund account the sum of \$30,000.00 for a total of \$80,000.00 towards the future purchase of a **Tanker Fire Truck** to replace the existing 1984 tanker, which includes a trade in for old equipment.

ARTICLE 17: Unanimously voted to transfer from free cash the sum of \$100,000.00 to the town's **Capital Stabilization Fund** Account to provide for future capital expenditures.

ARTICLE 18: Unanimously voted to **Establish a Town Garage Stabilization Fund** account, per M.G.L. Chapter 40, Section 5B for the purpose of funding a new Town garage.

ARTICLE 19: Voted to take from free cash the sum of \$150,000.00 for the **Town Garage Stabilization Fund** Account, and to transfer \$125,000.00 from the General Stabilization Fund to develop assets for the design and construction of a new Town Garage. *Moderator declared a 2/3 majority vote on a hand count.*

ARTICLE 20: Unanimously voted to appropriate from overlay surplus the sum of \$750.00, to provide funding for the purchase of **GASB-45 Software** that will analyze and report post-employment benefits as mandated by the State of Massachusetts.

ARTICLE 21: Voted to increase the written demand fee for **Overdue Tax Payments** from \$5.00 to \$20.00 per demand to provide a further tool for timely collection of tax revenues.

ARTICLE 22: Voted to appropriate from free cash the sum of \$8,500.00 for the purpose of pursuing **Tax Lien Foreclosures** in land court and any expenses incurred thereafter.

ARTICLE 23: Unanimously voted to establish a **Dog License Revolving Account** for FY2010, per M.G.L. Chapter 44, Section 53E ½ to authorize expenditures to defray its ordinary operating expenses, and those of the Dog Warden/Officer through receipts received for dog licenses, with receipts greater than \$600.00 to be transferred to the General Fund.

ARTICLE 24: Unanimously voted to establish a **County Inspection Program Revolving Account** for FY2010, per M.G.L. Chapter 44, Section 53E ½, to authorize expenditures no greater than \$30,000.00 to defray the cost of annual program assessments and those of the Building Inspector through receipts received for building permits.

Annual Town Meeting, 13 April 2009 – page 3

ARTICLE 25: Unanimously voted to authorize expenditures from the **Ambulance Revolving Account**, per M.G.L. Chapter 44, Section 53E ½ to defray its ordinary operating expenses and for maintenance of equipment of the Ambulance Department through receipts received for ambulance services, expenditures for the sum of \$25,968 for FY2010.

ARTICLE 26: Failed - Voted **not to** establish a new position of **Ambulance Director** with an annual salary of \$15,637.00 funded from the Ambulance Revolving Account

ARTICLE 27: Voted to **Establish a Ambulance Stabilization Fund** for FY2010, per M.G.L. Chapter 40, Section 5B for the purpose of making capital purchases.

ARTICLE 28: Unanimously voted to transfer from the Ambulance Revolving Account the sum of \$70,000.00 to the Ambulance Stabilization Fund towards the **Purchase a Town Ambulance** and the sum of \$30,000.00 to receipts reserved for appropriation (Ch. 40, § 5F).

ARTICLE 29: Voted to pass over article requesting broadcast of all **Selectboard Meetings** on the Town's cable channel.

ARTICLE 30: Unanimously voted to establish a **Personnel Committee** of six (6) members comprised of the following: one (1) Conway resident, appointed by the Selectboard, three (3) Conway residents appointed by the Town Moderator, one (1) Finance Committee member appointed by the Finance Committee and the Town's Administrative Assistant as a non-voting member to serve until the Annual Town Meeting of 2010, or longer if a Personnel Committee Bylaw is not passed by the voters. The Committee's initial responsibility will be to write a Personnel Committee Bylaw to be presented to voters at the Annual Town Meeting in 2010, if not sooner. The Bylaw should define the committee's permanent composition, as well as the role and responsibilities of the Personnel Committee in areas of personnel matters for the Town of Conway, which may or may not include and are not necessarily limited to the following: Personnel policies, Job descriptions, Job classifications, Performance evaluations, Wages, salaries and benefits, Employee discipline and termination.

ARTICLE 31: Voted to appropriate from free cash the sum of \$20,000.00 for the purchase and installation of a new **Town Field Playscape and Swingset**.

ARTICLE 32: Unanimously voted to appropriate from free cash the sum of \$7,500.00 for the construction of a park storage and **Concession Building** using labor from the Franklin County Technical School.
(by petition) - No Recommendation

ARTICLE 33: Vote to pass over amendment to the Town of Conway Protective Bylaws, Article 4, Section 41, specifically pertaining to the **Common Driveway Bylaw**.

ARTICLE 34: Unanimously voted to appropriate or to reserve for later appropriation monies from the Community Preservation Fund as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. To Appropriate \$1,200 from Annual Revenues (FY2010) for Preservation of Historic Assessor Records
- B. To Appropriate \$3,400 from Annual Revenues (FY2010) for Administration of the Community Preservation Committee

To provide Reserves from FY2010 Annual Revenues

- C. \$6,800 to the Community Preservation Open Space Reserve
- \$5,600 to the Community Preservation Historical Reserve
- \$6,800 to the Community Preservation Community Housing Reserve
- \$44,475 to the Community Preservation Budgeted Reserve

AT 11:10 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting as directed in the warrant and reconvene on Thursday, April 16, 2009, at the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to act on the following as provided in the by-laws: to bring in their votes for one Selectman for three years; one Assessor for three years; two members, Board of Health for three years; two members, Local School Committee for three years; one member Frontier Regional School District Committee for one year; one member Planning Board for three years; one member Planning Board for two years, and one Moderator for one year. The Town will also vote 'yes' or 'no' whether to cease assessing the excise imposed under M.G.L. Chapter 59, Section 8A on certain animals, machinery and equipment owned by individuals and non-corporate entities principally engaged in agriculture.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

ANNUAL TOWN MEETING 12 APRIL 2010

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 240 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Winnie Corse and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2010	VOTE
114	MODERATOR	\$350.00	Passed Unanimously
122	SELECTMEN	\$9,500.00	Passed Unanimously
130	FINANCE COMMITTEE	\$500.00	Passed Unanimously
132	RESERVE FUND	\$30,000.00	Passed Unanimously
134	TOWN AUDIT	\$13,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$16,849.00	Passed Unanimously
141	ASSESSORS	\$41,153.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$62,899.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$7,500.00	Passed Unanimously
152	PERSONNEL COMMITTEE	\$200.00	Passed Unanimously
155	TECHNOLOGY SERVICES	\$5,000.00	Passed Unanimously
159	TOWN OFFICE	\$37,980.00	Passed Unanimously
161	TOWN CLERK	\$19,220.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$6,895.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	\$1,400.00	Passed Unanimously
175	PLANNING BOARD	\$550.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$175.00	Passed Unanimously
190	CONTINGENCY	\$0.00	Passed Unanimously
192	TOWN HALL	\$24,925.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$16,225.00	Passed Unanimously
195	TOWN REPORT	\$2,600.00	Passed Unanimously
197	FOURNIER BUILDING	\$0.00	Passed Unanimously
210	POLICE DEPARTMENT	\$102,018.00	Passed Unanimously
220	FIRE DEPARTMENT	\$41,287.00	Passed Unanimously
221	FIREMEN'S BLDG HEATING	\$3,000.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
291	EMERGENCY MGMT DIR	\$3,500.00	Passed Unanimously
292	DOG WARDEN	\$650.00	Passed Unanimously
294	TREE WARDEN	\$2,375.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,485,464.00	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$57,080.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$0.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$317,305.00	Passed Unanimously
423	WINTER ROADS – HIGHWAY	\$170,203.00	Passed Unanimously
424	STREET LIGHTS	\$6,000.00	Passed Unanimously
510	BOARD OF HEALTH	\$158,369.00	Passed Unanimously
541	COUNCIL ON AGING	\$500.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$200.00	Passed Unanimously
543	VETERANS SERVICE	\$5,141.00	Passed Unanimously
630	PARKS, RECREATION AND TRAILS COM	\$2,500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$5,000.00	Passed Unanimously
692	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$250.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$180,000.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$3,240.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE BOND	\$49,508.00	Passed Unanimously
820	FRANKLIN COUNTY RETIREMENT	\$119,340.00	Passed Unanimously
830	FRANKLIN REG. COUNCIL OF GOV.	\$57,184.00	Passed Unanimously
891	TECHNICAL SCHOOLS	\$153,193.00	Passed Unanimously
892A	FRONTIER REGIONAL SCHOOL OPER.	\$807,831.00	Passed Unanimously
892B	FRONTIER REGIONAL SCHOOL TRANS.	\$20,895.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$9,570.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$297,824.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$1,800.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$25,000.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$72,428.00	Passed Unanimously
930	CAPITAL EXPENDITURES	\$0.00	Passed Unanimously
	Grand Totals:	\$4,472,676.00	

ARTICLE 3: Voted to raise and appropriate, take from free cash, transfer from available funds, or otherwise to provide a sum of \$1,326,000 for repairs to be made to the **Conway Grammar School Building Envelope** and building structure, required to remediate severe loss of heat, mold and mildew caused by condensation, and interior leaking caused by ice damming.

ARTICLE 4: Voted to appropriate \$900,000 to pay costs of reconstructing the Conway grammar school building envelope and that to meet this appropriation, the treasurer with the approval of the Selectmen, is authorized to **borrow** said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the town therefore, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 10 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds. [*Moderator declared a 2/3 vote.*]

ARTICLE 5: Unanimously voted to transfer \$6,052.87 from the **School Capital Projects Account** from Article 2 of the Special Town Meeting of December 11, 1989 to the grammar School repairs project notated in Article 3 and 4.

ARTICLE 6: Voted to transfer \$213,000 from General Stabilization and take from free cash a sum of \$206,947 the Grammar School Building Envelope project plus \$18,000 from free cash for the first year interest payment (for a total of \$437,947.00) for the FY2011 Grammar School Building Envelope **Repairs Debt Payment**. [*Moderator declared a 2/3 vote.*]

Unanimously voted to consider Articles 25 and 39 at this point

ARTICLE 25: Unanimously voted to authorize the Frontier **Regional School District** to establish a stabilization fund in accordance with M.G.L. Chapter 71, Section 16G ½.

ARTICLE 39: Unanimously voted to amend the Frontier Regional **School District Agreement** as follows:

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A-D.; replacing those paragraphs with the following paragraphs A-C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D “The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.” and deleting paragraph H and replacing it with the following paragraph G.

Section I: The Regional District School Committee shall consist of eleven members: two each from Conway and Whately, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by annual town elections.

B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year. An appointed member’s vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term of two years; and the Town of Sunderland shall elect one additional member to serve for a period of two years. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years.

An elected member’s vote shall be weighted so that each member’s vote represents the town’s population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectboard of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

Change F. Organization to E. Organization

Change G. Powers and Duties to F. Powers and Duties

Change H. Quorum to G. Quorum and replace with the following:

G. Quorum: A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

Annual Town Meeting, 12 April 2010 – page 3

Returned to order of the warrant articles

ARTICLE 7: Voted to transfer a sum of \$125,000 from the existing Garage Stabilization Fund for the purpose of the design and planning of a **New Town Garage**. [*Moderator declared a 2/3 vote.*]

ARTICLE 8: Unanimously voted to take from free cash, the sum of \$9,317.00, to account for the cost of **Transportation** that was not included in the FY2010 appropriation for operating costs of the Frontier Regional School District assessment.

ARTICLE 9: Unanimously voted to take from free cash, the sum of \$6,000.00 as the final installment to pay for the triennial FY2011 **Property Revaluation** budget.

ARTICLE 10: Unanimously voted to take from free cash, the sum of \$1,633.00, to provide funding for **Local Library** operations and expenses.

ARTICLE 11: Unanimously voted to take from free cash, the sum of \$695.00, to account for a shortfall in **Unemployment Compensation Taxes** from FY2005 owed by the Town.

ARTICLE 12: Unanimously voted to transfer from Receipts Reserved for Appropriation in the amount of \$26,068.00 to defray the operating costs associated with the **Ambulance Department**.

ARTICLE 13: Unanimously voted to transfer from the **Ambulance Revolving Fund** the sum of \$39,276.00 to Receipts Reserved for Appropriation for the Ambulance Department.

ARTICLE 14: Voted to pass over the request to provide a sum of money for the Town **Capital Stabilization Fund** Account to provide for future capital expenditures.

ARTICLE 15: Voted to pass over a request to provide a sum of money for the Town **Garage Stabilization Fund** Account to develop assets for the design and construction of a new Town Garage.

ARTICLE 16: Unanimously voted to take from free cash, the sum of \$6,428.00, and to utilize the reduced FY2010 assessment of \$3,596.00 from the Franklin Technical School for Smith Vocational School tuition expenses in FY2010 caused by **Student Transfer**.

ARTICLE 17: Unanimously voted to establish the following **Revolving Accounts** for FY2011 as per M.G.L. Chapter 44, Section 53E ½, to authorize expenditures to defray the cost of operating expenses, program assessments, maintenance or other similar costs for the following programs:

Name of Program	Cap on Surplus Balance
Dog License Program	\$ 600.00
Fire Inspection Program	\$ 0.00
Building Inspection Program	\$ 2,000.00
Conservation Commission Administration Prog.	\$ 0.00

ARTICLE 18: Unanimously voted to take from free cash, the sum of \$8,500.00 for the remainder of the cost of an **Annual Town Audit** of FY2010 that will initiate the practice of annual audits.

ARTICLE 19: Voted to take from free cash, a sum of \$12,000.00 for the purpose of repairing and resurfacing the **Tennis Courts and Basketball Courts** located at the Town ball field on Academy Hill Road.

ARTICLE 20: Voted to take from free cash, a sum of \$12,000.00 to make needed repairs to the **Town Hall**, located at 5 Academy Hill Road.

ARTICLE 21: Voted to take from free cash, a sum of \$3,200.00 to make repairs under written contract to the **Dry Hydrant** located on North Poland Road.

ARTICLE 22: Unanimously voted take from free cash, the sum of \$12,879.00 for **Fire Department Radios** that were unfunded through grant monies from FY 2005.

ARTICLE 23: Voted to take from free cash, a sum of \$12,000.00 to purchase a **Thermal Imaging Device(s)** that will be used by the Fire Department as part of their safety equipment.

ARTICLE 24: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. To Appropriate \$7,500.00 from Community Preservation Historical Reserve for Preservation of Historic Assessor Records
- B. To Appropriate \$23,970.00 from Community Preservation Historical Reserve for Conway Historical Society Museum Moisture Abatement Project
- C. To Appropriate \$3,300.00 from Annual Revenues (FY2011) for Administration of the Community Preservation Committee

To provide Reserves from FY2011 Annual Revenues

- D. \$ 7,000 to the Community Preservation Open Space Reserve
- \$ 7,000 to the Community Preservation Housing Reserve
- \$ 7,000 to the Community Preservation Historical Reserve
- \$ 41,870 to the Community Preservation Budgeted Reserve

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ARTICLE 25: *Considered after article 6.*

ARTICLE 26: Unanimously voted to enter into discussions with other Western Massachusetts municipalities with the intent of forming an inter-municipal agreement, by and through the Selectboard, that will establish a universal, open access, financially self-sustaining communication system, capable of providing **High-Speed Broadband** internet, telephone and cable service for all locations in Conway, pursuant to M.G.L. Chapter 40, Section 4A.

ARTICLE 27: Unanimously voted to add the Town of Leverett as a member of the Franklin County Solid Waste Management District (“District”) and therefore amend Article 1, Paragraph 4 of the District agreement pursuant to Article 7 of said agreement by adding “Leverett” to the list of District member municipalities, subject to the following terms:

The Town of Leverett shall be admitted as a member of the District, effective July 1, 2010, by paying a one-time membership fee to the District of \$4,550.00 plus an annual assessment of \$4,524.00 for FY 2011 and all future assessments based upon the same assessment formula applied to all other District member municipalities and shall comply with all other provisions of the District agreement.

ARTICLE 28: Unanimously voted to direct the Selectboard to appoint a **Town Sesquicentennial** (250 year anniversary) Committee, consisting of seven (7) members, including one each from the Festival of the Hills Committee and Selectboard for the purpose of planning for the Town’s 250th anniversary, and fund-raising therefore.

ARTICLE 29: Failed to approve a resolution instructing the Honorable John Olver to oppose all legislation brought before the U.S. House of Representatives that provides further **funding of U.S. military occupation** and operations in Iraq, Afghanistan and Pakistan. *The article was brought back later in the meeting and failed a second time.*

ARTICLE 30: Voted to establish a **Buy Local/Buy Fair** policy to maximize the purchase of locally produced, Fair Trade Certified, and/or fairly traded products from locally owned businesses in the process of procuring necessary goods for municipal operations when those products are available, comparably priced, of comparable quality, and procured in accordance with the procurement laws of the Commonwealth of Massachusetts; and, as authorized under M.G.L. Chapter 30B Section 20, establish a preference for products of agriculture, grown or produced using ingredients grown in the Commonwealth as defined in M.G.L. Chapter 128, Section 1A, including, but not limited to fruits, vegetables, eggs, dairy products, meats, crops, horticultural and seafood products; and to hereby direct Town officials to effectuate such preference in accordance with the procurement laws of the Commonwealth.

ARTICLE 31: Voted to increase the **Festival of the Hills** Scholarship Trust Board of Trustees to Seven (7) members.

For all Articles pertaining to Bylaws: *new text is in bold and in italics; deleted text is ~~struck through~~; revised text is double-underlined*

ARTICLE 32: Unanimously voted to remove the following Bylaw of the Town of Conway General Bylaws, specifically the section, ‘Town Officers, Boards and Committees’, Section 5, pertaining to **Periodic Audit Reviews**, text as follows:

~~Section 5: “The Town Auditor shall examine the books and accounts of the Treasurer, Collector, and Clerk at least once in each three months, at the convenience of these three officers.”~~

ARTICLE 33: Unanimously voted to amend the following Bylaw to the Town of Conway General Bylaws, specifically the section, ‘Form and Conduct of Town Government’, Section 5, pertaining to **Warrant Article Submissions** with the text as follows.

Section 5: “Articles for the warrant will be received by the Selectmen not less than ~~twenty~~ **twenty-five** days before the date set for the meeting. Each **petitioned** article must be signed by ten legal voters.”

ARTICLE 34: Voted to amend the Town of Conway General Bylaws, Dogs, specifically pertaining to the **Dog Leash Law** fees and/or assessments with the text as follows:

This bylaw requires the restraint of any dog within the Town of Conway by a chain or leash not exceeding eight feet in length, unless such dog is on the premises of the owner or keeper, or upon the premises of another person with permission of such other person. ***If any dog owner or keeper is found to be out of compliance with the dog leash law, a fine of no more than \$20.00 shall be assessed in accordance with this Bylaw for the first offense, and \$50.00 per offense thereafter.***

(Adopted – May 1974)

ARTICLE 35: Unanimously voted to amend the Town of Conway Protective Bylaws, Article 7, Section 71, specifically pertaining to the **Flood Plain District**, in accordance with the recommendations of the Massachusetts Department of Conservation and Resources with the text as follows:

SECTION 71: Flood Plain District

A. Floodplain District Boundaries and Base Flood Elevation Data.

The Floodplain District is herein established as an overlay district. *The District includes all special flood hazard areas designated on the Conway Flood insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 4, 1980, as Zone A, AE, AH, AO, A1-30, A99, V, VI-30, VE and the FEMA Flood Boundary and Floodway Map dated June 4, 1980, both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated December 1979. The FIRM Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Building Commissioner.*

B. Base Flood Elevation and Floodway Data.

1. Floodway Data. *In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

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

C. Notification of Watercourse Alteration.

In a riverine situation, the Emergency Management Director shall notify the following of any alteration or relocation of a watercourse:

- *Adjacent Communities*
- *Bordering States (optional)*
- *NFIP State Coordinator
Massachusetts Department of Conservation and Resources
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104*
- *NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110*

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

- *Section of the Massachusetts State Building Code which addresses floodplain and costal high hazard areas (currently 780 CMR Appendix 102.G, “Flood Resistant Construction”);*
- *Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);*
- *Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);*
- *Costal Wetlands Restriction, DEP (currently 310 CMR 12.00);*
- *Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 12.00)*

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

ARTICLE 36: Failed to pass an amendment to add a General Bylaw, Town Officers, Boards and Committees, specifically pertaining to a **Residency Requirement** for committee members.

ARTICLE 37: Voted to add the following Bylaw to the Town of Conway General Bylaws, Town Officers, Boards and Committees, specifically pertaining to the mandate of Article 28 of the 2009 Town Warrant to create a new **Personnel Bylaw** and establish a Personnel Committee with the text as follows:

Section 8: *There shall be a six (6) member Personnel Committee pursuant to authority contained in M.G.L. Chapter 41, Section 108;*

1) The committee shall be composed of the following persons:

- a) *three (3) Conway residents appointed by the Town Moderator as voting members for a term of three (3) years;*
- b) *one (1) Conway resident, appointed by the Selectboard as a voting member for a term of two (2) years;*
- c) *one (1) resident, serving on or appointed by the Finance Committee as a voting member for a term of one (1) year;*
- d) *one (1) Town Employee as a non-voting member for a term of one (1) year, as determined by all voting members of the committee;*
- e) *A majority of the voting members of the committee shall constitute a quorum;*
- f) *Members shall serve without compensation and shall serve until their successors are appointed and sworn in;*
- g) *Appointments will begin July 1 of each year;*
- h) *The Personnel Committee will meet a minimum of one time per quarter;*
- i) *All voting members appointed must not be a current employee or elected official for a period of three (3) years prior to serving on the personnel committee.*

- 2) *The purpose of the Personnel Committee Bylaw is to establish a permanent Personnel Committee (Committee) to serve in an advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.*
- 3) *The roles and responsibilities of the Personnel Committee will be in the areas of personnel matters and personnel policy for the Town of Conway, which will include the following for all Town employees:*
 - a) *compilation and revision of personnel handbook outlining policies including, but not limited to, attendance, benefits, classification, compensation, discrimination, employee discipline, employee safety, grievances, harassment, privacy policies, substance abuse, termination, worker compensation, working hours, workplace civility;*
 - b) *creation, revision and periodic update of all job descriptions, with the addition of specific salary ranges and individual job requirements;*
 - c) *establishment of a uniform system of performance evaluations and salary levels for each department;*
 - d) *create procedure booklet for documenting processes including, but not limited to, new and replacement hiring process, termination process;*
 - e) *review and recommend employee training and professional development to Selectboard.*
- 4) *Ongoing tasks of the Personnel Committee will include the following:*
 - a) *administer and interpretation of the personnel handbook;*
 - b) *review various personnel requests from Town department heads, including but not limited to new or revised position descriptions, promotional and special salary increases, leaves of absence, existing policy revisions, review compensation and benefits annually, administer procedures, write/revise job descriptions as needed, review and requests for extraordinary salary changes;*
 - c) *hear employees' complaints/grievances and submit recommended resolution(s) to the Selectboard for final resolution, with the exception of school personnel as per M.G.L. Chapter 40, Section 21B;*
 - d) *conduct all initial screening of job candidates.*
- 5) *All hiring and firing decisions, as well as updates to any policy changes will be made by the Conway Selectboard, with the assistance of recommendations made by the Personnel Committee.*
- 6) *The Committee shall act in an advisory capacity to the Town Meeting and shall prepare a written report on all warrant articles involving personnel matters as approved by the Board.*
- 7) *The Committee shall make an annual report, in writing, to the Board on or before January 15 of each year to be included in the town report.*

ARTICLE 38: Failed to pass a **Non-Criminal Disposition** addition to the Town of Conway General Bylaws, specifically pertaining to existing Bylaws, rules or regulations that concern assessment of fees or penalties.

ARTICLE 39: Considered following articles 6 and 25

At 11:50 p.m., the meeting was adjourned until Thursday, April 15, 2010 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in votes for one Selectboard member for three years, one Assessor for three years, one member of the Board of Health for three years, one member of the local School Committee for three years, one member of the Frontier Regional School District Committee for three years, one Town Clerk for three years, one Moderator for one year, and three Constables for three years. The Town will also vote 'yes' or 'no' on the following ballot question: "*Shall the Town of Conway be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to reconstruct the school building envelope?*"

A true record of the Meeting,
Attest:

Town of Conway, Massachusetts

Special Town Meeting

31 January 2011

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 77 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten, Lorraine Boyden and Elizabeth Braccia served as checkers.

IN THE ABSENCE of Moderator J. Nicholas Filler, the meeting was called to order by the Town Clerk at 7:30 p.m. The clerk announced the presence of a quorum and read the warrant. The floor was opened to nominations for a temporary moderator and Philip Kantor was nominated. Motion was made, seconded and voted that nominations be closed. Motion was made, seconded and voted that the Clerk cast one ballot for Philip Kantor. The Clerk announced that Philip Kantor would serve as temporary moderator and he was administered the oath of office. The following items were voted by those persons in attendance:

ARTICLE 1: *Unanimously voted to amend the Town of Conway General bylaws "Town Officers, Boards and Committees" by adding Section 9 as follows:

A. There is hereby established a **Community Preservation Committee**, consisting of seven voting members pursuant to M.G.L Chapter 44B, Section 5. The composition of this Committee, the appointing authority, and the term of office for each Committee member shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
- (2) One member of the Historical Commission as designated by the Commission for a term of three years.
- (3) One member of the Planning Board as designated by the Board for an initial term of one year and thereafter for a term of three years.
- (4) If a Board of Park Commissioners or Recreation Commission exists, then one member of that Commission as designated by them for an initial term of two years and thereafter for a term of three (3) years. Should said Board of Park Commissioners or Recreation Commission not exist, then this position shall be named by the town Recreation and Trails Committee or its successors, serving as described above in this section.
- (5) If a Housing Authority exists, one member of the Housing Authority as designated by the Authority for an initial term of one year and thereafter for a term of three years. Should the Housing Authority not exist, then this position shall be appointed from the Housing Committee. If none of these groups exist, then the member shall be determined from and by the Council on Aging.
- (6) Two at-large members to be appointed by the Selectboard, appointed for initial terms of two years and thereafter for terms of three years.

B. The initial appointment will end on June 30th of the last year of the appointment. Thereafter, terms shall run from July 1st through June 30th of the last year of the term.

C. If a person designated by one of the boards, commissions, or committees set forth above no longer serves on the appointing authority, the appointing authority shall name a new member to complete that term. If any of the commissions, boards or authorities listed in this section no longer exists for whatever reason, the Selectboard shall appoint a person with similar interests to serve in his or her place.

D. Any member of the Committee may be removed for cause by his or her respective appointing authority after a hearing conducted by such appointing authority.

E. Vacancies shall be filled by the appointing authority within 60 days by appointment for the unexpired term.

**Motion was made to replace the wording of the original article; motion made in writing, copies of the text were distributed to the meeting and the motion was unanimously accepted.*

ARTICLE 2: Unanimously voted to authorize the Selectboard to take any necessary and appropriate action to establish and to maintain, in accordance with the provisions of M.G.L. Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of **Telecommunications & Cable**, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

The Moderator declared the vote unanimous on the basis of both a voice vote and a show of hands.

ARTICLE 3: Unanimously voted to table the article until the annual town meeting on 11 April 2011.

ARTICLE 4: Unanimously voted to amend the Town of Conway General Bylaws, specifically the section, 'Form and Conduct of Town Government', Section 5, pertaining to **Petitioned Warrant Article** submissions with the text as follows:

Section 5: "Articles for the warrant will be received by the Selectmen not less than twenty-five days before the date set for the meeting. Each petitioned article must be signed by ten ~~legal~~ **registered** voters."

*new text is **in bold and in italics**; deleted text is ~~struck through~~*

AT 8:29 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Annual Town Meeting

11 April 2011

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 133 voters were checked at the door and issued green cards for the purpose of voting. Aina Barten, Lorraine Boyden and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the warrant was read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL 2012	VOTE
114	MODERATOR	\$350.00	Passed Unanimously
122	SELECTMEN	\$11,300.00	Passed Unanimously
130	FINANCE COMMITTEE	\$300.00	Passed Unanimously
132	RESERVE FUND	\$40,000.00	Passed Unanimously
134	TOWN AUDIT	\$13,000.00	Passed Unanimously
135	TOWN ACCOUNTANT	\$17,025.00	Passed Unanimously
141	ASSESSORS	\$48,294.00	Passed Unanimously
145	TREASURER/COLLECTOR	\$64,547.00	Passed Unanimously
151	LEGAL DEPARTMENT	\$8,500.00	Passed Unanimously
152	PERSONNEL COMMITTEE	\$2,000.00	Passed Unanimously
155	TECHNOLOGY SERVICES	\$5,000.00	Passed Unanimously
159	TOWN OFFICE	\$37,592.00	Passed Unanimously
161	TOWN CLERK	\$20,565.00	Passed Unanimously
162	ELECTIONS & REGISTRATIONS	\$5,050.00	Passed Unanimously
163	BOARD OF REGISTRARS	\$1,250.00	Passed Unanimously
171	CONSERVATION COMMISSION	1,310.00	Passed Unanimously
175	PLANNING BOARD	\$550.00	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$175.00	Passed Unanimously
192	TOWN HALL	\$28,106.00	Passed Unanimously
194	TOWN OFFICE BUILDING	\$17,506.00	Passed Unanimously
195	TOWN REPORT	\$2,600.00	Passed Unanimously
210	POLICE DEPARTMENT	\$107,842.00	Passed Unanimously
220	FIRE DEPARTMENT	\$46,513.00	Passed Unanimously
221	FIREMEN'S BLDG HEATING	\$3,750.00	Passed Unanimously
231	AMBULANCE	\$15,000.00	Passed Unanimously
291	EMERGENCY MANAGEMENT	\$3,500.00	Passed Unanimously
292	DOG WARDEN	\$650.00	Passed Unanimously
294	TREE WARDEN	\$2375.00	Passed Unanimously
296	RIGHT-TO-KNOW	\$50.00	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,473,694.00	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$87,080.00	Passed Unanimously
300C	GRAM SCH FIXED ASSETS	\$0.00	Passed Unanimously
400	HIGHWAY DEPARTMENT	\$341,069.00	Passed Unanimously
423	WINTER ROADS – HIGHWAY	\$187,223.00	Passed Unanimously
424	STREET LIGHTS	\$6,000.00	Passed Unanimously
510	BOARD OF HEALTH	\$160,679.00	Passed Unanimously
541	COUNCIL ON AGING	\$500.00	Passed Unanimously
542	HISTORICAL COMMISSION	\$200.00	Passed Unanimously
543	VETERANS SERVICE	\$15,741.00	Passed Unanimously
630	PARKS, RECREATION AND TRAILS COM	\$2,500.00	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$5,000.00	Passed Unanimously
692	FESTIVAL OF THE HILLS	\$800.00	Passed Unanimously
693	HOLIDAY TREE LIGHTING	\$250.00	Passed Unanimously
710	RETIREMENT OF DEBT	\$0.00	Passed Unanimously
750	DEBT SERVICE INTEREST	\$40,000.00	Passed Unanimously
751	FRONTIER CAP. IMPROVE BOND	\$40,555.00	Passed Unanimously
820	FRANKLIN COUNTY RETIREMENT	\$124,129.00	Passed Unanimously
830	FRANKLIN REG. COUNCIL OF GOV.	\$59,602.00	Passed Unanimously
891	TECHNICAL SCHOOLS	\$181,074.00	Passed Unanimously
892A	FRONTIER REGIONAL SCHOOL OPER.	\$874,025.00	Passed Unanimously
892B	FRONTIER REGIONAL SCHOOL TRANS.	\$16,406.00	Passed Unanimously
913	UNEMPLOYMENT COMPENSATION	\$8,800.00	Passed Unanimously
914	INSURANCE GROUP HEALTH	\$325,000.00	Passed Unanimously
915	INSURANCE GROUP LIFE	\$1,900.00	Passed Unanimously
916	MEDICARE HOSPITAL INSURANCE	\$27,500.00	Passed Unanimously
920	INSURANCE GENERAL LIABILITY	\$66,870.00	Passed Unanimously
	Grand Totals:	\$4,551,297.00	

Unanimously voted to consider article 23 out of order at this point in the meeting.

ARTICLE 23: Unanimously voted to amend the Frontier Regional **School District Agreement** as follows:

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A-D.; replacing those paragraphs with the following paragraphs A-C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D “The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.” and deleting paragraph H and replacing it with the following paragraph G.

Section I: The Regional District School Committee shall consist of eleven members: two each from Conway and Whately, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by annual town elections.

B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year.

An appointed member’s vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term of two years; and the Town of Sunderland shall elect one additional member to serve for a period of two years. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years. An elected member’s vote shall be weighted so that each member’s vote represents the town’s population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectboard of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

Change F. Organization to E. Organization

Change G. Powers and Duties to F. Powers and Duties

Change H. Quorum to G. Quorum and replace with the following:

G. Quorum: A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted

ARTICLE 3: Unanimously voted to take from free cash the sum of \$6,000.00 as the first installment to pay for the triennial FY2014 **Property Revaluation** budget.

ARTICLE 4: Unanimously voted to take from free cash the sum of \$1,652.00, to provide funding for **Local Library** operations and expenses.

ARTICLE 5: Unanimously voted to take from free cash the sum of \$15,000.00 for the purpose of pursuing **Tax Lien Foreclosures** in land court and any expenses incurred thereafter.

ARTICLE 6: Unanimously voted to take from free cash the sum of \$100,000.00 for the Town **General Stabilization Fund** account to make available for future capital expenditures.

ARTICLE 7: Unanimously voted to take from free cash the sum of \$100,000.00 for the Town **Capital Stabilization Fund** account to make available for future capital expenditures.

ARTICLE 8: Unanimously voted to take from free cash the sum of \$100,000.00 for the Town **Garage Stabilization Fund** account to develop assets for the design and construction of a new Town Garage.

ARTICLE 9: Unanimously voted to transfer from Receipts Reserved for Appropriation the sum of \$25,000.00 for the Town **Ambulance Stabilization Fund** account to make available for the future purchase of a new ambulance.

ARTICLE 10: Unanimously voted to transfer from Receipts Reserved for Appropriation the sum of \$35,592.00 to defray the operating costs associated with the **Ambulance Department**.

ARTICLE 11: Unanimously voted to take from free cash the sum of \$9,500.00 for the purpose of replacing the hot water **Heating Boiler** and any associated costs, such as materials and labor, in the Town Office Building.

ARTICLE 12: Unanimously voted to take from free cash the sum of \$6,000.00 for the purchase of **Fire-Resistant** vertical file cabinets for the following Town departments: Treasurer(2), Board of Health(1), Personnel Committee(1), Ambulance(1).

ARTICLE 13: Voted to take from free cash the sum of \$5,000.00 for the purpose of a preliminary engineering study to improve drainage for the **Town Recreation Area** located on Academy Hill Road.

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ARTICLE 14: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund**, as recommended by the Community Preservation Committee and set forth herein, the following amounts for community preservation purposes, with each item considered a separate appropriation:

Appropriations

A. To Appropriate \$ 3,385 from Annual Revenues (FY2012) for Administration of the Community Preservation Committee

To provide Reserves from FY2012 Annual Revenues

- B. \$ 6,770 to the Community Preservation Open Space Reserve
- C. \$ 6,770 to the Community Preservation Community Housing Reserve
- D. \$ 6,770 to the Community Preservation Historical Reserve
- E. \$ 47,005 to the Community Preservation Budgeted Reserve

ARTICLE 15: Unanimously voted to authorize the Selectboard to take any necessary and appropriate action to establish and to maintain, in accordance with the provisions of M.G.L. Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of **Telecommunications & Cable**, a municipal lighting plant for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

An amendment to change the wording of the original article as it appeared on the warrant was received in writing and the meeting unanimously voted to amend the wording of the article. The Moderator declared the vote on the amended article to be unanimous on the basis of both a voice vote and a show of hands.

ARTICLE 16: Unanimously voted to take from free cash the sum of not more than \$1,000.00 to become a founding member of the **WiredWest** municipal cooperative.

ARTICLE 17: Unanimously voted to authorize the Board of Selectmen to acquire the following land parcels and or rights in land parcels for the purpose of obtaining a secure and public right of way. This will allow for construction and roadway safety improvements for the **Replacement of Bridge # C-20-003**.

	<u>Total # Parcel</u>	<u>Area (Square Feet)</u>
In Fee	2	4,090
Permanent Easements	1	172
Temporary Easements	3	9,189

Further, that the Selectmen may acquire these parcels, or modification of these parcels or other required parcels through all legal means. This includes donations, purchase or eminent domain. The subject parcels are currently identified on plans drafted by Massachusetts Department of Transportation, dated 3/11/11 and Titled 'North Poland Road over Poland Brook', project # 604005. Further, to raise and appropriate an amount of \$200.00 to defray any associated right of way expenses connected with this project.

ARTICLE 18: Unanimously voted to allow the Selectboard to enter into negotiations with local proprietors on a case-by-case basis with regard to **Property Tax Exemptions**, including Special Tax Assessment or Tax Increment Financing, as specified in M.G.L. Chapter 19, SS. 4, 12 and 14 and Chapter 110, S. 104 of the Acts of 1993 (Adding Ch. 23A, S. 3E, Ch. 40, S. 59 and Ch. 59, S. 5 CL. 51), provided any necessary actions such as the establishment of Economic Opportunity Areas (EOAs) have already met with the approval of Town meeting.

ARTICLE 19: Voted to table the article relating to the expansion of the size of the **Board of Selectmen** from three (3) members to five (5) members, pursuant to M.G.L. Chapter 41, Section 2.

Articles 20 and 21 pertain to Town of Conway General Bylaws: *new text is **in bold and in italics**; deleted text is ~~struck through~~*

ARTICLE 20: Voted to **Amend Section 8** in the Town of Conway ("Conway") General Bylaws, Form and Conduct of Town Government, Town Officers, Boards and Committees the text as follows:

Section 8: There shall be a **five (5)** ~~six (6)~~ member Personnel Committee pursuant to authority contained in M.G.L. Chapter 41, Section 108;

- 1) The committee shall be composed of the following persons:
 - a) three (3) Conway residents appointed by the Town Moderator as voting members for a term of three (3) years;
 - b) one (1) Conway resident, appointed by the Selectboard as a voting member for a term of two (2) years;
 - c) one (1) **Conway** resident, serving on or appointed by the Finance Committee as a voting member for a term of one (1) year;
 - d) ~~one (1) Town Employee as a non-voting member for a term of one (1) year, as determined by all voting members of the committee;~~
 - e) A majority of the voting members of the committee shall constitute a quorum;
 - f) Members shall serve without compensation and shall serve until their successors are appointed and sworn in;
 - g) Appointments will begin July 1 of each year;
 - h) The Personnel Committee will meet a minimum of one time per quarter;
 - i) All voting members appointed must not be a current employee or elected official for a period of three (3) years prior to serving on the personnel committee.
- 2) The purpose of the Personnel Committee Bylaw is to establish a permanent Personnel Committee ("Committee") to serve in an advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.
- 3) The roles and responsibilities of the Personnel Committee will be in the areas of personnel matters and personnel policy for the Town of Conway, which will include the following for all Town employees:
 - a) ~~compilation~~ **reconstruction** and revision of **Conway** personnel handbook outlining policies including, but not limited to, attendance, benefits, classification, compensation, discrimination, employee discipline, employee safety, grievances, harassment, privacy policies, substance abuse, termination, worker compensation, working hours, workplace civility;
 - b) ~~creation, revision and periodic update of all job descriptions, with the addition of specific~~ **Development of and periodical updates** to salary ranges and individual job requirements **to be given to the Selectboard**;
 - c) ~~establishment of~~ **Work with the Selectboard to develop** a uniform system of performance evaluations and salary levels for each department;

- d) create procedure booklet for documenting processes including, but not limited to, new and replacement hiring process, termination process;
- e) review and recommend employee training and professional development to Selectboard.

Annual Town Meeting, 11 April 2011 – page 4

- 4) Ongoing tasks of the Personnel Committee will include the following, *in consultation and cooperation with the Selectboard*;
 - a) ~~administer~~ *Assist in administering* and interpretation of the personnel handbook;
 - b) ~~review~~ *Assist in administering and interpreting* various personnel requests from Town department heads, including but not limited to new or revised position descriptions, promotional and special salary increases, leaves of absence, existing policy revisions, review compensation and benefits annually, ~~administer~~ *assist in administering and interpreting* procedures, write/revise job descriptions as needed, review and requests for extraordinary salary changes;
 - c) ~~hear employees' complaints/grievances and submit recommended resolution(s) to the Selectboard for final resolution;~~ *Serve as a resource to the Selectboard for the resolution of complaints and grievances*, with the exception of school personnel as per M.G.L. Chapter 40, Section 21B;
 - d) ~~conduct all initial screening of job candidates.~~
- 5) All hiring and firing decisions, as well as updates to any policy changes will be made by the Conway Selectboard, ~~with the assistance of~~ *after reviewing* recommendations made by the Personnel Committee.
- 6) The Committee shall act in an advisory capacity to the Town Meeting and shall prepare a written report on all warrant articles involving personnel matters as approved by the Board.
- 7) The Committee shall make an annual report, in writing, to the Board on or before January 15 of each year to be included in the town report.

ARTICLE 21: Unanimously voted to **Amend Section 3** in the Town of Conway (“Conway”) General Bylaws, Form and Conduct of Town Government, Town Officers, Boards and Committees the text as follows:

Section 3: There shall be a Finance Committee of six ~~legal~~ *registered* voters of the Town who shall be appointed by the Moderator as hereinafter provided. No individual serving the Town of Conway as an elected official nor as an appointed individual that has administrative responsibility over a budget, nor as an employee working more than half-time shall be eligible to serve on this committee. (*Amended; Annual Meeting - 9 April 1990*)

The Moderator of the Town Meeting, when this bylaw is adopted, shall within thirty days after such bylaw become effective, appoint two members for a term of three years, two for a term of two years, and two for a term of one year. At each annual Town Meeting thereafter, the Moderator thereof shall appoint two members of said committee for a term of three years. The term of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual Town Meeting at which their successors are appointed. Said committee shall choose their own officers and shall serve without pay. The Finance Committee shall recommend the appropriations for the Town’s budget and shall recommend and authorize all transfers from the Reserve Fund.

ARTICLE 22: Unanimously voted to table the article.

ARTICLE 23: Considered following article 2.

ARTICLE 24: Defeated the resolution to seek lower electric rates by allowing the Selectboard to contract on behalf of the community.

At 9:50 p.m., the meeting was adjourned until Thursday, 14 April 2011 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in votes for one Selectman for three years, one Assessor for three years, two members of the Board of Health for three years, two members of the local School Committee for three years, one member of the Planning Board for three years, one Moderator for one year, and one Tree Warden for three years.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Special Town Meeting

27 September 2011

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 266 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten, Lorraine Boyden and Elizabeth Braccia served as checkers. The meeting was called to order by Moderator J. Nicholas Filler. The meeting voted to dispense with the reading of the warrant. The following action was taken by those persons in attendance:

ARTICLE 1: Voted to appropriate \$31,000.00 to purchase for open space purposes pursuant to M.G.L. Chapter 44B, the Community Preservation Act, an Agricultural Preservation Restriction on **land on Shelburne Falls Road** along the South River (currently rented by Natural Roots Farm). Said land is approximately 7.3+/- acres, being Lot 21.1 and Lot 21.3 on Map 410 in the records of the Conway Assessors, and to fund necessary expenses related to said purchase. Said purchase to be funded from the Town's Community Preservation Open Space Reserve and Undesignated Fund balance, and that the Town be authorized to enter into all agreements, accept grants, and execute any and all instruments as may be necessary on the Town's behalf to effect said purchase of agricultural or conservation restriction.

- *An amendment to change the dollar amount and strike the words "or a Conservation Restriction enabling agriculture to continue" from the wording of the original article as it appeared on the warrant was received and unanimously voted.*
- *The Moderator requested a hand count for the final vote on the amended article. Four tellers were appointed. The final count was:*
207 in favor
39 against

ARTICLE 2: Voted to appropriate \$45,750.00 to purchase for open space purposes pursuant to M.G.L. Chapter 44B, the Community Preservation Act, an Agricultural Preservation Restriction on 199+/- acres on Bardwell's Ferry Road known as the **Totman Farm**, consisting of Lots 13, 13.2 and 14 on Map 409 in the records of the Conway Assessors. Said purchase to be funded from the Town's Community Preservation Budgeted Reserve and Undesignated Fund balance, and that the Town be authorized to enter into all agreements, accept grants, and execute any and all instruments as may be necessary on the Town's behalf to effect said purchase of agricultural preservation restriction.

- *The Moderator declared a two-thirds majority vote on the basis of a voice vote.*

ARTICLE 3: Voted to appropriate from the General Stabilization account the sum of \$50,000.00 to replace the **retaining wall** formerly along the South River at the junction of Route 116/Main Street in Conway caused by flooding from Hurricane Irene.

- *The Moderator declared a two-thirds majority vote on the basis of a voice vote.*

ARTICLE 4: Voted to appropriate from Overlay Surplus the sum of \$7,000.00, to pay Weston & Sampson, **Structural Engineers**, for their inspection and report on the Town Hall.

ARTICLE 5: Unanimously voted to appropriate from Overlay Surplus the sum of \$2,100 to Kitchell Lee, for additional work on the appraisal of the hydroelectric plant, to pay an outstanding bill from the **FY2011 Revaluation**.

ARTICLE 6: Removed from consideration by recommendation of the selectmen.

ARTICLE 7: Unanimously voted to appropriate from Overlay Surplus the sum of \$1,497.00 for the cost of **Fire Department** overruns for equipment and materials in FY2011

ARTICLE 8: Removed from consideration by recommendation of the selectmen.

AT 8:25 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Special Town Meeting

17 October 2011

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 73 voters were checked at the door and issued green cards for the purpose of voting. Aina Barten, Lorraine Boyden and Elizabeth Braccia served as checkers. The meeting was called to order by Moderator J. Nicholas Filler. The meeting voted to dispense with the reading of the warrant. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted to add the Bylaw to the Town of Conway Protective Bylaws, Article 2, Section 22.4 entitled ‘**Street Naming and Building Numbering**’ as per the recommendation of the Emergency Management Systems Committee, for the purpose of providing a standard for the clear identification of Public Ways and Common Driveways and the numbering of buildings to aid and enhance the response of public safety services, postal delivery services and municipal purposes.

ARTICLE 2: Voted to add the Bylaw to the Town of Conway Protective Bylaws, Article 2, Section 22.4 entitled ‘**As-of-Right Siting**’ for the purpose of providing standards for the siting, design, construction, operation, monitoring, modification and removal of large-scale, ground-mounted solar photovoltaic (PV) installations proposed to be constructed after the effective date of this section, that has a capacity rated for production of over 250kW, including amendments or modifications thereto.

Actual vote by hand count was 68 in favor; 5 opposed.

ARTICLE 3: Voted to add the Bylaw to the Town of Conway General Bylaws, new Chapter “Town Infrastructure”, Section 1, entitled “**Stretch Energy Code**,” for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto.

ARTICLE 4: Unanimously voted to amend Town warrant Article 17 of April 14, 2008 that established a 5 member **Planning Board** in accordance with M.G.L. Chapter 41, Section 81A, to be wholly comprised of elected members, as other Town Boards, and to elect three (3) new members who will be elected at town election and terms for the first two new members shall run for 3 years, and 2 years for the third additional member with each subsequent term lasting for 3 years each thereafter, and whereas, the Town shall not at this time enact sub-division regulations as part of the creation of this body as outlined in M.G.L. Chapter 41, Section 81N.

Proposed Changes to bylaws: *new text is **in bold and in italics** - deleted text is ~~struck through~~ - revised text is double-underlined.*

ARTICLE 5: Unanimously voted to amend the Town of Conway General Bylaws, Form and Conduct of **Town Meeting, Section 2** as follows:

Section 2: All business of the ANNUAL TOWN MEETING to be held on the second Monday evening in ~~April~~ May at 7:30 p.m.

ARTICLE 6: Unanimously voted to amend the Town of Conway General Bylaws, Form and Conduct of **Town Meeting, Section 1** as follows:

Section 1: The ANNUAL TOWN MEETING for the election of Town Officers shall be considered the adjournment of the Town Meeting and shall be on the following Thursday of ~~April~~ May in each year.

ARTICLE 7: Article withdrawn by the

ARTICLE 8: Voted to designate 2077 Roaring Brook Road, Conway, MA, the area known as **POPLAR HILL MACHINE, INC.**, as an Economic Opportunity Area (EOA) shown in Book 6030, Page 167 and Assessor’s Map 417, Lot 12.112, which property is owned by Michael and Carol Kurkulonis, a copy of which is on file with the Town Clerk, and grant a ten (10) year Tax Increment Financing Agreement (TIF) for qualified economic development project/manufacturing expansion projects undertaken within said EOA, pursuant to MGL Chapter 23A: Section 3A-3F, Chapter 166 of the Acts of 2009, 402 CMR 2.00, MGL Chapter 63 Section 38N and 31A, 830 CMR 63.38 N.1, MGL Chapter 40; Section 59, MGL Chapter 59; Section 5 and 760 CMR 22.00 as applicable.

ARTICLE 9: Unanimously voted to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a **Municipal Lighting Plant** for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

Vote was taken by paper ballot. Four tellers were appointed to oversee the process. Each voter was checked in, issued a paper ballot and pencil, then proceeded to the checkout area where the voter was checked out and deposited their ballot in a ballot box. The number of ballots by actual count was 58 and the voter check list totaled 58. Ballots were sorted and counted by the tellers. The results were announced by the Town Clerk at 8:40 p.m. The actual count was: YES = 58; NO = zero

AT 8:45 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Item referenced in Article 1

STREET NAMING & BUILDING NUMBERING BYLAW

Purpose

The general purpose of this Bylaw is to set a standard for the clear identification of Public Ways and Common Driveways and the numbering of buildings in Town for the following purposes:

1. To aid and enhance the response of all public safety services, particularly for the Emergency Management Systems within Town and the response of other Emergency Services to 911 Emergency phone calls in Conway;
2. To aid in delivery of the United States Postal Service and other delivery services to locations in Town and;
3. To clearly identify properties for municipal purposes.

Building Numbering Requirements

The general policies and requirements for numbering buildings will apply regardless of the legal ownership or status of the road in question and are as follows:

Building numbers are assigned solely by the Highway Superintendent or his designee to all structures that qualify under the definitions stated herein:

1. All free-standing buildings used for residential, commercial, industrial or municipal purposes shall have a building number. Accessory outbuildings that provide storage or occasional, non-regular, infrequent use generally do not need a number.
2. A building with more than one residential unit or a property with a residential unit and other qualifying unit(s) – dwelling or business – will require only one building number with letters, i.e., A, B, etc., assigned to distinguish the individual units.

A request for a building number shall be submitted to the Highway Superintendent or his designee as the first requirement of a building permit application and the assigned number must appear on all permit documents. A building permit shall not be issued for any building that requires a number, based on its use, until a building number has been assigned.

Camps, cabins and cottages fall under this Bylaw if they are to be seasonal or year round residences or are rented as a housing or commercial unit.

Obtaining a New Building Number

When a qualifying building is constructed or converted to another purpose in Town, it shall be the duty of the owner to request on the proper form the correct number assignment from the Highway Superintendent or his designee prior to the issuance of any structural or use permits or any changes in the structure. The Highway Superintendent or his designee shall meet with the property owner to fix the location of the permanent driveway for the purpose of determining the official number.

Request forms are available at the Town Office or on the Town website, www.townofconway.com, under “Forms and Downloads.”

Placement of Building Numbers

Owners must affix building numbers to those structures for which a number has been designated by the Town. No building number, other than the one so designated by the Town, shall be affixed to or allowed to remain on any building requiring a number. Other markers, such as historical information like “Built 1795,” must be placed or styled in a way that will not conflict or easily be confused with the building number. The requirements for affixing building numbers are as follows:

1. Emergency response personnel must be able to see building numbers from their vehicles from the street, day or night.
2. However, if a building is not within 50 feet of and clearly visible from the center of the road, the building number shall be placed on a post, mailbox or other obvious place within fifteen (15) feet and on the same side of the Public Way at the end of the driveway access to said building.
3. All building numbers should be 4-6 feet above ground level so as to be seen in both directions of vehicular traffic and must be placed so as to be visible at all times above piled, plowed or accumulated snow, shrubberies or other obstructions. Building numbers on a mailbox are considered compliant with this Bylaw only if the mailbox is on the same side of the street as the building requiring a number and within 15 (fifteen) feet of the edge of its driveway.
4. A building that has more than one dwelling unit (including multi-family and accessory "in-law" apartments) shall have one street number with a letter assigned to the individual dwelling units, based on the principle of the unit's main entrance nearest to the beginning of the Public Way designated as A, the next distant as B, etc.

Size, Color of Street Number

Building numbers shall be of permanent weatherproof material, at least four (4) inches tall, and clearly visible against a contrasting background from the Public Way. Numbers must be in numerical, not word, form and shall be clearly visible under all conditions at all times of the year. Reflective numerals are recommended as being more easily visible for emergency personnel with flash or spot lights at night in an otherwise unlighted yard.

Brass, gold-colored or silver-colored numerals on a natural wood background must be sufficiently contrasting for good visibility under this Bylaw. Numbers carved into natural stone or wood should be painted to provide adequate contrast with their background. It shall be the duty of the property owner to maintain and display the building numbers in accordance with this section.

House Names

The commonly-known name of a building (i.e. a business sign or house name, "Post Office," "The Orchard") is not adequate identification for Emergency Management System purposes. The assigned building number for every qualifying building must be clearly displayed, as defined in this Bylaw.

Private and Shared Driveways

A driveway to a single residence from a Public Way is to be numbered along the Public Way and is not eligible for a different name unless future additional development on that driveway is planned or a reasonable expectation. In that case, the owner may request a name for the driveway and building numbers will be issued on that driveway in accordance with this Bylaw.

Driveways in regular use prior to the date of the acceptance of this Bylaw are not required to change to a named driveway until additional buildings are erected that need a number under this Bylaw. At that time, a request must be presented to the Planning Board for a driveway name and all of the numbered buildings on that driveway will be renumbered by the Highway Superintendent or his designee in accordance with the numbering system used elsewhere in this Bylaw.

Numbering on Shared and Common Driveways

Qualifying buildings on a named or Common Driveway will be assigned a building number consistent with this Bylaw and will use only the approved name of the shared or Common Driveway.

Qualifying buildings on an unnamed Shared Driveway shall be numbered from the road which provides access to the Shared Driveway.

Shared and Common Driveway Names

The Planning Board will assign a permanent name to a qualifying private way. The Planning Board shall solicit and consider name suggestions from the property owner(s) on the driveway, but may refuse them and choose another name. At the property owner's/developer's expense, the assigned name will be recorded with the Town Clerk within 30 days of the name's assignment by the Planning Board. The new name shall be the property's physical address.

At the expense of the property owners along the named private way, the Town will provide the sign. The town will install the sign within 30 days of the name assignment; it will be placed at the intersection of the Public Way and named driveway.

Street Name Changes

Street name changes will be made at the sole discretion of the Planning Board. Written notice shall be sent to all affected property owners, explaining the need for the change, and they will be invited to contribute suggestions for a new name. On acceptance by the Planning Board of the new name, all affected property owners shall be notified in writing by certified mail confirming the new street name and their new number, and they shall have sixty (60) days in which to change the numbers, if needed, on their buildings. All official Town records will be changed within 60 days of the Planning Board's final acceptance action and the name change and acceptance.

Enforcement

No Occupancy Permit for a newly erected structure shall be issued by the Building Inspector until the number and name of the way has been displayed as specified in this Bylaw.

In the event that a sign becomes inadequate, it shall be replaced by the current owner of the property.

Appeal

Any person aggrieved by the enforcement of this Bylaw, or by the refusal of the enforcing authorities to enforce any provision of this Bylaw, may file an appeal with the Zoning Board of Appeals within 30 calendar days of the date of such enforcement action or refusal. All appeals shall be handled in a manner consistent with the standard rules of the Board of Appeals.

Glossary

Driveway – that area of land which provides access to a building (or buildings) from a public or private way

Common Driveway – a privately-maintained driveway over private property that serves more than two residences and has been given a separate name with the designation "Drive." It must meet the building requirements in the Zoning Bylaw.

Shared Driveway - a privately-maintained driveway over private property that serves two residences and may have been given a separate name with the designation "Drive."

Item referenced in Article 2 – As-of-Right Bylaw

Article 2, Section 22.5 “As-of-Right Siting”

1.0 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

1.1 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

2.0 Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the board of selectmen, or person or board designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

Designated Location: The location[s] designated by [the community’s local legislative body], in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground - mounted large scale solar photovoltaic installations may be sited as-of right. Said location[s] [is/are] shown on a Zoning Map [insert title of map] pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the [Town/City] Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

3.0 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

3.4 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

3.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

3.4.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 3.5);
- (c) An operation and maintenance plan (see also Section 3.6);
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance; and
- (f) Description of financial surety that satisfies Section 3.12.3.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

3.6 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.7 Utility Notification

No large- scale ground –mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

3.8 Dimension and Density Requirements

3.8.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- (b) Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- (c) Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

3.8.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3.9 Design Standards

3.9.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3.9.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

3.9.3 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3.10 Safety and Environmental Standards

3.10.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3.10.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

3.11 Monitoring and Maintenance

3.11.1 Solar Photovoltaic Installation Conditions

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

3.11.2 Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

3.12 Abandonment or Decommissioning

3.12.1 Removal Requirements

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.12.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

3.12.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Town of Conway, Massachusetts

Annual Town Meeting

14 May 2012

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 220 voters were checked at the door and issued green cards for the purpose of voting. Lorraine Boyden, Winona Corse and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL YEAR 2013	
114	MODERATOR	\$350	Passed Unanimously
122	SELECTBOARD	\$14,000	Passed Unanimously
131	FINANCE COMMITTEE	\$300	Passed Unanimously
132	RESERVE FUND	\$40,000	Passed Unanimously
135	TOWN AUDIT	\$13,000	Passed Unanimously
141	ASSESSORS	\$48,408	Passed Unanimously
145	TREASURER	\$49,988	Passed Unanimously
146	COLLECTOR	\$16,276	Passed Unanimously
150	TOWN ADMIN	\$46,391	Passed
161	TOWN CLERK	\$20,821	Passed Unanimously
162	BOARD OF REGISTRARS	\$1,250	Passed Unanimously
163	ELECTIONS	\$7,915	Passed Unanimously
171	CONSERVATION COMMISSION	\$1,310	Passed Unanimously
175	PLANNING BOARD	\$2,500	Passed Unanimously
176	ZONING BOARD OF APPEALS	\$175	Passed Unanimously
190	PERSONNEL COMMITTEE	\$2,000	Passed Unanimously
192	BUILDING MAINTENANCE	\$67,885	Passed Unanimously
193	TOWN INSURANCE	\$59,770	Passed Unanimously
210	POLICE DEPARTMENT	\$111,382	Passed Unanimously
220	FIRE DEPARTMENT	\$53,651	Passed Unanimously
231	AMBULANCE	\$15,000	Passed Unanimously
291	EMERGENCY MANAGEMENT	\$3,500	Passed Unanimously
292	DOG WARDEN	\$750	Passed Unanimously
294	TREE WARDEN	\$375	Passed Unanimously
320	TECHNICAL SCHOOLS	\$129,360	Passed Unanimously
422	HIGHWAY DEPARTMENT	\$403,137	Passed Unanimously
423	WINTER ROADS – HIGHWAY	\$120,150	Passed Unanimously
512	BOARD OF HEALTH	\$163,250	Passed Unanimously
541	COUNCIL ON AGING	\$400	Passed Unanimously
543	VETERANS SERVICE	\$14,903	Passed Unanimously
630	PARKS, RECREATION AND TRAILS COM	\$3,700	Passed Unanimously
650	REC FIELD COMMONS MOWING	\$0	Passed Unanimously
691	HISTORICAL COMMISSION	\$250	Passed Unanimously
692	FESTIVAL OF THE HILLS	\$800	Passed Unanimously
710	FRONTIER CAP. IMPROVE BOND	\$31,887	Passed Unanimously
752	SHORT TERM INTEREST	\$3,250	Passed Unanimously
830	FRANKLIN REG. COUNCIL OF GOV.	\$49,142	Passed Unanimously
900	EMPLOYEE BENEFITS	\$516,393	Passed Unanimously
300A	GRAM SCH OPERATING BUDGET	\$1,512,286	Passed Unanimously
300B	GRAM SCH TRANSPORTATION	\$89,939	Passed Unanimously
892A	FRONTIER REGIONAL SCHOOL OPER.	\$863,170	Passed Unanimously
892B	FRONTIER REGIONAL SCHOOL TRANS.	\$17,588	Passed Unanimously
	Grand Total:	\$4,496,602.00	

At this point, the meeting voted to consider all school related Articles. The following were moved forward and considered out of order: Articles 15, 16, 17, 18, 22, 23, 35 and 37.

ARTICLE 15: Unanimously voted to establish a **Grammar School Stabilization Fund** account, per M.G.L. Chapter 40, Section 5B for the future use of maintenance and repair work to be performed at the Conway Grammar School building.

ARTICLE 16: Unanimously voted to take from free cash the sum of \$50,000.00 for the Grammar School Stabilization Fund account for the future use of maintenance and repair work to be performed at the Conway Grammar **School Building**.

ARTICLE 17: Voted to take from free cash the sum of \$35,000.00, for the purchase of an enhanced emergency **Telephone System** for the Conway Grammar School.

ARTICLE 18: Unanimously voted to take from free cash the sum of \$7,500.00 to perform an engineering study that will determine the scope of a new **Controller** for the HVAC system at the Conway Grammar School.

ARTICLE 22: Voted to take from overlay surplus the sum of \$4,900.00 for the purchase and installation of an **Emergency Electrical Tie-In** and associated equipment that will provide a connection for the emergency backup generator at the Town's emergency shelter/Conway Grammar School.

ARTICLE 23: Unanimously voted to take from overlay surplus the sum of \$1,830.00 for the modification of the **Fuel Line** for the emergency backup generator at the Town's emergency shelter/Conway Grammar School.

ARTICLE 35: Voted to take from free cash the sum of \$33,000 and to transfer from available trust funds the sum of \$25,000 to provide \$58,000.00 for the purchase and installation of a new **Playground** for the Conway Grammar School

ARTICLE 37: Unanimously voted to amend the Frontier Regional School District Agreement as follows:

Amendments to the Frontier Regional School District Agreement

Amend Section 1 of the Frontier Regional School District Agreement by deleting Section 1 A. – D.; replacing those paragraphs with the following paragraphs A. – C.; re-lettering paragraphs E to D, F to E, G to F and H to G: adding to the newly re-lettered paragraph D "The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement." and deleting paragraph H and replacing it with the following paragraph G.

Section I

The Regional District School Committee shall consist of eleven members: two each from Conway and Whately, three members from Sunderland and four members from Deerfield.

A. Composition

The Regional District School Committee, hereinafter referred to as the Committee, shall consist of eleven members: four from the Town of Deerfield, three from the Town of Sunderland, two from the Town of Whately and two from the Town of Conway. As hereinafter provided, four of the eleven members shall be appointed by the local school committees and seven shall be elected by the annual town elections.

B. Appointed Members

Immediately after each annual town election, the local school committee of each member town shall appoint from its own membership one member to serve on the Committee for a term of one year.
An appointed member's vote shall count as one vote cast on any issue.

C. Elected Members

Of the seven elected members, there shall be three from the Town of Deerfield, two from the Town of Sunderland and one from each of the Towns of Conway and Whately. At the annual town elections next following the Amendment to the Regional School District Agreement, the Town of Deerfield shall elect one additional member to serve on the Committee for a term that will stagger the terms of the elected members; and the Town of Sunderland shall elect one additional member to serve for a term that will stagger the terms of the elected members. Thereafter, at every succeeding annual town election when a member town is required to elect a member, each such town shall elect such member to serve for a term of three years.
An elected member's vote shall be weighted so that each member's vote represents the town's population as a percentage of the population of the whole district divided by the number of elected members from that Town. The calculations for weighted votes shall be based on the United States census and recalculated when new census figures are reported.

Delete paragraph D. Interim Committee

D. Change E to D. Vacancies and add final sentence

If a vacancy occurs among the appointed members, the local school committee of the member town involved shall appoint a member from its own membership to serve for the remainder of the unexpired term. If a vacancy occurs among the elected members, the selectmen of the member town involved shall appoint a member to serve until the next annual town election, at which election a successor shall be elected to serve for the remainder of the unexpired term, if any. The Selectboards of Deerfield and Sunderland shall appoint one member each to serve until the annual town elections next following the Amendment to the Regional School District Agreement.

E. Change F. Organization to E. Organization

F. Change G. Powers and Duties to F. Powers and Duties

G. Change H. Quorum to G. Quorum and replace with the following:

G. Quorum

A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted vote as counted.

The meeting then returned to the remaining articles in order.

ARTICLE 3: Voted to transfer from free cash the sum of \$150,000.00 for the purpose of **Reducing the Tax Levy** for the fiscal year beginning July 1st, 2012.

ARTICLE 4: Voted to exempt taxpayers from assessment of **Personal Property Tax** for accounts valued not in excess of \$10,000.00, in accordance with Clause 54 of M.G.L. Chapter 59, Section 5 pertaining to the tax assessment of any personal property.

ARTICLE 5: Unanimously voted to take from overlay surplus the sum of \$7,500.00 as the second installment to pay for the triennial FY2014 **Property Revaluation** budget.

ARTICLE 6: Unanimously voted to take from free cash the sum of \$5,000.00 for the purpose of pursuing **Tax Lien Foreclosures** in land court and any expenses incurred thereafter.

ARTICLE 7: Unanimously voted to take from designated state aid the sum of \$1,693.00, to make funding available for **Local Library** operations and expenses.

ARTICLE 8: Unanimously voted to take from free cash the sum of \$450.00, to cover the unpaid expense incurred by the **Board of Registrars** in FY2011. (4/5 vote required)

ARTICLE 9: Unanimously voted to take from free cash the sum of \$125,000.00 for the Town **Capital Stabilization** Fund account to make available for future capital expenditures.

ARTICLE 10: Unanimously voted to take from free cash the sum of \$100,000.00 for the Town **Garage Stabilization** Fund account to develop assets for the design and construction of a new Town Garage.

ARTICLE 11: Unanimously voted to transfer from free cash the sum of \$50,000.00 to the town's **General Stabilization** Fund account to make available funds for the general use of the Town.

ARTICLE 12: Unanimously voted to transfer from the Ambulance Department's Receipts Reserved account the sum of \$50,000.00 to the **Ambulance Stabilization** Fund to make available for the purchase of a new ambulance.

ARTICLE 13: Unanimously voted to transfer the sum of \$120,000.00 from the Town Ambulance Stabilization Fund account for the purchase of a **New Ambulance** and associated equipment that will replace an older vehicle.

ARTICLE 14: Unanimously voted to transfer from the Ambulance Department's Receipts Reserved account the sum of \$26,295.00 to the **Ambulance Operations** account for annual operating expenses.

Articles 15, 16, 17 and 18 were acted upon following article 2

ARTICLE 19: Unanimously voted to take from additional state aid the sum of \$1,500.00, for the purchase of consulting services that will provide analysis of **Post-Employment Benefits**, as mandated by the State of Massachusetts.

ARTICLE 20: Vote to establish an account for the purpose of funding an Other Post-Employment Benefits Liability Trust Fund authorized by vote of the 2011 Fall ~~Annual~~ Town Meeting under Article 8 pursuant to the provisions of Chapter 32B, Section 20 of the General Laws, as amended.

Town Clerk questions the validity of this vote. No vote taken under Article 8 at either of the two fall 2011 special town meetings would authorize this action. ...VAK

ARTICLE 21: Unanimously voted to take from free cash the sum of \$11,175.00 for the cost of Smith Vocational School tuition expenses incurred in FY2012 due to a **Student Transfer**.

Articles 22 and 23 were acted upon following article 18

ARTICLE 24: Unanimously voted to take from free cash the sum of \$18,750.00, eighty percent (80%) of which will be reimbursed by the State's Executive Office of Energy and Environmental Affairs to the Town of Conway upon completion of the Town's required Open Space and Recreation **Plan Update**.

ARTICLE 25: Unanimously voted to take from free cash the sum of \$10,000.00 for the **250 Year Celebration** in accordance with Massachusetts General Law chapter 44, section 53I.

ARTICLE 26: Unanimously voted to take from free cash the sum of the sum of \$45,000.00 to purchase a new vehicle to be used by the Police Department as a **Police Cruiser** and trade in the old cruiser.

ARTICLE 27: Unanimously voted to take from free cash the sum of \$40,302.00 as the first payment of a 5-year financing package to purchase a new **Front-End Bucket Loader** for use by the Highway Department to replace an older vehicle.

Town Clerk questions the validity of this vote. ...VAK

ARTICLE 28: Unanimously voted to transfer from the Road Machinery Earnings account the sum of \$8,644.00 to purchase a new **Angle Snow Plow** for use by the Highway Department

ARTICLE 29: Unanimously voted to transfer from additional state aid funds the sum of \$1,500.00 for the purpose of archiving and indexing, in digital form, **Vital Town Records** to create a quick, searchable database

ARTICLE 30: Voted to transfer from additional state aid funds the sum of \$2,000.00 to secure a Purchase & Sale agreement for procurement of **0.14 Acres**, on Main Street in Conway, MA, Assessor's Map 102, Lot 1, from Edward Batchelder for use as public access and a buffer to the South River per M.G.L. Chapter 40, Section 8C.

Moderator declared a two-thirds vote on the basis of voice and raising green voting cards.

ARTICLE 31: Voted to appropriate \$90,000.00 from the General Stabilization Fund, for the procurement of 0.31 acres and house located at **37 Academy Hill Road** in Conway, MA Assessor's Map 103, Lot 9, from the Estate of Edward Barber for use as public access and handicapped and general parking for both the Town ball field and Town Hall on Academy Hill Road.

ARTICLE 32: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** (CPF) as recommended by the Community Preservation Committee (CPC) as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- Voted to appropriate \$123,000.00 from undesignated Fund Balance for Preservation of the Conway Swimming Pool
- Voted to appropriate \$20,000.00 from Historical Reserves and \$80,000 from undesignated Fund Balance for Repairs to the United Congregational Church of Conway
- Voted to appropriate \$3,415.00 from Annual Revenues (FY2013) for Administration of the CPC

Voted to provide Reserves from FY2013 Annual Revenues

\$6,830.00 to the Community Preservation Open Space Reserve
\$6,830.00 to the Community Preservation Community Housing Reserve
\$51,225.00 to the Community Preservation Budgeted Reserve

ARTICLE 33: Unanimously voted to take from free cash the sum of \$90,000.00 for the purpose of engineering and permitting required for the improvement of the **Town Field, the Rose Field** and related park areas.

ARTICLE 34: Unanimously voted to transfer from existing state aid the sum of \$2,000.00 for the purpose of improvements to **Memorial Park and Common Areas**.

Article 35 was acted upon following article 23

ARTICLE 36: Voted to authorize and empower the Selectboard to create the position of and appoint a full-time Town Administrator by doing the following tasks:

- By July 31, 2012, create a job description for Town Administrator;
- By September 20, 2012, advertise for a Town Administrator;
- By *January 31, 2013*, hire a Town Administrator;

Further, by each date specified, the Selectboard will post an update as to the progress in reaching each task on the Town website.

Further, the Town shall authorize the appropriation of \$70,000.00 in free cash funds to be used to pay the salary and benefits, which shall be established at the discretion of the Selectboard based on the credentials and experience of the chosen candidate.

Article 37 was acted upon following article 35

ARTICLE 38: Unanimously voted to accept the following:

A resolution to seek lower electric rates in a competitive market:

WHEREAS, the Commonwealth of Massachusetts, by enacting MGL Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and

WHEREAS, the citizens of the Town of Conway in Franklin County have substantial economic, environmental, and social interests at stake; and

WHEREAS, Conway's residential and business consumers are interested in reducing their electricity rates;

Be it therefore resolved, that the Town Meeting of Conway grant the Select Board authority to develop and participate in a contract or contracts for Power Supply and other related services, independently, or in joint action with other municipalities through the Hampshire Council of Governments. If such contracts are to be approved, individual consumers would retain the option not to participate and to choose any alternative service they desire; and be it further resolved, that the Select Board will appoint a representative for a committee to oversee such joint action.

ARTICLE 39: Voted to authorize the Board of Selectmen to take all necessary and appropriate action to establish and to maintain, in accordance with the provisions of Chapter 164 of the General Laws and in accordance with the rules, regulations and orders of the Department of Public Utilities and the Department of Telecommunications & Cable, a **Municipal Lighting Plant** for all purposes allowable under the laws of the Commonwealth, including without limitation the operation of a telecommunications system and any related services.

Vote was taken by paper ballot. Four tellers were appointed to oversee the process. Each voter was checked in, issued a paper ballot and pencil, then proceeded to the checkout area where the voter was checked out and deposited their ballot in a ballot box. The number of ballots by actual count was 102. Ballots were sorted and counted by the tellers. The results were announced by the Town Clerk at 10:40 p.m. The actual count was: YES = 99 (ninety-nine); NO = 3 (three)

ARTICLE 40: Voted to instruct our members of Congress to support an amendment to the United States Constitution to clarify that corporations do not have the same rights as people and that money is not speech for purposes of election-related spending as follows:

A resolution that corporations are not 'natural' people and that money does not equate to free speech:

WHEREAS, the United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings ("real People"); and,

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations; and,

WHEREAS, the United State Supreme Court in Citizens United v. Federal Election Commission presents a serious threat to self-government by allowing unlimited corporate spending to influence elections; and,

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy;

NOW THEREFORE, BE IT RESOLVED that the voters of Conway, Massachusetts hereby instruct the Senators representing the Commonwealth of Massachusetts and the members of the United States House of Representatives representing this Congressional District to propose, and our state legislators to ratify an amendment to the United States Constitution to provide that corporations are not entitled to the constitutional rights of real people and that money is not speech for purposes of campaign-related expenditures and contributions.

The text of the proposed amendment is as follows:

Amendment

Section 1. [*A corporation is not a person and can be regulated*]

The rights protected by the Constitution of the United States are the rights of natural persons only. Artificial entities, such as corporations, limited liability companies, and other entities, established by the laws of any State, the United States, or any foreign state shall have no rights under this Constitution and are subject to regulation by the People, through Federal, State, or local law.

The Privileges of artificial entities shall be determined by the People, through Federal, State, or local law, and shall not be construed to be inherent or inalienable.

Section 2. [*Money is not speech and can be regulated*]

Federal, State and local government shall regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing in any way the election of any candidate for public office or any ballot measure.

Federal, State and local government shall require that any permissible contributions and expenditures be publicly disclosed.

The judiciary shall not construe the spending of money to influence elections to be speech under the First Amendment.

Section 3.

Nothing contained in this amendment shall be construed to abridge the freedom of the press. (By Petition)

ARTICLE 41: Voted to accept the following:

A resolution to restore due process and the right to trial:

WHEREAS, the Constitution of the United States is the foundation of our nation's rights and freedom, and the basis of our representative democracy; and

WHEREAS, the indefinite military detention without trial of any person, including US citizens, could be allowed by Sections 1021 and 1022 of the National Defense Authorization Act (NDAA); and

WHEREAS, the indefinite military detention of any person without trial violates the 5th and 6th amendments of the Constitution of the United States, Article III of the Constitution of the United States, and the Posse Comitatus Act; and

WHEREAS, the NDAA corrodes the ideals of presumed innocence and right to a fair trial on which our nation was founded, and which generations of activists and military servicemen and women have fought to preserve; and

WHEREAS the Town of Conway re-affirms its gratitude for the supreme sacrifice of those in the Armed Forces who have died in battle in the name of those same cherished rights and liberties; and

WHEREAS, the NDAA's detention provisions could, under *Humanitarian Law Project v. Holder*, allow the targeted detention of activists, journalists and other Americans exercising their First Amendment rights despite the crucial role of Free Speech in preserving liberty; and

WHEREAS, the NDAA's detention provisions could allow the recurrence of torture in military detention in violation of the Eighth Amendment; and

WHEREAS, the detention provisions could force US military servicemembers to serve as domestic jailers, a role for which they are neither trained nor equipped, nor is ever appropriate; and

WHEREAS, the FBI Director, the Defense Secretary, the Director of National Intelligence, the Department of Defense, and many of our nation's generals, admirals, and servicemen and women have opposed the NDAA's detention provisions; and

WHEREAS, the Town of Conway has an extensive history of protecting its residents' civil rights and liberties as embodied in its rejection of the USA PATRIOT Act, which led hundreds of other municipalities across the nation to emulate our example;

THEREFORE BE IT RESOLVED that the Selectboard of the Town of Conway, MA acting in the spirit and history of our community, does hereby declare that we:

Strongly affirm our loyalty to the rights and liberties enshrined within the Constitution of the United States, including the Fifth Amendment right to due process and the Sixth Amendment right to trial;

Instruct all our public agencies to decline requests by federal agencies acting under detention powers granted by the NDAA that could infringe upon residents' freedom of speech, religion, assembly, privacy, or rights to counsel;

Expect all federal and state law enforcement officials acting within the Town of Conway to work in accordance with local law, and in cooperation with the Conway Police Department, by allowing any detainees among Conway's residents or visitors access to a trial, counsel and due process, as provided by Article III of the Constitution of the United States; and

Request that our US Congressional Representatives and Senators, and our State Representatives and Senators monitor the implementation of the NDAA and actively work for the repeal of the NDAA's detention provisions, as they pertain to all persons within the United States, to restore fundamental rights and liberties embodied in the Constitutions of the Commonwealth and the United States. To that end, the Selectboard shall send copies of this resolution to our state elected officials, the US Senate Committee on the Judiciary, the US Senate Select Committee on Intelligence, the US House of Representatives Committee on the Judiciary, the US House of Representatives Permanent Select Committee on Intelligence, the US Attorney General, and the President of the United States.

At 11:57 p.m., the meeting was adjourned until Thursday, 17 May 2012 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in votes for one Selectmen for three years, one Assessor for three years, two members of the Board of Health for three years, two members of the local School Committee for three years, two members of the Planning Board for three years, one member of the Planning Board for 2 years, one member of the Planning Board for one year, one Moderator for one year, and one Question: Shall the Town of Conway pay one-half the premium costs payable by a retired employee for group life insurance and for group general or blanket hospital, surgical, medical, dental and other health insurance as per Massachusetts General Laws, Chapter 32B, Section 9A.

A true record of the Meeting,

Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Special Town Meeting

24 September 2012

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 73 voters were checked at the door and issued green cards for the purpose of voting. Aina Barten, Lorraine Boyden and Elizabeth Braccia served as checkers.

IN THE ABSENCE of Moderator J. Nicholas Filler, the meeting was called to order by the Town Clerk at 7:05 p.m. The clerk announced the presence of a quorum and read the warrant. The floor was opened to nominations for a temporary moderator and Thomas Pleasant was nominated. Motion was made, seconded and voted that nominations be closed. Motion was made, seconded and voted that the Clerk cast one ballot for Thomas Pleasant. The Clerk announced that Thomas Pleasant would serve as temporary moderator and he was administered the oath of office. The following items were voted by those persons in attendance:

ARTICLE 1: Voted to appropriate from the Town's Capital Stabilization Fund, the sum of \$170,000 for the purchase of a new 2012 or 2013 **Bucket Loader** for general use by the Conway Highway Department, which supersedes and replaces the vote of Article 27 from the annual town meeting of 14 May 2012.

AT 7:21 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Special Town Meeting

28 January 2013

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 28 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten and Ginny Knowlton served as checkers. The meeting was called to order by Moderator J. Nicholas Filler. The meeting voted to dispense with the reading of the warrant. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted to appropriate from Free Cash the sum of \$525 for the cost of decommissioning the old well on 37 Academy Hill Rd.

ARTICLE 2: Unanimously voted to appropriate from Free Cash the sum of \$3,331.40 for the cost of demolishing the house on 37 Academy Hill Rd.

AT 7:18 P.M., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Town of Conway, Massachusetts

Special Town Meeting
02 February 2016

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 109 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten and Marie Iken served as checkers. The meeting was called to order by the Moderator. The call and return of service having been examined and found to be in order, it was unanimously voted to dispense with the formality reading the warrant. The following action was taken by those persons in attendance:

Motion was made and voted to move Articles 2 and 3 forward.

ARTICLE 2: Voted to transfer the sum of \$5,000 from the undesignated funds account (free cash) for the purpose of paying an **historical deficit in firearms license fees**.

ARTICLE 3: Voted to transfer the sum of \$3,000 from the undesignated funds account (free cash) for a **study regarding the Frontier Regional School District**.

ARTICLE 1: Unanimously voted to number the current section of the Town General Bylaws under "Condition and Development of Property" titled "Public Nuisance" as Section 1 and, the current section titled "Regulation of the Board of Health of the Town of Conway" as section 2 and to add the attached pages, **Noise, Earth Removal, and Related Disturbances Bylaw**, as Section 3.

Following a brief presentation by the Planning Board, motion was made, seconded and unanimously voted to replace the version of the bylaw appearing in the warrant with an amended version as presented by the Planning Board in a printed handout.

All amendments to the original article text are included on a separate sheet and within the text of the voted bylaw - new text is underlined; deleted text is ~~struck-through~~. All amendments were unanimously voted by the meeting.

AT 8:35 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Annual Town Meeting 13 May 2013

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 155 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten, David Barten and Lorraine Boyden served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund any deficit in the operating budget.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL YEAR 2014	VOTE
114	MODERATOR	350	Passed Unanimously
122	SELECTMEN	6,500	Passed Unanimously
131	FINANCE COMMITTEE	300	Passed Unanimously
132	RESERVE FUND	40,000	Passed Unanimously
135	TOWN AUDIT	0	Passed Unanimously
141	ASSESSORS	46,909	Passed Unanimously
145	TREASURER	50,215	Passed Unanimously
146	COLLECTOR	15,034	Passed Unanimously
150	TOWN ADMIN	66,660	Passed Unanimously
151	LEGAL	15,000	Passed Unanimously
161	TOWN CLERK	20,992	Passed Unanimously
162	REGISTRARS	1,250	Passed Unanimously
163	ELECTIONS	3,400	Passed Unanimously
171	CONSERVATION COMMISSION	1,070	Passed Unanimously
175	PLANNING BOARD	2,500	Passed Unanimously
176	ZONING BOARD OF APPEALS	175	Passed Unanimously
190	PERSONNEL COMMITTEE	2,000	Passed Unanimously
192	BUILDING MAINTENANCE	54,577	Passed Unanimously
193	TOWN INSURANCE	63,200	Passed Unanimously
210	POLICE DEPARTMENT	113,828	Passed Unanimously
220	FIRE DEPARTMENT	51,431	Passed Unanimously
231	AMBULANCE	15,000	Passed Unanimously
291	EMERGENCY MANAGEMENT	3,500	Passed Unanimously
292	DOG WARDEN	1,450	Passed Unanimously
294	TREE WARDEN	375	Passed Unanimously
300A	GRAM SCH OPERATING	1,551,638	Passed
300B	GRAM SCH TRANSPORTATION	94,850	Passed
320	TECHNICAL SCHOOLS	150,456	Passed Unanimously
422	HIGHWAY DEPARTMENT	397,892	Passed Unanimously
423	WINTER ROADS	120,315	Passed Unanimously
512	BOARD OF HEALTH	162,165	Passed Unanimously
541	COUNCIL ON AGING	400	Passed Unanimously
543	VETERANS SERVICES	9,603	Passed Unanimously
630	PARKS, RECREATION, TRAILS	3,700	Passed Unanimously
691	HISTORICAL COMMISSION	400	Passed Unanimously
692	FESTIVAL OF THE HILLS	800	Passed Unanimously
710	FRONTIER CAP BOND	23,506	Passed Unanimously
750	DEBT SERVICE	68,311	Passed Unanimously
752	SHORT TERM INTEREST	0	Passed Unanimously
830	FRCOG	52,044	Passed Unanimously
892A	FRONTIER REG OPERATING	1,008,832	Passed
892B	FRONTIER TRANSPORTATION	18,778	Passed Unanimously
900	EMPLOYEE COSTS	536,337	Passed Unanimously
	Grand Totals:	\$4,775,743.00	

At this point, the meeting voted to consider Articles 15 out of order. A secret ballot was requested, a vote was taken and the request for secret ballot failed.

ARTICLE 15: Voted to **amend the surcharge** under Section 3 of Chapter 44B of the General Laws, the Community Preservation Act, from one and one half (1.5) per cent to three (3) per cent of the taxes assessed annually on real property, effective July 1, 2014, and to adopt the exemption from the property tax surcharge imposed under Section 3 of Chapter 44B of the General Laws for the first \$100,000 of the value of each taxable parcel of residential, commercial and industrial real property, effective July 1, 2014. *Moderator declared the article passed following a hand-count: YES = 84 / NO = 59*

The meeting then returned to the remaining articles in order.

ARTICLE 3: Voted to take from free cash the sum of \$25,000.00 for the **Grammar School Stabilization Fund** for the future use of maintenance and repair work to be performed at the Conway Grammar School Building. *Two-thirds (2/3) vote required; Moderator declared the article passed on a voice vote*

ARTICLE 4: Voted to take from free cash the sum of \$17,242.55 for capital improvement requests for the **Frontier Regional School District** . Each category voted separately:

			Vote
A. Safety and security updates	\$8,734.50	50.66%;	Unanimously Passed
B. Electrical improvements	\$744.05	4.32%;	Unanimously Passed
C. Replacement of a pick-up truck	\$3,882.00	22.51%;	Passed
D. Student transport van	\$3,882.00	22.51%;	Unanimously Passed

ARTICLE 5: Unanimously voted to revise Article 28 from the Annual Town Meeting held April 12, 2010 to read “to direct the Selectboard to appoint a **Town Sestercentennial (250 year) Anniversary Committee**, consisting of seven (7) members, including one member from the Festival of the Hills Committee, for the purpose of planning for the 250th anniversary of the Town, and fund-raising therefore.”

ARTICLE 6: Unanimously voted to take from free cash the sum of \$10,000.00 for the **250 Year Anniversary Celebration** in accordance with Massachusetts General Law Chapter 44, Section 53I.

ARTICLE 7: Voted to transfer from PEG Access funds the sum of \$5,500.00 to purchase website services for the town in order to improve procedures and records.

ARTICLE 8: Voted to take from free cash the sum of \$15,000.00 to improve the town’s **computer technology and network**.

ARTICLE 9: Unanimously voted to take from free cash the sum of \$10,000.00 for the purpose of pursuing **Tax Lien Foreclosures** in land court and all expenses associated with the Tax Title process.

ARTICLE 10: Unanimously voted to take from Overlay Surplus the sum of \$4,995.00 for the purchase of a **Masimo Oximeter** for the Ambulance Department.

ARTICLE 11: Voted to transfer the sum of \$80,000.00 from the Capital Stabilization Fund to purchase a new **Mini-Excavator with trailer** for the Conway Highway Department and to dispose of the old back hoe. *Two-thirds (2/3) vote required; Moderator declared the article passed on a voice vote*

ARTICLE 12: Voted to transfer the sum of \$19,476.00 from the Road Machinery Earnings account and take \$4724.00 from free cash for a total of \$24,200.00 to purchase a new **tractor with snow blower and sweeper** for the Conway Highway Department.

ARTICLE 13: Voted to transfer the sum of \$175,000.00 from the Garage Stabilization Fund to develop working and construction plans of the **Conway Highway Garage**. *Two-thirds (2/3) vote required; Moderator declared the article passed on a voice vote*

ARTICLE 14: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund**, as recommended by the Community Preservation Committee and set forth herein, the following amounts for community preservation purposes, with each item considered a separate appropriation:

Appropriations

A. Voted to Appropriate \$4,900.00 from FY2014 Annual Revenues to the Historical Commission for a Cemetery Headstone Inventory.

B. Voted to Appropriate \$3,000.00 from the Housing Reserve to the Housing Committee for a Site Analysis for Affordable Senior Housing on the Rose Property.

Moderator called for a hand count on part B: actual vote was YES = 75; NO = 36

C. Voted to appropriate \$3,688.00 from FY2014 Annual Revenues for Administration of the Community Preservation Committee.

Voted To provide Reserves from FY2014 Annual Revenues as follows:

- D. \$2,476.00 to the Community Preservation Historical Reserve
- \$7,376.00 to the Community Preservation Community Housing Reserve
- \$60,220.00 to the Community Preservation Budgeted Reserve

Articles 15 was acted upon following article 2

ARTICLE 16: Unanimously voted to take from free cash the sum of \$24,000 for the purchase and installation of a **paper compactor** at the Transfer Station.

ARTICLE 17: Failed to provide for the purchase and installation of a **Remote Digital LED Bulletin Board** with text and animation capabilities.

ARTICLE 18: Voted to transfer from free cash, the sum of \$120,000 to the **Capital Stabilization Fund** to make available for future capital expenditures. *Two-thirds (2/3) vote required; Moderator declared the article passed on a voice vote*

ARTICLE 19: Unanimously voted to transfer from free cash the sum of \$90,000 to the **Garage Stabilization Fund** to develop assets for the design and construction of a new Town Garage.

ARTICLE 20: Unanimously voted to transfer from free cash the sum of \$60,000 to the **General Stabilization Fund** to make available funds for the general use of the Town.

ARTICLE 21: Vote to enact a **moratorium on the establishment of medical marijuana growing centers** and on the sale and distribution of medical marijuana through Medical Marijuana Treatment Centers (MMTC), also known as dispensaries, until June 30, 2014, for the purpose of allowing town officials adequate time to review the State's Department of Public Health regulations, 105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA, and to possibly propose zoning bylaws to regulate the same as necessary.

Two-thirds (2/3) vote required; Moderator declared the article passed on a voice vote

ARTICLE 22: Unanimously voted to take from the Overlay Surplus account the sum of \$15,703.38 to cover an Overlay deficit and reimburse the Town for the **refund made to Verizon NE** in November 2012 for personal property taxes paid by Verizon NE in FY2009 as ordered by the Supreme Judicial Court to be refunded following the appeal process.

ARTICLE 23: Failed to authorize the Board of Selectmen to enter into **renewable energy power purchase and/or net metering credit purchase agreements** for terms of more than three years, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town, or to authorize the Board of Selectmen to take actions necessary to implement and administer such agreements.

ARTICLE 24: Unanimously voted to take from designated state aid the sum of \$1,844.00, to make funding available for **Local Library** operations and expenses.

ARTICLE 25: Unanimously voted to transfer from the Ambulance Department's Receipts Reserved account the sum of \$29,350 to the **Ambulance Operations** account for annual operating expenses.

ARTICLE 26: Unanimously voted to raise and appropriate the sum of \$9,500, as the third installment to pay for the triennial FY2014 **Property Revaluation** budget.

ARTICLE 27: Unanimously voted to transfer from the Ambulance Department's Receipts Reserved account the sum of \$45,000 to the **Ambulance Stabilization Fund**.

At 10:12 p.m. the meeting adjourned until Thursday, May 16, 2013 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for one member of the Board of Selectmen for three years, one Assessor for three years, one member of the Board of Health for three years, one member of the Board of Health for one year, one member of the local School Committee for three years, one member of Frontier Regional School Committee for three years, one member of the Planning Board for three years, one Town Clerk for three years, one Tree Warden for one year, one Moderator for one year and three Constables for three years.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Annual Town Meeting

12 May 2014

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 214 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten, Lorraine Boyden and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$4,917,660 as amended under article 2 in the warrant.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL YEAR 2014	VOTE
114	MODERATOR	350	Passed Unanimously
122	SELECTMEN	6,500	Passed Unanimously
131	FINANCE COMMITTEE	200	Passed Unanimously
132	RESERVE FUND	40,000	Passed Unanimously
135	TOWN AUDIT	13,000	Passed Unanimously
141	ASSESSORS	44,400	Passed Unanimously
145	TREASURER	53,379	Passed Unanimously
146	COLLECTOR	15,697	Passed Unanimously
150	TOWN ADMIN	78,810	Passed Unanimously
151	LEGAL	10,000	Passed Unanimously
161	TOWN CLERK	21,375	Passed Unanimously
162	REGISTRARS	1,250	Passed Unanimously
163	ELECTIONS	7,920	Passed Unanimously
171	CONSERVATION COMMISSION	1,229	Passed Unanimously
175	PLANNING BOARD	2,500	Passed Unanimously
176	ZONING BOARD OF APPEALS	175	Passed Unanimously
190	PERSONNEL COMMITTEE	100	Passed Unanimously
192	BUILDING MAINTENANCE	66,638	Passed Unanimously
193	TOWN INSURANCE	66,305	Passed Unanimously
210	POLICE DEPARTMENT	115,650	Passed Unanimously
220	FIRE DEPARTMENT	51,811	Passed Unanimously
231	AMBULANCE	15,000	Passed Unanimously
291	EMERGENCY MANAGEMENT	4,250	Passed Unanimously
292	DOG WARDEN	1,950	Passed Unanimously
294	TREE WARDEN	375	Passed Unanimously
300A	GRAM SCH OPERATING	1,614,614	Passed
300B	GRAM SCH TRANSPORTATION	95,580	Passed
320	TECHNICAL SCHOOLS	124,529	Passed
422	HIGHWAY DEPARTMENT	441,351	Passed Unanimously
423	WINTER ROADS	120,662	Passed Unanimously
512	BOARD OF HEALTH	154,383	Passed Unanimously
541	COUNCIL ON AGING	400	Passed Unanimously
543	VETERANS SERVICES	9,720	Passed Unanimously
630	PARKS, RECREATION, TRAILS	3,700	Passed Unanimously
691	HISTORICAL COMMISSION	400	Passed Unanimously
692	FESTIVAL OF THE HILLS	1,250	Passed Unanimously
710	FRONTIER CAP BOND	15,769	Passed Unanimously
750	DEBT SERVICE	66,417	Passed Unanimously
752	SHORT TERM INTEREST	0	Passed Unanimously
830	FRCOG	56,979	Passed Unanimously
892A	FRONTIER REG OPERATING	1,054,521	Passed Unanimously
892B	FRONTIER TRANSPORTATION	16,001	Passed Unanimously
900	EMPLOYEE COSTS (insurance)	522,520	Passed Unanimously
	Grand Totals:	\$4,917,660.00	

At this point, the meeting voted to consider Articles 18 and 19 out of order.

ARTICLE 18: Unanimously voted to transfer \$16,900.00 from the undesignated funds account (free cash) for maintenance and repair work to be performed at the Conway Grammar School Building.

ARTICLE 19: Unanimously voted to transfer \$50,000.00 from the undesignated funds account (free cash) to the Grammar School Stabilization Fund for maintenance and repair work to be performed at the Conway Grammar School Building. *(Two-thirds vote declared by the Moderator.)*

The meeting then returned to the articles in order.

ARTICLE 3: Unanimously voted to transfer \$20,000.00 from the undesignated funds account (free cash) to the **Other Post-Employment Benefits Liability Trust Fund.**

ARTICLE 4: Unanimously voted to transfer \$28,667.00 from the Ambulance Department's Receipts Reserved account for **Ambulance Department annual operating expenses.**

ARTICLE 5: Voted to transfer \$25,000.00 from the undesignated funds account (free cash) for a **used plow truck** for the Highway Department.

ARTICLE 6: Unanimously voted that the Town **establish a compensated absences special fund** under MGL, CH 40, Sec 13D for setting aside funds for the future payment of accrued liabilities for compensated absences.

ARTICLE 7: Unanimously voted to transfer \$50,000.00 from the undesignated funds account (free cash) for **funding the payment of vacation and sick hours accrued by personnel** prior to July 1, 2013. (*Moderator called for a hand count to establish the required four-fifths vote.*)

ARTICLE 8: Voted to transfer \$14,930.16 from the Reserve Fund to pay for work done in a past year which was not reimbursed by a fire equipment grant. (*Moderator called for a hand count to establish the required four-fifths vote.*)

ARTICLE 9: Voted to transfer \$12,000.00 from the undesignated funds account (free cash) for a comprehensive **feasibility study of the alternative possibilities for creating a municipal waste water treatment system** which would serve the residences and businesses in the village center (Route 116) including but not limited to River Street, Main Street, and portions of South Deerfield Road and Ashfield Road.

ARTICLE 10: Unanimously voted to transfer \$10,000.00 from the undesignated funds account (free cash) for the **250th Anniversary Planning Committee.**

ARTICLE 11: Unanimously voted to transfer \$10,000.00 from the undesignated funds account (free cash) for pursuing **tax lien foreclosures** in land court and all expenses associated with the Tax Title process.

ARTICLE 12: Voted to transfer \$8,000.00 from the undesignated funds account (free cash) for a **new Town website.**

ARTICLE 13: Unanimously voted to transfer \$7,500.00 from the undesignated funds account (free cash) for **annual planning for revaluation.**

ARTICLE 14: Voted to transfer \$7,000.00 from the undesignated funds account (free cash) for a **copier for the Town Office.**

At this point, the meeting voted to consider Article 29 out of order.

ARTICLE 29: Voted to **approve the following resolution:**

Whereas a High-pressure pipeline carrying natural ("fracking") gas has been proposed to transit the Town of Conway and surrounding communities en route to Dracut Mass for export by The Tennessee Gas Company (see map); and

Whereas the construction of said pipeline would necessitate the destruction of woodlands, trails and wildlife habitat in the environmentally sensitive areas of Pine Hill and the South River State Forest; and

Whereas a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or other toxic environmental impacts; and

Whereas mitigation of said impacts could constitute an undue burden on the Town Fire Department; and

Whereas insuring the security of said pipeline could also become an additional burden on the Town Police Department; and

Whereas the cost of the construction of said pipeline (by a private corporation) as currently proposed would be partially defrayed by Massachusetts ratepayers in the form of a utility bill tariff; and

Whereas we the Citizens of Conway have chosen to live here because we treasure our natural environment;

be it resolved that:

We the citizens of Conway Massachusetts hereby call upon our Selectboard to convey our opposition to this project to all concerned (including our State and Federal legislators) on our behalf.

The meeting then returned to the remaining articles in order.

ARTICLE 15: Unanimously voted to transfer \$5,500.00 from the undesignated funds account (free cash) for **new Police Department computer equipment.**

ARTICLE 16: Unanimously voted to raise and appropriate the sum of \$1,916 to make funding available for **local library operations and expenses.**

ARTICLE 17: Unanimously voted to transfer \$351.78 from the undesignated funds account (free cash) to **pay out past years' stipends for the Tree Warden.** (*Moderator declared the required four-fifths majority on a voice vote.*)

Articles 18 and 19 were acted upon following article 2

ARTICLE 20: Unanimously voted to transfer \$125,000.00 from the undesignated funds account (free cash) to the **Capital Stabilization Fund** to make available funds for the capital expenses of the Town. (*Moderator declared the required two-thirds majority on a voice vote.*)

ARTICLE 21: Voted to transfer \$200,000.00 from the undesignated funds account (free cash) into the **Garage Stabilization Fund** to develop working plans and construction of the Conway Highway Garage. (*Moderator declared the required two-thirds majority on a voice vote.*)

ARTICLE 22: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

Appropriations

- A. To appropriate \$9,345 from the Open Space Reserve to the Open Space Committee for a three-year program to control Japanese Stiltgrass in Conway
- B. To appropriate \$4,060 from Annual Revenues (FY15) for Administration of the Community Preservation Committee

To provide Reserves from FY2015 Annual Revenues

- C. \$8,119 to the Community Preservation Historical Reserve
\$8,119 to the Community Preservation Community Housing Reserve
\$8,119 to the Community Preservation Open Space Reserve
\$52,773 to the Community Preservation Budgeted Reserve

To provide Additional Reserves from FY2014 Budgeted Reserve (*Per DOR Bulletin 2014-03B*)

- D. \$2,602 to the Community Preservation Historical Reserve
\$2,602 to the Community Preservation Community Housing Reserve
\$2,602 to the Community Preservation Open Space Reserve

ARTICLE 23: Voted to table the article requesting a comprehensive revision of the **Zoning Bylaws.**

ARTICLE 24: Unanimously voted that the Town **request legislation allowing David Johnson to serve in the Police Department** until his non-reappointment; provided, however, that deductions from the regular compensation of David Johnson shall not be made under Chapter 32 of the General Laws for any service subsequent to his reaching the age of 65 in connection with his service to the town for retirement or pension purposes.

ARTICLE 25: Voted to **accept a new general by-law** as follows:

NON-CRIMINAL DISPOSITION

Any by-law of the Town of Conway, or rule or regulation of its officers, board or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each violation, if not specified, shall be \$50 for the first violation, \$100 for the second violation, and \$150 for the third and subsequent violations.

“Enforcing person: as used in this bylaw shall mean: any Town of Conway police officer with respect to any offense; as well as the Building Inspector and his designee, the members of the Conservation Commission and its designee, the members of the Board of Health, its Health Agent or other designee, and such other officials as the Board of Selectmen from time to time designate, each with respect to violation of bylaws and rules within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

ARTICLE 26: Article was defeated (bylaw re unlawful to deposit snow on any Town roadway).

ARTICLE 27: Voted to accept a new general bylaw, as follows:

A. Stipulations

A town-wide winter parking ban will be in effect from November 1 of each year through April 1 of the succeeding year, between the hours of 12:00 a.m. –7:00 a.m. On-street parking on public roadways will not be permitted during these times. In addition, vehicles should be removed from public roadways during daylight hours in the instance of "inclement" weather or stated snow emergency for snow removal purposes.

B. Authorization

As per M.G.L. Chapter 40, Section 21(16), the superintendent of streets or other officer having charge of ways, for the purpose of removing or plowing snow, or removing ice, from any way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, and for imposing liability for the cost of such removal, and of the storage charges, if any, resulting therefrom, upon the owner of such vehicle.

C. Penalty

The enforcing agent shall be the Police Department.

ARTICLE 28: Voted to revise the general bylaws by deleting Sections 4 and 5 (procurement) under "Financial" as follows:

~~**Section 4:** No contract for the purchase by the Town or on its behalf by any officer, agent, Board, Commissioner, Committee, thereof, for apparatus, supplies, materials or equipment, the estimated or actual cost of which exceeds two thousand dollars (\$2,000.00) or whatever amount is specified in Chapter 40, Section 4B of the General Laws if that amount should exceed two thousand dollars (\$2,000.00), except in cases of extreme emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in at least one newspaper, if any, published in the town or district, otherwise in at least one newspaper of general circulation in the town or district, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve to the town or district the right to reject any or all such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading and provisions of this section. Materials purchased by any town, under specifications of the state Department of Public Works, and at prices established by said Department of Public Works, pursuant to advertising and bidding for such purposes, in connection with work to be performed under the provisions of Chapter eighty one or Chapter ninety, shall not be subject to the requirements of this section. The provisions of this section shall apply to regional school districts. The provisions of this section shall not be construed to prevent the purchase of supplies for municipally operated hospitals without advertised public bids under group purchasing contracts with any agency which has been certified for this purpose by the Director of the Bureau of Accounts, provided that such contracts are filed with the Town accountant or city auditor.~~

~~—The name and address of each person whose contracts with the Town involve a cumulative cost in excess of two thousand dollars (\$2,000.00) during the fiscal year of said Town shall be posted in the office of the Town Clerk by the Town Accountant of said Town.~~

~~—The provisions of this section shall be deemed to have been complied with on all purchases made under the provisions of sections twenty two A and twenty two B of Chapter seven when one municipality acting on behalf of other municipalities complies with the provisions of this section, or when purchases are made from a vendor holding a contract with the Commonwealth for the item or items being purchased.~~

~~—Whoever violates any provision of this section shall be punished by a fine of not more than ten thousand dollars (\$10,000.00) or by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one half years, or by both said fine and imprisonment; and in the event of final conviction, said person shall be incapable of holding any office of honor, trust, or profit under the Commonwealth or under any county, district or municipal agency.~~

~~(Amended Annual Meeting 11 April 1983)~~

~~**Section 5:** Every town contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building, estimated to cost more than two thousand dollars (\$2,000.00) shall be awarded upon the basis of competitive bids to the lowest responsible and eligible bidder, in accordance with the procedure set forth in the provisions of sections 44B and 44L exclusive of section 44A of Chapter 149 of the General Laws.~~ (Adopted Annual Meeting 6 March 1961)

At 9:56 p.m. the meeting adjourned until Thursday, May 15, 2014 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for one member of the Board of Selectmen for three years; one Assessor for three years; two members of the Board of Health for three years; two members of the local School Committee for three years; two members of the Planning Board for three years; one member of the Planning Board for one year; one Tree Warden for three years; one Moderator for one year; And to vote on the following question, passed by Town Meeting May 13, 2013:

Shall the Town amend the surcharge under Section 3 of Chapter 44B of the General Laws, the Community Preservation Act, from one and one half (1.5) per cent to three (3) per cent of the taxes assessed annually on real property, effective July 1, 2014, and to adopt the exemption from the property tax surcharge imposed under Section 3 of Chapter 44B of the General Laws for the first \$100,000 of the value of each taxable parcel of residential, commercial and industrial real property, effective July 1, 2014?

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

Town of Conway, Massachusetts

Special Town Meeting

16 June 2014

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 124 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten, Lorraine Boyden and Sydney Ramey served as checkers. The meeting was called to order by Moderator J. Nicholas Filler and the meeting voted to dispense with the traditional reading of the warrant. The following action was taken by those persons in attendance:

Meeting voted to consider article 3 of the warrant as the first order of business. Motion was made and approved to consider items A and B separately.

ARTICLE 3: Voted to appropriate monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, with each item considered a separate appropriation:

- A. Voted to appropriate \$4,455 from the Open Space & Recreation Reserve for Conway's share of repairing tennis courts at Frontier Regional School.
- B. Voted to appropriate \$200,000 from the Undesignated Fund Balance for the unfunded portion of the Town Ballfield Drainage & Improvement Project.

The meeting returned to the remainder of the articles in order.

ARTICLE 1: Voters **failed** to appropriate the sum of \$1,975,000 to pay a portion of the costs of designing and building a new **Highway Department building and garage**.

A two-thirds majority vote was necessary for the article to pass. Actual vote by hand count was 76 YES and 43 NO

ARTICLE 2: Selectmen withdrew the article regarding the transfer of funds from the Garage Stabilization Fund.

AT 9:45 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Town of Conway, Massachusetts

Annual Town Meeting 11 May 2015

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 214 voters were checked at the door and issued pink cards for the purpose of voting. Aina Barten, Lorraine Boyden, Winona Corse and Katherine Whitcomb served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Accepted the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$4,988,124 as indicated below:

DEPT #	DEPARTMENT NAME	APPROPRIATED FY 2016	VOTE
114	MODERATOR	\$ 350	Passed Unanimously
122	SELECTMEN	6,500	Passed Unanimously
131	FINANCE COMMITTEE	200	Passed Unanimously
132	RESERVE FUND	40,000	Passed Unanimously
135	TOWN AUDIT	1	Passed Unanimously
141	ASSESSORS	54,248	Passed Unanimously
145	TREASURER	52,237	Passed Unanimously
146	COLLECTOR	16,243	Passed Unanimously
150	TOWN ADMIN	85,044	Passed Unanimously
151	LEGAL	6,000	Passed Unanimously
161	TOWN CLERK	27,992	Passed Unanimously
162	REGISTRARS	1,250	Passed Unanimously
163	ELECTIONS	4,724	Passed Unanimously
171	CONSERVATION COM.	929	Passed Unanimously
175	PLANNING BOARD	3,160	Passed Unanimously
176	ZONING BOARD OF APPEALS	1	Passed Unanimously
190	PERSONNEL COMMITTEE	100	Passed Unanimously
192	BUILDING MAINTENANCE	71,234	Passed Unanimously
193	TOWN INSURANCE	72,252	Passed Unanimously
210	POLICE DEPARTMENT	118,450	Passed Unanimously
220	FIRE DEPARTMENT	52,391	Passed Unanimously
231	AMBULANCE	15,000	Passed Unanimously
291	EMERGENCY MANAGEMENT	4,250	Passed Unanimously
292	DOG WARDEN	1,650	Passed Unanimously
294	TREE WARDEN	375	Passed Unanimously
300A	GRAM SCH OPERATING	1,641,430	Passed Unanimously
300B	GRAM SCH TRANSPORT	87,526	Passed Unanimously
320	TECHNICAL SCHOOLS	98,198	Passed Unanimously
422	HIGHWAY DEPARTMENT	446,568	Passed Unanimously
423	WINTER ROADS	121,112	Passed Unanimously
512	BOARD OF HEALTH	163,366	Passed Unanimously
541	COUNCIL ON AGING	400	Passed Unanimously
543	VETERANS SERVICES	10,382	Passed Unanimously
630	PARKS, RECREATION, TRAILS	6,305	Passed Unanimously
691	HISTORICAL COMMISSION	400	Passed Unanimously
692	FESTIVAL OF THE HILLS	1,250	Passed Unanimously
710	FRONTIER CAP BOND	8,008	Passed Unanimously
751	DEBT SERVICE	65,063	Passed Unanimously
752	SHORT TERM INTEREST	1	Passed Unanimously
830	FRCOG	53,538	Passed Unanimously
892A	FRONTIER REG OPERATING	1,084,395	Passed Unanimously
892B	FRONTIER TRANSPORTATION	15,520	Passed Unanimously
900	EMPLOYEE COSTS	550,081	Passed Unanimously
		\$4,988,124	

At this point, the meeting voted to consider Article 22, Article 5 and Article 19 out of order.

ARTICLE 22: Voted to hear a report, and recommendations for borrowing, from the Franklin Regional Technical School.

ARTICLE 5: Unanimously voted to transfer \$50,000 from the undesignated funds account (free cash) to the Conway Grammar School Capital Stabilization Account.

ARTICLE 19: Failed to provide \$3,000 for a study regarding the Frontier Regional School District.

The meeting then returned to the articles in order.

ARTICLE 3: Unanimously voted to transfer \$175,000 from the undesignated funds account (free cash) to the **Capital Stabilization Account**.

ARTICLE 4: Voted to transfer \$60,000 from the Capital Stabilization Account to replace a **dump truck**. (*The Moderator declared a two-thirds majority on a voice vote.*)

Article 5 was acted upon following article 2

ARTICLE 6: Voted to transfer \$50,000 from the undesignated funds account (free cash) to the **Highway Garage Stabilization Account**. (*The Moderator declared a two-thirds majority on a voice vote.*)

ARTICLE 7: Voted to transfer \$46,000 from the Capital Stabilization Account to **replace the body of a dump truck/sander**. (*The Moderator declared a two-thirds majority on a voice vote.*)

ARTICLE 8: Unanimously voted to transfer \$31,247 from Ambulance Department receipts reserved account for **operating expenses for the Ambulance Department**.

ARTICLE 9: Unanimously voted to transfer \$15,000 from the undesignated funds account (free cash) and \$15,000 from Ambulance Department receipts reserved account (a total of \$30,000) to the **Ambulance Stabilization Fund**.

ARTICLE 10: Unanimously voted to transfer \$25,000 from the undesignated funds account (free cash) to the **General Stabilization Account**.

ARTICLE 11: Unanimously voted to transfer \$25,000 from the undesignated funds account (free cash) for **renovating the current Town garage**.

ARTICLE 12: Voted to transfer \$17,500 from the undesignated funds account (free cash) and \$2,500 from the overlay surplus account (a total of \$20,000) for legal and technical matters relating to **the proposed natural gas pipeline**.

ARTICLE 13: Unanimously voted to transfer \$17,000 from the undesignated funds account (free cash) to **complete the funding of vacation and sick hours accrued by personnel prior to July 1, 2013**.

ARTICLE 14: Unanimously voted to transfer \$10,000 from the undesignated funds account (free cash) for the **250th Anniversary Committee**.

ARTICLE 15: Unanimously voted to transfer \$7,500 from the overlay surplus account for the **triennial revaluation of property**.

ARTICLE 16: Unanimously voted to accept an amendment to the general laws (Chapter 390 of the Acts of 2014), specifically Chapter 60, Section 15B, for the purpose of establishing a **Tax Title Revolving Account**.

ARTICLE 17: Unanimously voted to transfer \$10,000 from the undesignated funds account (free cash) for the **Tax Title Revolving Account**.

ARTICLE 18: Voted to transfer \$5,000 from the undesignated funds account (free cash) for a **job description, classification, and compensation review**.

Article 19 was acted upon following article 2

ARTICLE 20: Unanimously voted to appropriate \$2,026.60 from the overlay surplus account to **offset a deficit in the FY 2014 overlay account**.

ARTICLE 21: Voted to raise and appropriate \$2,385.00 to make funding available for **local library operations and expenses**.

Article 22 was acted upon following article 2

ARTICLE 23: **Heard the report of the Downtown Wastewater Feasibility study committee**. No action necessary.

ARTICLE 24: Tabled the article regarding establishing a **Conway Sports Revolving Account**.

ARTICLE 25: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. To appropriate \$22,055.00 from the Community Preservation Community Housing Reserve to the Conway Housing Committee for purposes of determining the demand for, need for and feasibility of a Community Housing Complex on town land. Such determination is to include various surveys, reports, project budgets and appraisals.
- B. To appropriate \$5,113 from Annual Revenues (FY16) for Administration of the Community Preservation Committee

To provide Reserves from FY 2016 Annual Reserves

- C. \$10,228 to the Community Preservation Historical Resources Reserve
\$10,228 to the Community Preservation Community Housing Reserve
\$10,228 to the Community Preservation Open Space Reserve
\$71,594 to the Community Preservation Budgeted Reserve.

At this point, the meeting voted to consider Article 38 out of order.

ARTICLE 38: Failed to amend **the surcharge under Section 3 of Chapter 44B of the General Laws, the Community Preservation Act.**

The meeting then returned to the articles in order.

ARTICLE 26: Tabled the article regarding the **Right to Farm Bylaw.**

NOTE: For all changes to existing Zoning Bylaws (Articles 27, 29, 30 and 31) and General Bylaws (Articles 32 and 37), deletions are shown in ~~strikeout~~ and additions in *italics*.

ARTICLE 27: Unanimously voted to **revise Article 2 of the Protective Bylaws to incorporate the Official Zoning Map**, as shown below and in Appendix One of the warrant.

Article 2: District And Use Regulations (Amended 14 April 1986)

For the purposes of the Bylaw, the Town of Conway is hereby divided into the following types of districts:

- a) Rural Residential/ Agricultural District*
- b) Light Industrial District*
- c) Floodplain District*
- d) Solar Overlay District*

~~[The entire Town of Conway is hereby designated as a primarily Rural/Residential and Agricultural District, except the portion of the Town which is bounded northerly by Delabarre Avenue, westerly by Ives Road, southerly by Route 116, and easterly by the South River, which is hereby designated as a Light Industrial District.]~~

The boundaries of each of the said districts are hereby established as shown, defined and bounded on a map entitled "Official Zoning Map of Conway" dated November 7, 2013. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw.

- a) Where the boundary lines are shown upon said map within the street lines of public and private ways, the centerline of such ways shall be the boundary lines.*
- b) Where the boundary lines are shown upon said map approximately on the location of a property, lot, or boundary line, and the exact location of the property, lot or boundary line is not indicated by means of dimensions shown in figures, then the property or lot line shall be the boundary line.*
- c) Boundary lines located outside of such street lines and shown approximately parallel thereto, shall be regarded as parallel to street lines, and dimensions shown in figures placed upon said map between such boundary lines from such street lines shall govern; such distance being measured at right angles to such street lines unless otherwise indicated.*
- d) In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, the use of indication as shown on said map, or by the scale of said map.*
- e) The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the requirements of Article 7 of these Zoning Bylaws as well as those of the Massachusetts State Building Code dealing with construction in flood plains.*

ARTICLE 28: Tabled the article to see if the Town will **add a prohibited uses section to section 22.1 of the Protective Bylaws.**

ARTICLE 29: Unanimously voted to add section 63 (b) Filing procedures for special permits to the Protective Bylaws as amended and shown below:

SECTION 63: Special Permits [Guidelines]

Application for Special Permits shall be accompanied by a written report detailing the effects of the development in relation to the criteria of Section 63. In granting a Special Permit the Planning Board has the power to impose any conditions, safeguards, and/or limitations on time or use of premises.

- a) Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
- b) *Filing Procedure for Special Permits. Special Permits shall be granted, denied, or issued with conditions by the Planning Board according to the provisions of Chapter 40A of the Massachusetts General Laws. An applicant for a Special Permit shall file a completed application with the Town Clerk. The application shall include nine (9) copies each of the Special Permit application and a plan of the site. The Town Clerk shall acknowledge receipt of the application by signing and dating the application. The Town Clerk shall transmit copies of the application to the Planning Board, Conservation Commission, the Zoning Board of Appeals, the Board of Health, the Historical Commission, the Highway Superintendent, the Fire Chief, the Energy Committee, and the Building Inspector. Town Boards and municipal officials shall have 30 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations. The date of receipt by the Town Clerk on behalf of the Planning Board, shall be the date of submission of the Special Permit application.*

The article was successfully amended to allow municipal officials “30 days” to report to the Planning Board.

ARTICLE 30: Voted to add the Section 64 site plan review as required for large scale solar, expansion in Light Industrial zone, and others to the Protective Bylaws as shown below:

SECTION 64: SITE PLAN REVIEW

- a) *Purpose. The purpose of Site Plan Review is to ensure that new development is designed in a manner which reasonably protects the environmental and scenic qualities of the neighborhood and the Town.*
- b) *Site Plan Review Process. The Site Plan Review process will be conducted by the Planning Board.*
- c) *Applicability. Site Plan Review shall be required for Large-scale Ground-Mounted Solar Facilities (Article 9), Light Industrial expansion, and other Non-Residential Uses.*
- d) *Procedures. An applicant for Site Plan Review shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application form. The application submitted to the Town Clerk shall include nine (9) copies each of an application form and any narrative documents as outlined in the submittal requirements. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, the Highway Superintendent, Historical Commission, Energy Committee, the Fire Chief and the Police Chief. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. The applicant is also responsible for obtaining all applicable permits or approvals that may be required for the development from other Town Boards or municipal officials.*
- e) *Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of a completed application and shall take final action on an application for Site Plan Review within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with the provisions of M.G.L. Chapter 40A, Section 11, regarding notice for public hearings.*
- f) *Required Contents of a Site Plan. All Site Plans shall be prepared by a registered architect, registered land surveyor, registered landscape architect, or registered professional engineer. A locus map at a scale of 1" = 100 feet shall be provided showing parcels and roads within 300 feet of the property line. The Site Plans shall be on standard sheets of 24 inches by 36 inches and prepared at a scale of 1"=40 feet or finer. The Site Plan and accompanying narrative shall contain the following:*
 - 1. *Name of project, boundaries, locus map(s) showing site's location in Town, date, north arrow and scale of plan;*
 - 2. *Name(s), address(es), and phone number(s) of the owner(s) of the land, the developer (if applicable), and/or their designee;*
 - 3. *Name, title, address, and phone number of person(s) who prepared the plan;*

4. *Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line;*
5. *All existing lot lines, easements and rights of way;*
6. *Location and use of buildings and structures within 300 feet of the site;*
7. *Location and use of all existing and proposed buildings and structures, including approximate height and floor area;*
8. *Location and size in acres of wetlands on the site reviewed and approved by the Conway Conservation Commission;*
9. *The location and a description of all proposed sewage disposal systems, sewer connections, water supplies, storm drainage systems, utilities and other waste-disposal methods;*
10. *Location and date of all registered "perc" tests on the site;*
11. *Location of all proposed new lot lines;*
12. *Existing and proposed topography at a two-foot contour interval for the proposed grading and landscape plan;*
13. *Location of existing public ways and proposed private ways on the site;*
14. *Location and size of proposed parking and loading areas, driveways, walkways, access and egress points;*
15. *The location and a description of proposed open space or recreation areas;*
16. *The location of existing farmland and agricultural soils classified as prime farmland or soils of state and local importance;*
17. *Size and location of existing and proposed sign(s);*
18. *Surface drainage strategy that prevents increased drainage off-site or pollution;*
19. *Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings using non-invasive species;*
20. *Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;*
21. *Estimated average daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within the site; and*
22. *Other reasonable information the Planning Board may request in order to make a decision.*

g) *Decision. The Planning Board's action shall consist of either:*

1. *Approval of the Site Plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this Bylaw;*
2. *Approval of the Site Plan subject to conditions, modifications, and restrictions as the Planning Board may deem necessary; or*
3. *Denial of the Site Plan based upon specific findings such as a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning Bylaws.*

The decision of the Planning Board shall be filed with the Town Clerk within 90 days of the close of the Public Hearing. The written record of the Planning Board's decision including any approved Site Plan shall be filed with the Town Clerk within 14 days of the final vote or sooner to meet the 90 day maximum time frame. A copy of any approved Site Plan and the decision of the Planning Board shall be sent by the Town Clerk to the Building Inspector and the applicant. The Site Plan shall be recorded at the Registry of Deeds by the applicant with confirmation of such recording sent to the Town Clerk.

h) *Administration, Waivers and Appeals. The Planning Board may adopt and from time to time amend regulations for the submission and approval of Site Plans. The Planning Board may waive any of the requirements for Site Plan Review submittals and approval if the simplicity or scale of the project warrants such action. The Planning Board may also request any additional information it should need to render a decision. For large or complex projects, the Planning Board shall have the right to retain a registered professional engineer, planner, designer or other professional to advise the Board regarding any or all aspects of the Site Plan. The applicant shall be responsible for the costs of such advice. Appeals of the decision by the Planning Board on the Site Plan may be submitted to the Zoning Board of Appeals.*

i) *Compliance with Other Bylaws. The Site Plan shall comply with any zoning bylaws for parking, loading, dimensions, environmental controls and all other provisions of the Zoning Bylaw. Before approval of a Site Plan, the Planning Board may request that the applicant make modifications in the proposed design of the project to ensure that the above criteria are met.*

j) *Review Criteria*

The Planning Board's evaluation of the proposed Site Plan shall include, as appropriate, the following:

1. *Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;*
2. *Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walkways, control of intersections with vehicular traffic and overall pedestrian safety and convenience;*
3. *Location, arrangement, appearance and sufficiency of off-street parking and loading;*
4. *Location, arrangement, size, design and general site compatibility of structures, buildings, lighting and signs in relation to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity;*
5. *Location of structures and buildings to provide a solar and wind orientation or other construction methods that encourage energy conservation;*
6. *Adequacy of stormwater and drainage facilities;*
7. *Adequacy of landscaping and other screening to minimize the visual impact of the development from public ways or abutting properties; and*
8. *Protection of farmland and forestry resources.*

The Moderator declared a two-thirds majority vote on the basis of a hand-count: YES = 74 and NO = 20

ARTICLE 31: Unanimously voted to **revise Article 9: large scale solar facilities of the Protective Bylaws**, as shown below:

Section 91: Large Scale Solar Facilities Bylaw (Added – Special Town Meeting 17 October 2011)

(a) Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

1. Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

(b) Definitions

As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector, or if there is none in a town, the ~~[board of selectmen, or person or]~~ *Planning board* designated by local ordinance or bylaw.

Building Inspector: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground-mounted large-scale solar photovoltaic installations.

~~**Designated Location:** The location[s] designated by [the community's local legislative body], in accordance with Massachusetts General Laws Chapter 40A, section 5, where ground-mounted large scale solar photovoltaic installations may be sited as of right. Said location[s] [is/are] shown on a Zoning Map [insert title of map] pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the [Town/City] Clerk.]~~

Solar Overlay District: *The Solar Electric Overlay District(s) as designated by the Town of Conway are shown on the Official Zoning Map dated November 7, 2013 in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Conway Town Clerk. Large-scale solar installations are allowed as-of-right in this district.*

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

~~[Site Plan Review: review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.]~~

~~[Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the body of local government designated as such by the municipality]~~

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

(c) General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in Conway.

1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

2. Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3. Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

(d) Site Plan Review

Ground-mounted large scale solar photovoltaic installations, with 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review (*see Section 64*) by the *Planning Board* ~~[Site Plan Review Authority]~~ prior to construction, installation or modification as provided in this section.

1. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

2. Required Documents

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents *in coordination with or in addition to those required by Section 64*:

- (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; *and*
 - viii. The name, contact information and signature of any agents representing the project proponent.
- (b) Documentation of actual or prospective access and control of the project site (*see Section 91(e)*);
- (c) An operation and maintenance plan (*see Section 91(f)*);
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance; and
- (f) Description of financial surety that satisfies Section 91(k).

The Planning Board may waive submittal of the Required Documents as it deems appropriate.

(e) Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

(f) Operation & Maintenance Plan & Landscape Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

The project proponent shall submit a Landscape Plan detailing all proposed changes to the landscape of the site including: vegetation removal, temporary or permanent access roads, grading, exterior lighting and screening of structures. The Landscape Plan shall show the type and location of vegetation proposed to screen the installation including appurtenant structures from public ways and adjacent properties. The depth of the screen shall be 30 feet and will be composed of native trees and shrubs staggered for height and density that shall be properly maintained. The owner/operator shall not remove any naturally occurring vegetation such as trees and shrubs unless it adversely affects the performance and operation of the solar installation.

(g) Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the *Planning Board* [~~Site Plan Review Authority~~] that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(h) Dimension and Density Requirements

1. Setbacks

For large -scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- i. Front yard: The front yard depth shall be at least 50 [40] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].
- ii. Side yard. Each side yard shall have a depth at least 50 [45] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].
- iii. Rear yard. The rear yard depth shall be at least 50 [25] feet; [~~provided, however, that where the lot abuts a Conservation Recreation or Residential district, the front yard shall not be less than 50 feet~~].

(i) Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

(j) Design Standards

1. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

3. Utility Connections

Reasonable efforts, as determined by the *Planning Board* [~~Site Plan Review Authority~~], shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

4. Safety and Environmental Standards

i. Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

ii. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

5. Monitoring and Maintenance

i. Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

ii. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the *Planning Board* [~~Site Plan Review Authority~~].

6. Abandonment or Decommissioning

i. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 91(j)6. of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the *Planning Board* [~~Site Plan Review Authority~~] by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

ii. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the *Planning Board* [~~Site Plan Review Authority~~]. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

iii. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be *acceptable* [~~reasonable~~] by the *Planning Board* [~~Site Plan Review Authority~~], but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

ARTICLE 32: Voted to **amend the Town’s General Bylaws, under “Form and Conduct of Town Government: The Town Meeting,” Section 5,** as shown below:

Articles for the warrant will be received by the Selectmen not less than ~~sixty~~ ~~twenty-five~~ days before the date set for the meeting. *Articles from regional organizations, including regional school districts and the Franklin Regional Council of Governments, are exempt from warrant closing deadlines. If petitioned, ~~E~~each article must be signed by ten registered voters. This shall not be construed to prohibit the Board of Selectmen from re-opening the warrant if it so desires.*

ARTICLE 33: Failed to **amend the General Bylaws:** Town Officers, Boards, and Committees, Section 3, to increase the number of Finance Committee members from six to seven registered voters.

ARTICLE 34: Unanimously voted to **authorize the Select Board to enter into a five-year contract** with the Massachusetts Department of Environmental Protection and Waste Management Recycle America, LLC for recycling services at the Springfield Materials Recycling Facility.

ARTICLE 35: Tabled the article to accept the provisions of the general laws, Ch. 59, Sec. 5K, and request the Selectboard to **establish a property tax work-off program for taxpayers over 60 years of age.**

ARTICLE 36: Voted that the town have its elected Town Clerk become an **appointed Town Clerk** of the town, contingent on a ballot vote at a subsequent Town election.

Annual Town Meeting, 11 May 2015 – page 10

ARTICLE 37: Unanimously voted to **amend the General Bylaws:** Town Officers, Boards, and Committees, Section 8—Personnel By-Law, 1) a) as shown below:

- 1) The committee shall be composed of the following persons:
 - a) ~~three (3)~~ *one (1)* Conway residents appointed by the Town Moderator as a voting member for the term of *three (3)* years;

Article 38 was moved forward to follow Article 25.

At 11:31 p.m. the meeting adjourned until Thursday, May 14, 2015 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for the following:

- One Selectman for three years;
- One Assessor for three years;
- Two members of the Board of Health for three years;
- Two members of the local School Committee for three years;
- Two members of the Planning Board for three years;
- One Moderator for one year.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Town of Conway, Massachusetts

Special Town Meeting
03 August 2015

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 38 voters were checked at the door and issued yellow cards for the purpose of voting. Lorraine Boyden and Winona Corse and served as checkers. In the absence of the Moderator, the meeting was called to order by the Town Clerk. The call and return of service having been examined and found to be in order, it was unanimously voted to dispense with the formality reading the warrant. The floor was opened to nominations for temporary Moderator and Joseph Strzegowski was unanimously voted to serve. The following action was taken by those persons in attendance:

ARTICLE 1: Voted that the Town raise and appropriate the sum of \$17,556 for **tuition for the Smith Vocational and Agricultural High School**, and the sum of \$16,470 for **student transportation to and from the Smith Vocational and Agricultural High School**, for a total of \$34,026.

ARTICLE 2: Unanimously **voted to Pass Over** the article to appropriate the sum of \$11,000 for repairs to the Town Office and Town Hall roofs, said funds having been transferred by the Finance Committee from another FY 2015 account.

ARTICLE 3: **Voted to Pass Over** the article to the transfer of \$8,000 from Community Preservation funds, for the purpose of purchasing building materials for constructing team shelters at the town ball field.

ARTICLE 4: Unanimously voted that the town **establish a position of Associate Member of the Planning Board** as defined in MGL Chapter 40A (Zoning Act), section 9 (Special Permits), such position to be appointed by the Planning Board.

ARTICLE 5: Unanimously **voted to Pass Over** the article to appropriate the sum of \$145.02 for paying bills from a prior fiscal year (\$55.52 for Building Maintenance and \$89.50 for the Assessors), said funds having been transferred by the Finance Committee from another FY 2015 account.

AT 7:53 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Town of Conway, Massachusetts

Special Town Meeting
02 February 2016

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 109 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten and Marie Iken served as checkers. The meeting was called to order by the Moderator. The call and return of service having been examined and found to be in order, it was unanimously voted to dispense with the formality reading the warrant. The following action was taken by those persons in attendance:

Motion was made and voted to move Articles 2 and 3 forward.

ARTICLE 2: Voted to transfer the sum of \$5,000 from the undesignated funds account (free cash) for the purpose of paying an **historical deficit in firearms license fees**.

ARTICLE 3: Voted to transfer the sum of \$3,000 from the undesignated funds account (free cash) for a **study regarding the Frontier Regional School District**.

ARTICLE 1: Unanimously voted to number the current section of the Town General Bylaws under "Condition and Development of Property" titled "Public Nuisance" as Section 1 and, the current section titled "Regulation of the Board of Health of the Town of Conway" as section 2 and to add the attached pages, **Noise, Earth Removal, and Related Disturbances Bylaw**, as Section 3.

Following a brief presentation by the Planning Board, motion was made, seconded and unanimously voted to replace the version of the bylaw appearing in the warrant with an amended version as presented by the Planning Board in a printed handout.

All amendments to the original article text are included on a separate sheet and within the text of the voted bylaw - new text is underlined; deleted text is ~~struck-through~~. All amendments were unanimously voted by the meeting.

AT 8:35 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
09 May 2016

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 169 voters were checked at the door and issued yellow cards for the purpose of voting. Linda Baker, Aina Barten, Lorraine Boyden, and Winona Corse served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Voted to accept the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$5,315,991 as indicated below:

DEPT #	DEPARTMENT NAME	APPROPRIATED FY 2017	VOTE
114	MODERATOR	\$ 350	Passed
122	SELECTMEN	6,500	Passed
131	FINANCE COMMITTEE	200	Passed
132	RESERVE FUND	40,000	Passed
135	TOWN AUDIT	13,000	Passed
141	ASSESSORS	54,359	Passed
145	TREASURER	53,138	Passed
146	COLLECTOR	17,203	Passed
150	TOWN ADMIN	89,074	Passed
151	LEGAL	10,000	Passed
159	INFORMATION TECHNOLOGY	20,000	Passed
161	TOWN CLERK	29,855	Passed
162	REGISTRARS	1,250	Passed
163	ELECTIONS	8,415	Passed
171	CONSERVATION COM.	1,050	Passed
175	PLANNING BOARD	3,160	Passed
176	ZONING BOARD OF APPEALS	100	Passed
190	PERSONNEL COMMITTEE	100	Passed
192	BUILDING MAINTENANCE	72,659	Passed
193	TOWN INSURANCE	77,850	Passed
210	POLICE DEPARTMENT	121,200	Passed
220	FIRE DEPARTMENT	52,263	Passed
231	AMBULANCE	15,000	Passed
291	EMERGENCY MANAGEMENT	4,250	Passed
292	DOG WARDEN	2,000	Passed
294	TREE WARDEN	375	Passed
300A	GRAM SCH OPERATING	1,714,868	Passed
300B	GRAM SCH TRANSPORT	77,762	Passed
320	TECHNICAL SCHOOLS	204,094	Passed
422	HIGHWAY DEPARTMENT	456,150	Passed
423	WINTER ROADS	121,414	Passed
512	BOARD OF HEALTH	168,729	Passed
541	COUNCIL ON AGING	400	Passed
543	VETERANS SERVICES	9,766	Passed
630	PARKS, RECREATION, TRAILS	7,755	Passed
691	HISTORICAL COMMISSION	400	Passed
692	FESTIVAL OF THE HILLS	0	Passed
710	FRONTIER CAP BOND	0	Passed
751	DEBT SERVICE	63,710	Passed
752	SHORT TERM INTEREST	1	Passed
830	FRCOG	55,585	Passed
892A	FRONTIER REG OPERATING	1,147,753	Passed
892B	FRONTIER TRANSPORTATION	13,067	Passed
900	EMPLOYEE COSTS	581,186	Passed
	Grand Totals:	\$ 5,315,991	

*Motion made and passed to consider **Article 7** following article 2*

ARTICLE 7: Unanimously voted that the Town transfer \$50,000 from free cash for the **Conway Grammar School Capital Stabilization Account**.

(The Moderator declared a two-thirds majority on a voice vote.)

Annual Town Meeting, 9 May 2016 – page 2

The meeting then returned to the articles in order.

ARTICLE 3: Voted to appropriate \$151,000 **to pay a portion of the costs of purchasing a pumper truck for the Fire Department**, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to *either lease or* borrow said amount under and pursuant to Chapter 44, Section 7 (subsection 9) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 5 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, said borrowing to be contingent upon the passage of a proposition 2½ debt exclusion ballot question.

NOTE: Motion was made, seconded, and voted to add the words “*either lease or*” to the wording of the article *(The Moderator declared the article passed by a two-thirds majority on a voice vote.)*

ARTICLE 4: Voted that the Town transfer \$285,000 from the Capital Stabilization Fund **to pay a portion of the costs of purchasing or leasing a pumper truck for the Fire Department.**

NOTE: Motion was made, seconded, and voted to add the words “*or leasing*” to the wording of the article. *(The Moderator declared the article passed by a two-thirds majority on a voice vote.)*

ARTICLE 5: Voted that the Town raise and appropriate \$125,000 for the **Capital Stabilization Account.**

(The Moderator declared a two-thirds majority on a voice vote.)

ARTICLE 6: Voted that the Town transfer \$100,000 from free cash for the **Highway Garage Stabilization Account.**

(The Moderator declared a two-thirds majority on a voice vote.)

ARTICLE 7: (Voted following Article 2)

ARTICLE 8: Unanimously voted that the Town transfer \$42,000 from the Fiscal Year 2016 Winter Roads account to a special account for **engineering work on Delabarre Avenue.**

ARTICLE 9: Unanimously voted that the Town raise and appropriate \$30,000 for the **250th Anniversary Committee.**

ARTICLE 10: Unanimously voted that the Town raise and appropriate \$20,000 for the **General Stabilization Fund.**

(The Moderator declared a two-thirds majority on a voice vote.)

ARTICLE 11: Unanimously voted that the Town transfer \$24,131 from ambulance receipts for the **Ambulance Stabilization Fund.**

(The Moderator declared a two-thirds majority on a voice vote.)

ARTICLE 12: Unanimously voted that the Town transfer \$22,499 from ambulance receipts reserved for **operating expenses for the Ambulance Department.**

ARTICLE 13: Unanimously voted that the Town transfer \$10,000 from the overlay surplus account for the **triennial revaluation of property.**

ARTICLE 14: Voted to table the article regarding **\$3,000 to promote financial transparency through the web-based VisualGov budget presentation program.**

(The Moderator declared the article tabled by a two-thirds majority on a voice vote.)

ARTICLE 15: Unanimously voted that the Town raise and appropriate \$2,125 to make funding available for **local library operations and expenses.**

ARTICLE 16: Unanimously voted that the Town raise and appropriate **\$400 for the Open Space Committee.**

ARTICLE 17: Unanimously voted that the Town raise and appropriate **\$250 for the Agricultural Commission.**

ARTICLE 18: Voted that the Town raise and appropriate **\$200 for the U. S. Flag Fund.**

ARTICLE 19: Voted that the Town appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

Appropriations

- A. To appropriate \$7,604 from Annual Revenues (FY16) for Administration of the Community Preservation Committee

To provide Reserves from FY 2016 Annual Reserves

- B. \$15,209 to the Community Preservation Historical Resources Reserve
\$15,209 to the Community Preservation Community Housing Reserve
\$15,209 to the Community Preservation Open Space Reserve
\$98,866 to the Community Preservation Budgeted Reserve

ARTICLE 20: Voted that the town raise and appropriate \$19,400 to conduct private well water and air quality testing for a predetermined baseline sample of occupied residences potentially impacted by the proposed NED pipeline route through Conway, Massachusetts, provided there is reasonable assurance the pipeline will be constructed.

ARTICLE 21: Voted that the Town allow the use of \$5,000 of the total amount raised and appropriated under Article 12 of the May 11, 2015 annual Town Meeting for legal fees to grant to the Town of Montague to help pay the legal expenses of Montague's intervention in Massachusetts Dept. of Public Utilities docket 15-178 (or any subsequent assigned number), the DPU's review of a proposed contract by Berkshire Gas to purchase gas transportation on the "supply path" of the proposed Northeast Energy Direct (NED) pipeline, including any regulatory or court appeals, contingent on the continuance of the application of Berkshire Gas for natural gas from the Northeast Direct pipeline.

ARTICLE 22: Voted that the Town will establish a Conway Sports Revolving Account as per M.G.L. Chapter 44, Section 53E½, for the support of community sports programs. Funds deposited into this account shall be 1) those generated through fees charged to individuals participating; and 2) any donations earmarked for said programs; and 3) any private sponsorship of said programs, and to authorize the Sports Director and the Parks, Recreation, and Trails Committee to expend from this fund for the stated purpose without future appropriation subject to the restrictions contained in M. G. L., Chapter 44, Section 53E½ an amount not to exceed \$20,000 per year; expenditures not to be made, or liabilities incurred, in excess of the balance of the fund at any given time.

NOTE: IN ARTICLES 23 AND 24 REGARDING CHANGES TO EXISTING TOWN BYLAWS – DELETIONS ARE INDICATED IN ~~STRIKEOUT~~ AND ADDITIONS IN *ITALICS*.

ARTICLE 23: Voted to amend the General By-laws by adopting the following as Section 2 under “Town Officers, Boards, and Committees”, and re-numbering the subsequent sections:
Section 2: Only Conway residents shall be allowed to serve as voting members of Boards, Committees, and Commissions.

ARTICLE 24: Voted to amend the General By-laws by adding a sentence to Section 1 under “Financial”, to read:
An audit of the accounts of the Town shall be made annually (or biannually) under the supervision of the State Division of Accounts as the Director of Accounts shall arrange, and provided by Section 25 of Chapter 44 of the General Laws. The Selectmen may enter into contracts for this purpose for up to and including five years.

ARTICLE 25: Voted to authorize the Select Board to close individual Town roads in case of dangerous driving conditions. (*Motion made, seconded and successfully voted to add the word individual to the text*)

ARTICLE 26: Unanimously voted that the Town accept General Laws Chapter 44, Section 53F¾, regarding public access to Public, Educational, and Government (PEG) cable content, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, and to have the accounting officer transfer any balance in the existing PEG Access account to the accepted fund at the beginning of fiscal year 2017, or take any other action relative thereto, and additionally, authorize the Board of Selectmen to enter into contracts of up to ten years with a PEG Access provider.

NOTE: IN ARTICLES 27 AND 28 REGARDING CHANGES TO EXISTING TOWN BYLAWS – DELETIONS ARE INDICATED IN ~~STRIKEOUT~~ AND ADDITIONS IN *ITALICS*.

ARTICLE 27: Voted to amend the General Bylaws under “Unregistered Motor Vehicles” by Striking Sections One through Four, renaming the original Section Five as Section One and adding a new Section Two as shown below:

Section 1: Whoever violates any provisions of Section 32.5 of the Protective Bylaws of the Town of Conway, Unregistered Motor Vehicles, shall be liable to a penalty of five dollars (\$5.00) per day for each day of violation, commencing ten days following the receipt of written notice from the Board of Selectmen or their designees.

Section 2: Applicants seeking to be licensed by the Selectboard to do business under Massachusetts General Laws Chapter 140, Section 58, Classes 1 – 3 and intending to keep more than one unregistered motor vehicle on the premises and not in an enclosed building must obtain a Special Permit from the Planning Board in accordance with section 32.5 of the Protective Bylaws of the Town of Conway prior to issuance of said license. This regulation shall be in effect for new applicants and for transfers of ownership initiated after the effective date of this regulation.

ARTICLE 28: Voted to amend the Protective By-laws, Section 32.5 Unregistered Motor Vehicles as shown below.

32.5: Unregistered Motor Vehicles

~~32.5-1:~~ The keeping of more than one unregistered motor vehicle, of any kind, on any premises, assembled or disassembled, ~~excepted by a person licensed under General Laws, Chapter 190, Section 50, on any premises~~ shall not be permitted, unless said motor vehicles are stored within the enclosed building with the following exceptions:

32.5-1: Said motor vehicles are stored within an enclosed building and in keeping with State Fire laws and Regulations.

32.5-2: A special permit is granted by the Planning Board. ~~to keep more than one unregistered motor vehicle on any premises not within an enclosed building.~~ Such a Special Permit may be granted after a duly called public hearing to which all abutters to the premises have received notice, ~~may be granted by the Board of Selectmen if it finds that such keeping:~~ and if the Planning Board finds that such keeping: (1) is in harmony with the general purpose and intent of this Bylaw; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

32.5-3: All such special permits granted shall specifically limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

32.5-4: This article shall not apply to motor vehicles which are designed and used for farming purposes or to ~~the~~ contractor's equipment, nor shall this article apply to land owners or tenants who store motor vehicles out of sight of abutters and public ways.

32.5-5 Applicants seeking to be licensed by the Selectboard to do business under Massachusetts General Laws Chapter 140, Section 58, Classes 1 – 3 and intending to keep more than one unregistered motor vehicle on the premises and not in an enclosed building must obtain a Special Permit prior to issuance of said license.

The Moderator declared a two-thirds majority vote on the basis of a hand-count: YES = 93 and NO = 18

ARTICLE 29: Voted to table the article regarding the addition of **parcel 8.2 and parcel 8.3 from Assessor's Map 411 to the Solar Overlay District.**

The Moderator declared a two-thirds majority to table on a voice vote.

ARTICLE 30: Voted that the Town **dissolve the Festival of the Hills Committee and the Festival of the Hills Scholarship Board.**

ARTICLE 31: Voted to **hear the report of the Downtown Wastewater Feasibility study committee.**

At 10:35 p.m. the meeting adjourned until Thursday, May 12, 2016 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for the following:

- One Selectman for three years;
- One Assessor for three years;
- One member of the Board of Health for three years;
- One member of the local School Committee for three years;
- One member of the local School Committee for two years;
- One member of the Frontier Regional School District School Committee for three years;
- One member of the Planning Board for three years;
- One member of the Planning Board for one year;
- One Town Clerk for three years;
- Three constables for three years; and
- One Moderator for one year;

And to vote on the following questions:

QUESTION 1: Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town? Yes ___ No ___.

QUESTION 2: Shall the Town be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bond issued in order to purchase a pumper truck for the Fire Department? Yes ___ No ___.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
08 May 2017

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 218 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten, Lorraine Boyden, and Winona Corse served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Voted to accept the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health, Assessors, and other committees as printed in the annual Town Report.

ARTICLE 2: Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$5,586,776 as indicated below:

A.	DEPT #	DEPARTMENT NAME	APPROPRIATED FY 2018	VOTE	NOTES
	114	MODERATOR	\$ 350	passed	<i>Hand count</i>
	122	SELECTMEN	6,500	passed	<i>was required</i>
	131	FINANCE COMMITTEE	300	passed	<i>to determine</i>
	132	RESERVE FUND	40,000	passed	<i>the vote on</i>
	135	TOWN AUDIT	13,000	passed	<i>part A</i>
	141	ASSESSORS	9,421	passed	
	141	ASSESSORS SALARY	46,400	passed	<i>Results:</i>
	145-146	TREASURER-COLLECTOR	13,960	passed	
	145-146	TREASURER-COLLEC. SALARY,	57,249	passed	YES = 109
	150	TOWN ADMIN	15,250	passed	
	150	TOWN ADMIN SALARY, WAGES	80,708	passed	NO = 84
	151	LEGAL	10,000	passed	
	159	INFORMATION TECHNOLOGY	21,800	passed	
	161	TOWN CLERK	2,825	passed	
	161	TOWN CLERK SALARY, WAGES	36,850	passed	
	162-163	REGISTRARS AND ELECTIONS	4,650	passed	
	170	ConCom, Pl. Brd., ZBA, Ag. Com, Open	3,480	passed	
	190	PERSONNEL COMMITTEE	100	passed	
	192	BUILDING MAINTENANCE	56,100	passed	
	192	BUILDING MAINTENANCE WAGES	16,973	passed	
	193	TOWN INSURANCE	78,700	passed	
	210	POLICE	17,262	passed	
	210	POLICE SALARY, WAGES	107,143	passed	
	220	FIRE	34,545	passed	
	220	FIRE SALARY, WAGES	20,023	passed	
	231	AMBULANCE	15,000	passed	
	290	DOG & TREE WARDENS, EMERG. MAN.	7,285	passed	
	422	HIGHWAY	260,033	passed	
	422	HIGHWAY SALARY, WAGES	236,804	passed	
	423	WINTER ROADS	103,000	passed	
	423	WINTER ROADS WAGES	18,874	passed	
	512	BOARD OF HEALTH (BOH)	124,597	passed	
	512	BOH SALARY, WAGES	57,402	passed	
	540	HUMAN SERVICES (COA, VETERANS)	9,710	passed	
	630	PARKS, RECREATION, TRAILS	7,755	passed	
	691	HISTORICAL COMMISSION	400	passed	
	751	DEBT SERVICE	63,456	passed	
	752	SHORT TERM INTEREST	1	passed	
	830	FRCOG	58,076	passed	
	900	EMPLOYEE COSTS	639,472	passed	
B.	300A	GRAM SCH OPERATING	\$ 1,766,938	passed	
	300B	GRAM SCH TRANSPORT	77,762	passed	
C.	892A	FRONTIER REG OPERATING	\$ 1,256,921	passed	
	892B	FRONTIER TRANSPORTATION	19,122	passed	
D.	320	TECHNICAL SCHOOLS	\$ 170,579	passed	
		GRAND TOTALS:	\$ 5,586,776		

*Motion made and passed to consider **Articles 7, 8 and 12** following article 2*

ARTICLE 7: Voted that the Town transfer \$50,000 from free cash for the **Conway Grammar School Capital Stabilization Account**.

ARTICLE 8: Voted that the Town transfer \$35,000 from the Conway Grammar School Stabilization Fund for capital expenses for the **Conway Grammar School**.

(The Moderator declared a two-thirds majority on a voice vote.)

ARTICLE 12: Voted that the Town authorize the Frontier Regional and Union School District to use the remaining \$17,930.43 of the original \$29,555.50 which was originally appropriated in Article 16 of the 2004 Annual Town Meeting for the purposes of repairs to and re-roofing the Central Office, **for relocating the Central Office to the Frontier Regional Middle/High School**.

At this point, the meeting returned to the articles in order.

ARTICLE 3: Voted that the town transfer \$16,000 from free cash for phase 1 of the **design and engineering plan for a wastewater collection and disposal system** serving approximately 30 homes in Conway's village center.

(Initially voted as a borrowing article, Article 3 was reconsidered later in the meeting, following article 11, where the source of funding was unanimously amended and voted as a transfer of funds from free cash.)

ARTICLE 4: Voted that the Town transfer \$100,000 from free cash for the **Highway Garage Stabilization Account**.

ARTICLE 5: Voted that the Town **proceed at the May 2018 Town Meeting and subsequent ballot vote with borrowing for a Highway garage**, this current vote to be non-binding.

ARTICLE 6: Unanimously voted that the Town raise and appropriate \$75,000, transfer \$29,000 from free cash, and transfer \$21,000 from the general stabilization account, to provide \$125,000 for the **Capital Stabilization Account**.

ARTICLE 7: (Voted following Article 2)

ARTICLE 8: (Voted following Article 2)

ARTICLE 9: Failed to fund the purchase of a hydraulic lift for the Highway Department.

Vote by actual count was YES = 53; NO = 93

ARTICLE 10: Voted that the Town transfer \$3,000 from free cash for hard pack for the **Town Office parking lot**.

ARTICLE 11: Unanimously voted that the Town transfer \$2,500 from the Overlay Account for the **conversion of Assessors' software** (valuation system).

(Article 3 was reconsidered here, following article 11, where the source of funding was unanimously amended and voted as a transfer of funds from free cash.)

ARTICLE 12: (Voted following Article 2)

ARTICLE 13: Unanimously voted that the Town transfer \$32,621 from the Ambulance receipts reserved account for **operating expenses for the Ambulance Department**.

ARTICLE 14: Unanimously voted that the Town transfer \$5,000 from the Overlay Account for the next **recertification of property values**.

ARTICLE 15: Unanimously voted that the Town transfer \$2,200 from free cash for **local library operations and expenses**.

ARTICLE 16: Unanimously voted that the Town transfer \$452 from free cash to **pay an ambulance bill from a previous fiscal year**.

ARTICLE 17: Unanimously voted that the Town transfer \$91 from free cash to **pay a Town Clerk bill from a previous fiscal year**.

ARTICLE 18: Voted to appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

The meeting voted to consider parts A, B, C, and D on an individual basis and voted on each separately.

Appropriations

- A. Voted to appropriate \$9,200.00 from the Community Preservation Open Space Reserve to the Town of Conway Open Space Committee for purposes of enabling a three-year invasive species control program on 11 acres of Town owned land on Shelburne Falls Road a.k.a. "South River Meadow." The program is to include a combination of cutting and herbicide treatment.
- B. Voted to appropriate \$60,000 (\$20,000 from Historic Preservation Reserve and \$40,000 from Unreserved Reserve) to the Dzogchen Community in America for historical preservation and roof replacement at 18 Schoolhouse Rd, a.k.a. "Old Conway Grammar School), such appropriation to be subject to a Historic Preservation Restriction as stipulated in M.G.L. Chapter 184 and approved by the Massachusetts Historical Association.

A hand count was taken to determine the outcome: YES = 76; NO = 52.

- C. Voted to appropriate \$5,113 from FY 2018 Annual Revenues for Administration of the Community Preservation Committee.

Voted to provide Reserves from FY 2018 Annual Reserves

- D. \$10,228 to the Community Preservation Historical Resources Reserve
\$10,228 to the Community Preservation Community Housing Reserve
\$10,228 to the Community Preservation Open Space Reserve
\$71,594 to the Community Preservation Budgeted Reserve

ARTICLE 19: Voted to repurpose the \$7,788.98 remaining from Article 33 of the May 2012 annual Town Meeting (funding engineering and permitting for improvements to the Town ball field) for **other improvements to the town field area.**

ARTICLE 20: *Voted to amend the General By-laws by adding the following:*

THE RIGHT TO FARM

Section 1: *Legislative Purpose and Intent - The purpose and intent of this Bylaw is to restate with emphasis the Right to Farm already accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 11, Section 125A and Chapter 128 Section 1A. We the citizens of Conway restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").*

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the town of Conway by allowing agricultural uses and related activities to function with clear protocol for conflict resolution with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 2: **Definitions Striving for Best-Farming-Practices** - For the purposes of this Right-To-Farm Bylaw, the word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture. or accessory thereto. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise or as pets, for competition, recreation and pleasure, including rescues;
- keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees.

For the purposes of this Right-To-Farm Bylaw, "Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- application of manure and fertilizers;

- application of pesticides in accordance with state law;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing or packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farm operations subject to applicable town and state laws.

Section 3: Right-To-Farm Declaration - This Right-To-Farm Bylaw acknowledges that we are all stewards of the land. It is in this spirit that the Right-To-Farm is hereby recognized to exist within the Town of Conway. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices as defined by the local Agricultural Extension Agency. The benefits and protections of this bylaw are intended to apply to those agricultural and farming operations and activities conducted in accordance with the aforementioned normally accepted agricultural practices. This Right-To-Farm Bylaw also encourages individual citizens to comment on farm policies or practices that fall within the scope of the Agricultural Commission. Finally, nothing in this Right-To-Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land regulation which is properly the subject of state statute, regulation, or local zoning law.

Section 4: Disclosure Notification - Prior to entering the purchase and sale contract, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the town of Conway, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, as well as for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy is within a community where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Purchasing and/or occupying land within Conway means that one should expect and accept such conditions as a normal and necessary aspect of living in Conway."

A copy of this disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property.

Section 5: Resolution of Disputes - Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Select Board shall forward a copy of any grievance under this section to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within sixty days.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of any grievance under this section to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within sixty days.

Section 6: Severability Clause - If any part of the Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Conway hereby declares the provisions of this Bylaw to be severable.

This article was passed as printed in the warrant

ARTICLE 21: Voted to **amend the Protective By-laws, Section 41.2, Clearances**, as shown below (deletions are indicated in ~~strikeout~~ and additions in underlined *italics*):

41.2: Clearances (Setbacks)

~~No building may be located within 25 feet of any boundary or within 50 feet of a public way. However, no front yard need exceed the front yard maintained on any adjoining lot on the same street.~~

No primary building or structure shall be located within 25 feet of any boundary or within 50 feet of a public way. However, if a primary building or structure already exists on an adjacent lot on the same street and is less than 50 feet from a public way, a new primary building or structure may be located at a distance that is the same or greater from the public way.

For accessory use buildings and structures, the clearances are one-half (½) the distances specified for a primary building or structure.

Motion was made and seconded to replace the original wording of 41.2 – adjoining - with the word adjacent. The meeting successfully voted to amend the article as moved.

41.2.1 Exceptions to dimensional clearances requirements for accessory buildings or structures

a) The Zoning Board of Appeals may reduce, by Special Permit, the dimensional clearance requirements for front, rear, and side yards related to accessory building or structure setbacks provided that the Zoning Board of Appeals makes a determination that the proposed building or structure is consistent in scale or setback with the structures in abutting parcels and the immediate neighborhood. The Zoning Board of Appeals shall make the following determinations before granting an exception:

1. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will have no adverse effect on adjacent properties or historic structures.
2. The Zoning Board of Appeals shall specifically determine that the reduced dimensional clearance requirement for a front, side or rear yard will not be a detriment to the public good and will not substantially undermine the intent of the Conway Zoning Bylaws.

b) The applicant shall file, with the application for a Special Permit, a detailed plan drawn to scale of the property that shows the lot lines and dimensions of the property, the clearance setbacks as they currently exist for front, side or rear yards, the proposed location of the structure, and any proposed reduction to the clearance requirements. In addition, the diagram shall include all utility accesses and shall be signed under pains and penalties of perjury. The applicant shall provide an explanation as to why they are requesting a reduction in setbacks from the clearance requirements of the Zoning Bylaws. The Zoning Board of Appeals may grant any setback reduction where the boundary or lot line from which setback relief is requested has been established, by survey or other recognized documentation from which the ZBA can readily determine the location of the lot lines.

*The Moderator declared a two-thirds majority vote on the article as amended based on a hand-count:
YES = 103 and NO = 9*

ARTICLE 22: Unanimously voted to **amend the Protective By-laws, Article 5, to include the new definitions:**

ACCESSORY USE - Any building or structure whose use is incidental and accessory to the use of the principal building or structure.

BUILDING (PRINCIPAL) - A building in which is conducted the principal use of the lot on which it is situated.

CLEARANCES – The horizontal distance measured perpendicular from a property line to the closest point on the ground below any projecting vertical portion of a structure or building (i.e. drip line)

STRUCTURE – That which is built or constructed, excepting ornamental structures and fencing less than 6 feet tall.

STRUCTURE (PRINCIPAL) – A structure in which is conducted the principal use of the lot on which it is situated.

YARD - A required open space, unobstructed by structure(s) more than 3 feet high, other than fences or other customary yard accessories.

The Moderator declared a two-thirds majority vote on the basis of a voice vote.

ARTICLE 23: Voted to **amend the Protective By-laws by adding Article 10** as shown following with additions underlined:

ARTICLE 10: AGE RESTRICTED HOUSING COMMUNITY (ARHC) BYLAW

A master-planned development of land as a unified residential community, constructed expressly for use and residence by persons who have achieved a minimum age of fifty-five (55) years, in accordance with M.G.L. Chapter 151B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age Restricted Housing Community shall be permitted only within the Rural Residential/Agricultural Overlay District of Conway and only upon the granting of a special permit by the Planning Board.

10.1 PURPOSE:

The purposes of the Age Restricted Housing Community bylaw are:

- a. To increase the variety of well designed, market rate and affordable housing choices for citizens who are 55 years of age and older
- b. To provide for building at a higher density than would normally be allowed, and allow greater flexibility in site planning and the preservation of open space and historic resources within the ARHC development; and
- c. To provide for the review of all such proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

10.2 APPLICABILITY

The Planning Board (hereafter in this Section called the Board), acting as Special Permit Granting Authority, may grant a Special Permit for construction of an Age Restricted Housing Community (ARHC) and accessory structures, in the Rural Residential/Agricultural Overlay District as defined below:

10.2-1 Age Restricted Housing Community Overlay District Delineation:

The age restricted housing community overlay district shall be defined as the areas of town serviced by a public way and zoned Rural Residential/Agricultural.

10.2-2 Uses in the ARHC Overlay District:

Non-residential uses may be permitted in the ARHC development upon the issuance of a Special Permit by the Planning Board, provided that such use shall be consistent with those uses allowed by right and by Special Permit in Conway and the gross square footage of the proposed use does not exceed five percent (5%) of the gross building square footage of the ARHC.

10.2-3 Age Qualification:

An ARHC shall constitute housing intended for persons of age fifty-five or over in accordance with M.G.L. chapter 151B, section 4, sub-section 6. One hundred percent (100 %) of the dwelling units in an Age Restricted Housing Community shall each be occupied by at least one person fifty-five (55) years of age or older except in the event of the death of the qualifying occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit, a two (2) year exemption shall be allowed to facilitate the transfer of the dwelling unit to another eligible household.

10.2-4 Applicant Qualifications:

The applicant for a Special Permit for an ARHC shall be the owner of the land proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit.

10.2-5 Maximum Number of ARHC Dwelling Units in the Town of Conway:

The maximum number of permitted housing units within all permitted ARHC developments in the Town of Conway shall be limited to a number equivalent to five percent (5 %) of the existing residential units (excluding ARHC units) located in the Town of Conway. For the purpose of this Bylaw, the number of residential units shall be as established by the Board of Assessors as of January 1 of each calendar year.

10.2-6 Affordability Requirement:

A proposal shall, at a minimum, set aside fifteen percent (15%), with a minimum of one (1) unit per development, of the total number of dwelling units provided on the site as affordable Age Restricted housing. For the purposes of this Section, affordable Age Restricted housing shall be defined as dwelling units that are rented or sold to, and occupied by, households earning up to eighty percent (80%) of the Median Area Household Income, as such median is defined by the United States Department of Housing and Urban Development (HUD). Affordable Age Restricted rental units shall be "rent restricted", as such term is defined in the Federal Low-Income Housing Tax Credit Program, Internal Revenue Code Section 42(g)(2), such that rents, including utilities, are set at no more than thirty (30) percent of the income limit. Affordable Age Restricted units shall be dispersed throughout the ARHC and shall be externally indistinguishable from the market rate units. The property owner shall seek the services of a third party entity such as a local community development corporation to manage the assignment of affordable age restricted units.

10.2-7 Permanent Age Restriction:

Each dwelling unit within an ARHC shall be subject to a permanent age restriction, described in a deed, deed rider or lease, and the organizational documents for the ARHC shall be recorded with the Franklin County Registry of Deeds or run with the land for a minimum period of ninety-nine (99) years and shall be enforceable by any or all of the owners of the ARHC or by the Town.

10.3 DIMENSIONAL REGULATIONS AND DEVELOPMENT REQUIREMENTS

Except as noted below, an ARHC shall comply with all applicable dimensional regulations and development requirements listed in Section 22, 23, 32, 33, and 41 of the Protective Bylaws of Conway.

- a. Lot Area: At the time of granting a special permit by the Planning Board, the property under consideration for an ARHC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, having an area of at least three (3) acres.
- b. Lot Frontage: An ARHC shall have a minimum frontage of not less than one hundred (100) feet.
- c. Setbacks: There shall be no minimum standards for internal lot line setbacks within the ARHC; however the distribution of buildings and lots within the ARHC shall be distributed in a manner designed to enhance the primary and secondary resources as defined in Section 10.6-2 and 10.6-3. There shall be a minimum of thirty (30) feet between the edge of the access drive and any abutting property line.
- d. Lot Width: The lot or combination of lots upon which an ARHC is located shall maintain a minimum width of open land between the limits of work of the ARHC and any adjacent property of forty (40) feet, except for access to the development.
- e. Open Space: A goal that fifty percent (50%) of an ARHC lot shall be maintained as open space as defined in Section 10.5.
- f. Number of Dwelling Units: The maximum number of dwelling units allowed in an ARHC is twenty (20). The minimum number of dwelling units allowed in an ARHC is seven (7).
- g. Distribution of Dwelling Unit Types: In an ARHC development, the distribution of dwelling unit types shall be at the discretion of the applicant, except for the following standards:
 - 1. A goal that at least fifty percent (50%) of the units constructed be single-family or two-family dwellings.
- h. Parking: Parking for motor vehicles shall be provided as follows:
 - o One and one-half (1-1/2) spaces per dwelling unit.
 - o Guest parking - One (1) space per six (6) dwelling units.
 - o Common Facility parking - Additional parking spaces shall be provided at shared or common facilities (swimming pool, clubhouse, etc.) within the ARHC provided that no common facility lot shall contain more than twelve (12) spaces.

All driveways must meet the performance standards for driveways or common driveways as set forth in the Conway Zoning Bylaw, Sections 41.4 and/or 41.5 as applicable.

10.3-1 Driveways and Lot Access:

All proposed private driveways shall comply with Sections 22.4 Street naming and Building numbering, and/or 41.4 Driveways and/or 41.5 Common Driveways as set forth in the Protective Bylaws of the Town of Conway.

The construction and maintenance of roads, driveways, alleyways, and parking areas in an ARHC is the sole responsibility of the project applicant or an association of dwelling unit owners.

10.3-2 Natural and Neighborhood Features:

The plan for an ARHC shall be designed to maximize the preservation of natural and neighborhood features. To the extent possible, existing vegetation should be retained where such growth provides a benefit to the natural environment. In developed areas, the design of the ARHC shall also consider human designed landscapes by extending existing street tree plantings and by providing landscapes and landscape amenities that reinforce the physical layout of the neighborhood.

10.3-3 Pedestrian Facilities:

The plan for an ARHC shall incorporate pedestrian systems that allow for the convenient and safe movement of those who choose to walk for leisure or as a means of transportation.

Connections to the Town's existing sidewalk network shall be made by the applicant where possible.

10.3-4 Landscaping and Screening:

All service areas and equipment, rubbish and recycling containers, service outbuildings, and any other accessory facilities identified by the Planning Board, shall be adequately screened from the view of public ways and adjacent properties using vegetative plantings, fencing, berms, or a combination of these techniques.

10.3-5 Lighting:

Lighting within ARH communities shall be consistent with local, state and federal law. Lighting of other parts of the community, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ARHC shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

10.3-6 Accessory Buildings and Structures:

In an ARHC, accessory buildings and structures may be permitted, including storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

10.3-7 Other Facilities:

All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Protective Bylaws of Conway.

10.3-8 Project Maintenance:

In an ARHC there shall be an organization of the owner(s) of the residential dwelling units, either a Condominium, Homeowners, Management, or Non-profit Association, which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents. The Town of Conway shall assume no responsibility for these facilities unless specifically noted under separate agreement.

10.3-9 Water Supply and Wastewater Disposal:

In every development the water supply and wastewater disposal shall comply with the regulations of the Conway Board of Health and applicable Massachusetts Department of Environmental Protection regulations.

10.4 BUILDING AND DWELLING UNIT REQUIREMENTS

The following requirements shall apply to all buildings and dwelling units in an Age Restricted Housing Community:

10.4-1 Dwelling Unit Types:

Dwelling Unit types allowed in an approved ARHC are:

- Single-Family Detached
- Duplex or Two-Family Dwelling
- Triplex or Three-Family Dwelling
- Quadplex or Four-Family Dwelling

10.4-2 Maximum Number of Bedrooms:

No individual dwelling unit shall contain more than two (2) bedrooms.

10.4-3 Maximum Height:

No building shall exceed thirty-five (35) feet in height.

10.4-4 Architectural Appearance:

All buildings shall be compatible with the character, scale and context of the surrounding neighborhood. When an ARHC is located in a Historic district the applicant shall present and respond to review comments by the Conway Historical Commission.

10.5 OPEN SPACE AND BUFFER AREA REQUIREMENTS

No development, including primary or accessory structures, parking, or stormwater management shall take place within the required open space areas. Appropriately designed subsurface wastewater disposal may be located within the open space area at the discretion of the Planning Board.

10.5-1 In ARHC development the following requirements for open space shall apply:

- a. The open space shall be planned as single, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.
- b. Open space areas shall be designed to protect or enhance the primary and secondary resources as defined in Sections 10.6-2 & 10.6-3.
- c. Where the proposed development abuts or includes a stream, river, body of water or wetland, these areas and the buffer to such areas shall be incorporated into the open space.
- d. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to the abutting conservation land. Trail connections should be provided where appropriate.
- e. No more than fifty percent (50 %) of the common open space shall be situated within wetlands or the Conway Flood plain Overlay District.

- f. The open space shall be owned in common by the owners of the dwelling units in the ARHC, or by an organization or entity owned and controlled by such dwelling unit owners. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

10.6 APPLICATION PROCEDURES

The Planning Board shall by regulation establish a fee schedule for each application.

The procedure for issuance of a special permit for an Age Restricted Housing Community shall be as follows:

10.6-1 Preliminary Plan:

Applicants shall submit preliminary plans and materials for a joint review by the Zoning Board of Appeals and the Planning Board prior to formal application for special permit. The applicant may submit a Sketch Plan to assist the Boards in making a determination regarding maximum number of dwelling units to be permitted on the tract of land proposed for an AHRC. The sketch plan shall include a proposed development plan as follows:

- a. A proposed development plan drawn to scale shall clearly indicate the primary and secondary resource areas as defined below. From these two resource areas, the final plan shall clearly indicate the building placement, lots and driveway layout of the proposed AHRC.

10.6-2 Primary Resource Areas:

Primary resource areas should show the following:

- a. The location of all wetlands and floodplains as determined by a licensed hydrologist, and/or qualified licensed professional.
- b. The location of all significant woodlands, tree lines, or open fields or meadows, rocky outcroppings of ledge or bedrock, public water supply areas, watershed divides, aquifer recharge areas, drainage ways, wildlife habitat and corridor areas and areas of slopes greater than 10 % grade.
- c. The location of soil test pits with supporting documentation on test results.

10.6-3 Secondary Resource Areas:

Secondary resource areas should show the following:

- a. The location and description of all significant scenic views, fences and stone walls, roads and trails, recreational areas, historic structures and archeological sites.
- b. A statement of the proposed use and ownership of the open space as permitted by this bylaw.

10.6-4 Maximum Housing Density of Proposed Development Plan:

If the proposed area of common open space exceeds sixty percent (60 %) of the site, the permitted maximum housing density allowed under the ARHC special permit shall be the number of units permitted on conventional lots as determined by the Board times 115 percent. If the proposed area of common open space exceeds seventy percent (70 %) of the site, the permitted maximum housing density allowed under the ARHC special permit shall be the number of units permitted on conventional lots as determined by the Planning Board times 130 percent.

10.6-5 Conclusion of the Preliminary Plan Process:

Upon the conclusion of the preliminary plan process, the Planning Board shall approve, approve with modifications or disapprove said preliminary plan and in the case of disapproval, the Planning Board shall state in detail the reasons for its disapproval.

10.7 SPECIAL PERMIT w/ PLAN

A Special Permit for an ARHC may be submitted after a preliminary plan application and determination of housing density has been made by the Planning Board. The purpose of the Special Permit Review is to further the purposes of this Bylaw and to ensure that new development of ARHC residential structures are designed in a manner that reasonably protects visual and environmental qualities and property values of the Town, and assures safe vehicular access, safe pedestrian movement, and appropriate drainage of surface water.

10.7-1 Special Permit Application

- a. Each application for an ARHC Special Permit shall be submitted to the Planning Board by the current owner of record or his written designee(s), accompanied by nine (9) copies of the Site Plan.
- b. The Planning Board shall by regulation establish a fee schedule for each such application.
- c. A Special Permit application may not be submitted without an approval of the preliminary plan as endorsed by the Planning Board.
- d. The Special Permit application process shall be conducted in accordance with SECTION 63: Special Permit Guidelines of these bylaws. Additional guidance may be found in SECTION 64 (f): Required contents of a site plan, and is included hereto by reference.

10.7-2 Technical Consultants

If after receiving an ARHC Special Permit application the Planning Board determines that it requires technical advice unavailable from municipal employees and departments to review the application, it may employ outside consultants. The Planning Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Planning Board alone.

- a. A review fee may be imposed only if:
 - o The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Planning Board,
 - o The board finds that an adequate review cannot be performed by Town board members or employees,
 - o The work is in connection with the applicant's specific project, and
 - o All written results and reports are made part of the record before the Planning Board.
- b. Before a fee is imposed:
 - o The applicant shall be given five business days' notice and opportunity to submit written comments relative to the invitation for bids or request for proposals,
 - o The applicant shall be given five business days' notice and opportunity to comment on all bids or proposals prior to the selection of the consultant and the award of a contract,
 - o The applicant shall be given five business days' notice and the opportunity to file an appeal of the selection of the outside consultant with the Selectboard. Grounds for said appeal are limited to written claims, with written documentation, that the consultant selected has a conflict of interest or does not possess the minimum required qualification in accordance with MGL Ch. 44, Section 53G.

10.7-6 Finding

- a. Before a finding on an ARHC Special Permit, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the Special Permit criteria are met.
- b. After a public hearing, the Planning Board may waive, for good cause shown, any or all requirements of ARHC Special Permit where such action is in the public interest and not inconsistent with the purpose and intent of this Bylaw.
- c. The Planning Board's finding shall consist of:
 - o A written denial of the application, stating that the plan fails to provide adequate information for the Planning Board to make a determination of whether the development satisfies decisional criteria set forth in this section.
 - o A finding that the project will constitute a suitable development subject to any conditions, modifications, and restrictions the Planning Board may deem necessary or appropriate.
 - o A finding that the proposed project does not constitute a suitable development in that it does not meet the criteria set forth in this and referenced sections of the Protective Zoning Bylaws of Conway.

10.8 DEFINITIONS

CONDOMINIUM - A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.

HOMEOWNERS ASSOCIATION - A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common area and facilities and open space of an Age Restricted Housing Community Development, and to enforce certain covenants and restrictions.

OPEN SPACE - Undeveloped land set aside for common or individual ownership as a result of a Retirement Community Development, with conservation easements and other deeded restrictions to ensure that the land will remain permanently open and undeveloped. A condition of Age Restricted Housing Community Development approval is that open space may not be further subdivided.

AGE RESTRICTED - An individual who is 55 years of age or older.

AGE RESTRICTED HOUSING COMMUNITY- A master-planned development of land as a unified, self-contained, residential community, constructed expressly for use and residence by persons who have achieved a minimum age requirement for residency of fifty-five (55) years or older, in accordance with M.G.L. Chapter 151B, Section 4, Subsection 6, and also incorporating the preservation of natural open space areas as an integral element of the development. An Age

Restricted Housing Community shall be permitted only within the Rural Residential/Agricultural Overlay District of Conway and only upon the granting of a special permit by the Planning Board.

*Article passed as printed in the warrant. There were no amendments.
The Moderator declared a two-thirds majority vote on the basis of a hand-count: YES = 96 and NO = 18*

ARTICLE 24: Voted that the town adopt the following resolution:

Resolution for Federal and State Carbon Fee and Dividend
A Resolution Relating to the Growing Risks of Climate Change

WHEREAS climate change poses a serious threat to the Town of Conway in terms of the economy, public health, and the environment;

AND WHEREAS as a result of climate change, the Northeast is experiencing warming temperatures and a large increase in the amount of rainfall measured during heavy precipitation events;

AND WHEREAS more frequent heat waves in the Northeast are expected to increasingly threaten human health through more heat stress, droughts, and air pollution;

AND WHEREAS sea level rise and more frequent heavy rains are expected to increase flooding and storm surge, threatening people and infrastructure, necessitating increased costs for damage control;

AND WHEREAS as temperatures rise, agriculture will likely face reduced yields, potentially damaging livelihoods and the regional economy;

AND WHEREAS Carbon Fee and Dividend will significantly reduce carbon emissions, create jobs, grow the economy, save lives, and protect households from higher energy prices;

AND WHEREAS most economists, from conservative to liberal, agree that the most cost-effective way to cut carbon pollution is to add a fee that steadily raises the price of fossil fuels,

AND WHEREAS legislation addressing climate change should not economically burden Conway and its citizens;

AND WHEREAS Carbon Fee and Dividend will protect lower and middle-income households, as two thirds of families will break even or receive more in dividends than they would pay for in higher living expenses;

AND WHEREAS Carbon Fee and Dividend will create jobs, as the dividend puts money back into local economies;

AND WHEREAS Carbon Fee and Dividend is a market-based solution in which a fee is levied on carbon-based fuels as they come out of the ground or as they are imported, with all monies returned in equal shares to households as a dividend, thus leveraging market forces that encourage investments in increased energy efficiency and alternate sources of energy by both industry and consumers;

AND WHEREAS Carbon fee and Dividend will employ a "border adjustment" to protect domestic businesses. The "border adjustment" will use import/export fees and rebates to neutralize any impact to the cost of domestically produced products, and incentivize other states to adopt a comparable carbon fee;

AND WHEREAS in the absence of federal Carbon Fee and Dividend, the Commonwealth of Massachusetts can pass state Carbon Fee and Dividend (or "Rebate"),

THEREFORE, BE IT RESOLVED, THAT THE TOWN OF Conway calls upon the Massachusetts Legislature and the United States Congress to implement Carbon Fee and Dividend (or "Rebate"), placing a steadily rising fee on carbon-based fuels, and returning all fees collected, minus administrative costs, to households.

AND BE IT FURTHER RESOLVED THAT UPON PASSAGE the Conway Town Clerk shall mail copies of the resolution and vote to the President of the United States, Donald Trump; the Speaker of the United States House of Representatives, Paul Ryan; the House Minority leader, Nancy Pelosi; the Majority and Minority leaders of the U.S. Senate, Mitch McConnell and Charles Schumer; the U.S. Senators representing Massachusetts, Edward Markey and Elizabeth Warren; the Congressperson representing our district, Richard Neal; the Governor of Massachusetts, Charlie Baker; the Massachusetts Senate President, Stan Rosenberg; the Speaker of the Massachusetts House, Robert DeLeo; and the state senator and state representative from our district, Steven Kulik and Adam Hinds.

ARTICLE 25: Voted that the Town **adopt the following Campaign Finance Reform Resolution:**

WHEREAS, the current and increasing role of money in politics threatens the democratic ideals upon which our republic was founded; and

WHEREAS, there is a need for transparency in fundraising and elections so that the public can have confidence in the integrity of its government; and

WHEREAS, our public officials and employees must be independent, impartial, and responsible to the people;

NOW, THEREFORE, BE IT RESOLVED by the legal voters of the Town of Conway, Massachusetts that tough new anti-corruption laws must be passed by the Massachusetts General Court as well as the US Congress to remove the corrupting influence of money on our political system. Laws such as these would prohibit politicians from taking campaign money from industries they regulate; increase transparency for campaign funding; empower all voters through a publicly funded election system; prohibit representatives and senior staff from all lobbying activity for five years after leaving office; place limits on Super PACs; and strengthen agencies and ethics committees to enforce the rules against politicians and special interests that break campaign finance laws.

BE IT FURTHER RESOLVED that the legal voters of the Town of Conway implore our elected representatives in Boston, State Senator Hinds and Rep. Kulik; and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Neal (or their successors) to lead this effort to enact these initiatives in Massachusetts and in Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Conway is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of the above individuals.

At 11:08 p.m., the meeting adjourned until Thursday, 11 May 2017 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- Two member of the Board of Health for three years;
- Two members of the local School Committee for three years;
- Two members of the Planning Board for three years;
- One Tree Warden for three years; and
- One Moderator for one year;

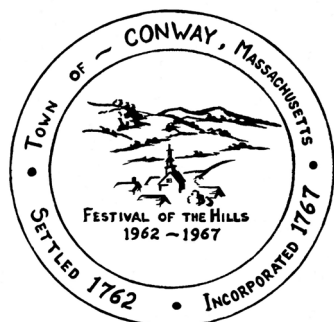
And to vote on the following question:

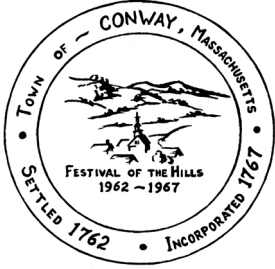
Shall the Town exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bond issued for a design and engineering plan for a wastewater collection and disposal system?

Yes ___ No ___.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk





Town of Conway, Massachusetts

Special Town Meeting
30 October 2017

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 120 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten and Lorraine Boyden served as checkers. The meeting was called to order by the Moderator. The call and return of service having been examined and found to be in order, it was unanimously voted to dispense with the formality reading the warrant. The following action was taken by those persons in attendance:

ARTICLE 1: Voted to amend the *Protective Bylaws of the Town of Conway, Massachusetts* by adding a new Section 11, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, as provided below:

Section 11.1 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Town's Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, § I, is not specifically addressed. Potential changes to the legislation and regulations to be promulgated by the Cannabis Control Commission will provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and to address such issues. The Town also needs time to study and address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Town's Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 11.2 Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Section 11.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town of Conway hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment. The moratorium shall be in effect through December 31, 2018 or for six (6) months after promulgation of the required regulations by the Cannabis Control Commission whichever occurs later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town and to consider any changes to the law adopted by the legislature as well as the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these matters.

The Moderator called for a hand count to determine if there was a 2/3 majority vote. A total of 104 voters participated in the vote. Actual count for the article was YES = 70 and NO = 34

ARTICLE 2: Unanimously voted to transfer \$35,514.90 from free cash for **debt service for the new fire truck**.

ARTICLE 3: Voted to transfer \$6,000 from free cash for **matching funds for a grant** to help move the Town toward compliance with the Americans with Disabilities Act.

ARTICLE 4: Voted to "pass over" the article requesting funds for tornado related tree damage behind the Conway Grammar School.

ARTICLE 5: Unanimously voted to transfer a total of \$827.45 from free cash for payment of four **bills from a prior fiscal year** as follows: \$451.36 for water received as an emergency procurement after the tornado; \$29.79 for office supplies (envelopes); \$209.35 for fuel for the Police Department; and \$136.95 for clothing for the Police Department.

ARTICLE 6: Unanimously voted to establish a **revolving fund for Medicaid reimbursements** by amending the *General Bylaws of the Town of Conway, Massachusetts* to include a new section, “Revolving Funds,” as follows, and to become effective July 1, 2018:

The Town shall have a Medicaid revolving fund under M.G.L. Ch. 44, Sec. 53E½ to receive funds from school Medicaid reimbursements for the purpose of paying related expenses. This fund shall be under the control of the Treasurer/Collector. The Accountant shall include a report on its activity in the annual Town Report.

ARTICLE 7: Voted to amend Section 4 under “Town Officers, Boards, and Committees” of the *General Bylaws of the Town of Conway, Massachusetts* as follows:

Section 4: There shall be a **Finance Committee of ~~six~~ five registered voters**.....

ARTICLE 8: Voted to “table” the resolution introduced by citizen petition requesting **A Bylaw Declaring Conway to be a Safe Community**.

The Moderator requested a hand count on the motion to table the article. Actual count to table was as follows: YES = 59 and NO = 56.

AT 8:45 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk

*Motion made and passed to consider **Articles 6, 9 and 16** following article 2*

ARTICLE 6: Voted that the Town transfer \$25,000 from free cash to the **Conway Grammar School Capital Stabilization Account**.

ARTICLE 9: Unanimously voted that the Town transfer \$24,000 from the Conway Grammar School Capital Stabilization Account for **capital expenses for the Conway Grammar School**.

ARTICLE 16: Voted that the Town transfer \$5,677.00 from the general stabilization account for the purchase of a replacement tractor similar in size and features of a John Deere 1025R Sub-Compact Utility **Tractor, for the Frontier Regional School District**, not to exceed in total \$35,000.00. *(Moderator declared the article passed by a two-thirds majority on a voice vote.)*

At this point, the meeting voted to return to the articles in order.

ARTICLE 3: Voted that the Town appropriate \$330,000 to pay costs of **repairing Bridge #C-20-004 on North Poland Road**, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 15 years from their date of issue, excluding the term of any temporary notes that may be issued in anticipation of the issuance of any such bonds, and, provided, further, that any such borrowing shall be contingent upon the passage of a Proposition 2½ debt exclusion ballot question: any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. *(Moderator declared the article passed by a two-thirds majority on a voice vote.)*

ARTICLE 4: Unanimously voted that the Town transfer \$100,000 from free cash and \$25,000 from the General Stabilization fund to the **Capital Stabilization Account**.

ARTICLE 5: Voted that the Town raise and appropriate \$50,000 for the **Highway Garage Stabilization Account**. *(Moderator declared the article passed by a two-thirds majority on a voice vote.)*

ARTICLE 6: (Voted following Article 2)

ARTICLE 7: Voted that the Town transfer \$48,000 from the Capital Stabilization Fund to **replace the Police Department cruiser**. *(Moderator declared the article passed by a two-thirds majority on a voice vote.)*

ARTICLE 8: Vote **failed** to replace the 2013 Volvo Excavator.

ARTICLE 9: (Voted after Article 2, following Article 6)

ARTICLE 10: Unanimously voted that the Town transfer \$21,528 from the Ambulance Receipts Reserved account for Fiscal Year 2019 **operating expenses for the Ambulance Department**.

ARTICLE 11: Voted that the Town raise and appropriate \$10,000 for rental of a **hydraulic boom lift for the Highway Department**.

ARTICLE 12: Unanimously voted that the Town transfer \$14,000 from the General Stabilization account to provide for a **Lucas cardio-pulmonary resuscitation (CPR) compression unit** for the Ambulance Department.

ARTICLE 13: Voted that the Town transfer \$12,000 from the Capital Stabilization account to **replace the 2012 Kubota tractor and snowblower** which will be traded-in. *(Moderator declared the article passed by a two-thirds majority on a show of hands.)*

ARTICLE 14: Unanimously voted that the Town transfer \$10,000 from free cash to the **Other Post-Employment Benefits account**.

ARTICLE 15: Voted that the Town transfer \$6,500 from Free Cash for the **further labor and supply costs of conversion of Assessors' software** (the valuation system).

ARTICLE 16: (Voted after Article 2, following Article 9)

ARTICLE 17: Unanimously voted that the Town transfer \$5,000 from Free Cash for the next **recertification of property values**.

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ARTICLE 18: Voted that the Town create a new, **part-time position** of Administrative Assistant for the Conservation Commission, Planning Board, Zoning Board of Appeals, and other committees, boards, councils, and commissions, and to raise and appropriate \$5,518 for that position for Fiscal year 2019.

ARTICLE 19: Unanimously voted that the Town transfer \$2,513 from free cash for **local library operations** and expenses.

ARTICLE 20: Unanimously voted that the Town transfer \$1,000 from free cash for its **Christmas Tree fund**.

ARTICLE 21: Unanimously voted that the Town transfer \$500 from free cash for its **Flag Fund**.

ARTICLE 22: Unanimously voted that the Town authorize the Treasurer to spend \$15,000 from the **Medicaid Revolving Fund**.

ARTICLE 23: Voted that the Town appropriate or reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee the following amounts for community preservation purposes, with each item considered a separate appropriation:

- A. To appropriate \$4,219 from FY 2018 Annual Revenues for Administration of the Community Preservation Committee.

- B. To provide funds from Fiscal Year 2018 Annual Reserves
 - \$8,438 to the Community Preservation Historical Resources Reserve;
 - \$8,438 to the Community Preservation Community Housing Reserve;
 - \$8,438 to the Community Preservation Open Space Reserve; and
 - \$54,849 to the Community Preservation Budgeted Reserve.

ARTICLE 24: Failed to join the Pioneer Valley Mosquito Control District for an initial one-year term.

*Motion made and passed to consider **Articles 31 and 32** following article 24*

ARTICLE 31: Voted to approve the following General by-law, introduced by citizen petition:

A Bylaw Declaring Conway to be a Safe Community

Purpose:

The citizens of Conway would like you to know that no matter where you're from, if you are a resident, or visitor, or are just passing through town, you are welcome here.

Conway police shall not act as immigration officers and will not honor non-criminal, civil immigration detainer requests. In all interactions with Conway law enforcement and town employees you will be treated with respect.

We ask for your cooperation to help us insure the safety and well being of others.

Definitions:

“Law enforcement official” means Conway department, or officer or employee of town department, authorized to enforce criminal statutes, regulations, or local bylaws.

“Civil immigration detainer request” means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from custody, or to notify the requesting immigration office prior to the release of that individual.

“ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.

“Safe City Provisions”

A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, and apprehension, arrest, or any other contact. Victims and witnesses to crimes may be asked their status for the purposes of the US Victims of Trafficking and Violence Prevention Act (U-VISA)

A law enforcement official shall not detain an individual on the basis of a civil immigration request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

To the extent permissible by law, no employee of any Conway Town department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Effective Date

This Bylaw will become effective upon passage.

Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

Compliance with Federal Law

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

ARTICLE 32: Failed to approve the citizen petition to place mowing of the Commons, Ballfield, Cemeteries, and Grammar School grounds under the duties of the Highway Department.

At this point, the meeting voted to return to the articles in order.

ARTICLE 25: Voted that the Town adopt the provisions of M.G.L. Chapter 64N, Section 3, or any other enabling authority, to **impose a local sales tax upon the sale or transfer of marijuana or marijuana products** by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, or at any higher rate as authorized by law.

FOR CHANGES SHOWN TO *EXISTING* BYLAWS (Article 26 and 27)
DELETIONS ARE IN ~~STRIKEOUT~~ AND ADDITIONS ARE UNDERLINED.

ARTICLE 26: Voted that the Town **amend its General Bylaws** under “Form and Conduct of Town Government,” Section, 5, to refer only to the annual Town Meeting warrant, as follows:

Section 5: Articles for the annual Town Meeting warrant will be received by the Selectmen not less than sixty days before the date set for the meeting....

ARTICLE 27: Voted that the Town will **amend its General Bylaws** under “Town Officers, Boards, and Committees” to include a new Section 11, as follows:

Section 11: The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to assign appropriate numbers or letters to sections, subsections, paragraphs, and subparagraphs to Town general and zoning by-laws where none are approved by Town Meeting.

Where Town Meeting has approved numbering or lettering of sections, subsections, paragraphs, and sub-paragraphs of Town general and zoning by-laws, the Town Clerk, or an agent designated by the Town Clerk, after consultation with the Town Administrator, shall be authorized to make non-substantive editorial revisions to the numbering or lettering to ensure consistent and appropriate sequencing, organization, and numbering or lettering of the by-laws.

ARTICLE 28: Failed to amend General Bylaws by removing the requirement to mail the Town Report to each head of household under Section 6 : The Town Meeting.

ARTICLE 29: Voted to **amend the Protective By-laws** by adding the proposed Article 12, as follows:

LARGE SCALE INDUSTRIAL & COMMERCIAL FACILITIES

Article 12: Large Scale Industrial & Commercial Facilities Zoning Bylaw

12.1: Purpose

The purpose of this Bylaw is to provide for the public health, welfare, and safety of the residents of the Town of Conway (the “Town”) through implementation of a zoning bylaw and performance standards for environmental and land use impacts associated with the construction or operation of large scale industrial and commercial facilities proposed to be located in the Town. This bylaw is adopted pursuant to the authority granted to towns in accordance with M.G.L Chapter 40A. Large scale industrial or commercial facilities are also subject to all other requirements of the Town’s Zoning Bylaws to the maximum extent permitted by law. Specifically the purpose of this Bylaw is to:

- a. Reduce adverse environmental and public health impacts from the construction and operations of large scale industrial and commercial facilities;
- b. Minimize noise, earth removal and related disturbance impacts to surrounding residential properties, businesses, and municipal and institutional facilities;
- c. Preserve the pre-existing character of neighborhoods, especially in rural areas and on agricultural lands adjacent to large scale industrial and commercial facilities;
- d. Avoid exposing residents and public and private property to risk of injury or damage;
- e. Minimize accidental damage to facilities due to man-made events or natural forces such as severe weather events; and

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- f. Ensure the construction and operations are in compliance with local, State and Federal requirements.

Application and study requirements required by this Bylaw are in addition to and should be coordinated with any other requirements of Conway's Zoning Bylaws.

12.2: Definitions

Large Scale Industrial and Commercial Facility (LSICF) -- A large-scale industrial or commercial facility is defined as any industrial or commercial facility, including any associated facilities, which requires the mandatory preparation of an Environmental Impact Report (EIR) pursuant to the Massachusetts Environmental Policy Act (MEPA), specifically review thresholds sections 11.03(1)(a), and 11.03(3)(a) thru (9)(a). A LSICF shall also include: (1) any facility or use that creates 10 or more acres of impervious surface and (2) a facility or use which alters 50 or more acres of land, unless the project is consistent with an approved agricultural use plan or a forest cutting plan in accordance with State law.

Appurtenant Structure, Equipment or Facilities (ASEF) – Any structure, equipment, or other facilities (e.g. parking, contractor's yards, staging areas, etc.) associated with the construction, operation or maintenance of the LSICF.

Applicant - Owner and/or Operator of the LSICF and/or ASEFs.

Special Permit and Certificate Granting Authority – The Planning Board shall be responsible for granting a Special Permit and issuing a Certificate of Compliance to construct and/or operate a LSICF and/or ASEF if it determines that such facility is in compliance with this Bylaw.

12.3: Applicability

- a. This article applies to all LSICF and ASEFs that will be permitted or constructed after the effective date of the article. This bylaw shall not apply to the maintenance, construction, or improvement of a local road or to any residential use. This bylaw article shall not apply to Wireless Communications Facilities (see Zoning Article 8)
- b. All existing LSICF and ASEFs constructed prior to the adoption of this article shall not be required to meet the requirements of this article, provided that any modification to an existing LSICF or ASEF that occurs after the effective date of this article and which materially alters the size, type, location, or operation of the LSICF or ASEF shall require compliance with this Bylaw, as determined by the Planning Board.
- c. If any part or provision of this Bylaw or the application thereof to any person or business is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Bylaw, or the application thereof to other persons, businesses or circumstances unless by operation of law.
- d. An applicant for a proposed LSICF must seek a Special Permit from the Special Permit Granting Authority which is the Conway Planning Board. The Planning Board shall conduct a Special Permit process in accordance with Conway's Zoning Bylaws upon receipt of a completed Application and will determine if the proposed LSICF and ASEFs will meet the requirements of this Bylaw. The Planning Board may request additional information needed to determine compliance with this bylaw. The Applicant may not proceed with the construction or operation of the LSICF or ASEFs until a Special Permit has been granted by the Planning Board based on their determination that all the requirements of the Bylaw will be met.
- e. If a project has been determined to be exempt from local zoning due to Federal pre-emption, the LSICF or the ASEF shall still require a Certificate of Compliance that the project meets the requirements of this bylaw to the maximum extent feasible.
- f. No LSICF or ASEF shall be constructed, installed or modified without also obtaining a building permit and paying any required fees.

12.4: Compliance with Bylaw

- a. No LSICF or ASEFs shall be constructed or operated within the Town unless such facilities can meet all the requirements of this Bylaw. The Planning Board will make this determination based upon the application and any independent studies the Planning Board may require. In order to determine compliance, the Planning Board may require independent noise or engineering studies, air and water quality testing, or other tests or studies to be paid for by the Applicant in accordance with this Bylaw.
- b. The application for a LSICF and ASEFs shall be accompanied by a fee as established by resolution of the Planning Board consistent with State law.
- c. Any modification to an existing LSICF or ASEFs that materially alters its size, type, location, or operation shall require a new Application and must meet all requirements of this Bylaw. Like-kind replacements shall not require a new Application if so determined by the Planning Board.
- d. If the Planning Board finds the Applicant in conformance with this bylaw, the Planning Board may issue a Special Permit. Such Special Permit shall expire three (3) years from the date of issuance if construction has not begun.

- e. When construction is completed and the requirements of this Bylaw and the conditions of the Special Permit have been met, then the Planning Board will issue a Certificate of Compliance for Operation for the LSICF or ASEF which shall have a term of two years. If the Applicant wishes to continue the operation of the LSICF or ASEF beyond the two (2) year term it must request a renewal of the Certificate and demonstrate that the requirements of this bylaw and the conditions of the Special Permit continue to be met.
- f. If no Special Permit is required due to Federal preemption, a renewal of the Certificate of Compliance shall still be needed.

12.5: Pre-Application Conferences

- a. The Applicant (“Owner/Operator”) is strongly encouraged to meet with the staff or municipal officials of the Town to determine the requirements of and the procedural steps and requirements of the Application. The intent of this process is for the Applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and Application.
- b. The pre-application conference is intended for the benefit of the Applicant in order to address the required submittals and is advisory only and shall not bind the Town of Conway.

12.6: Application

The Applicant shall provide to the Planning Board all of the following materials with eight (8) copies and an electronic version:

- a. A narrative describing an overview of the project, including the number of acres to be involved and the location, number and description of the planned facilities, including staging and storage areas and other locations needed during the construction, operation or maintenance of the LSICF and ASEFs.
- b. GIS mapping, in paper and digital versions, at an appropriate scale of the proposed location of the LSICF and ASEFs for the purpose of identifying properties that may be impacted by noise, earth removal or other related disturbances and to inform the Fire Chief, Police Chief, Emergency Management Director, Highway Superintendent and other emergency responders. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public roads to be undisturbed.
- c. The contact information of the Applicant and if different, the organization and individuals responsible for the construction, operation and maintenance of the LSICF and ASEFs shall be provided to the Planning Board and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Planning Board, Select Board and all emergency providers.
- d. A certification or evidence satisfactory to the Town that, prior to the commencement of any activity related to the LSICF or ASEFs, the Applicant shall have accepted and complied with any applicable bonding or permitting requirements. Bonding shall be required to ensure repair by the Applicant of any damage to municipal property including but not limited to roads, culverts, bridges, water or sewer facilities, cemeteries, and buildings caused by the construction, operation or maintenance of the LSICF and ASEFs.
- e. A description of and commitment to maintain safeguards that shall be taken by the Applicant and its agents to ensure that the Town’s roads and property utilized by the Applicant shall remain free of dirt, mud and debris resulting from construction, operation or maintenance activities and the Applicant's assurance that such roads or property will be promptly repaired, swept or cleaned if damage, dirt, mud or debris occur as a result of Applicant's usage, with guaranties that meet the requirements of §13.0 of this article.
- f. Verification that a copy of the Applicant’s “Operation's Preparedness, Prevention and Contingency Plan” for public health and safety has been provided to the Planning Board and all emergency responders, including a statement that the Applicant/Owner, upon changes occurring to the Operation's Preparedness, Prevention and Contingency Plan, will provide to the Town and all emergency responders a revised copy marked with the revision date.
- g. Assurance that, at least 30 days prior to the commencement of any construction activities, the Applicant shall provide an appropriate site orientation and training course of the Operation's Preparedness, Prevention and Contingency Plan for all emergency responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant or Owner shall be required to hold at least one site orientation and training course every six months under this section unless such requirement is waived by the Planning Board and Select Board in their sole discretion.
- h. A copy of the documents submitted to the Massachusetts Department of Environmental Protection (MassDEP) and a Community and Environmental Impact Analysis meeting the requirements set forth in §7.0 of this article.

- i. A copy of all permits and plans from the appropriate Federal, State, and/or local regulatory agencies or authorities issued in accordance with applicable laws, environmental requirements and regulations for the proposed use.
- j. A traffic impact study and roadway maintenance and repair agreement meeting the requirements set forth in §10.0 of this Bylaw.
- k. Assurance that before the commencement of any construction, operation, maintenance or emergency activities, information shall be provided to residents and businesses per the requirements in §9.0 of this Bylaw.
- l. Certification that private freshwater well testing will be completed in compliance with §11.0 of this article.
- m. Submission of a Water Withdrawal Plan identifying the source of the water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes, and all permits issued by the Commonwealth or any other governmental body. The site(s) for the treatment and disposal of the water shall also be identified.
- n. Submission of a Hazardous Materials Management Plan that includes a complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. For those activities using or storing such hazardous materials, a Hazardous Materials Management Plan shall be prepared and filed with the Fire Chief, Police Chief, Emergency Management Director and the Board of Health. The Plan shall include: provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures; provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; evidence of compliance with the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection; and proposed down-gradient location(s) for groundwater monitoring well(s), should the Planning Board or Board of Health deem the activity a potential groundwater threat.
- o. Submission of a Stormwater Management, Erosion and Restoration Plan to the Planning Board and Conservation Commission that addresses any pre-construction, construction, operation or maintenance activities. The clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the LSICF and ASEFs. Revegetation shall be provided for restoration areas required for construction but not necessary for ongoing maintenance or operations. Only native species typically found in the facility's environment may be used for restoration. Stormwater management shall meet all MADEP requirements and shall follow MADEP's Best Management Practices.

All Application materials shall be submitted to the Planning Board with copies sent to the Select Board, Conservation Commission, Board of Health, Zoning Board of Appeals, Fire Chief, Police Chief, Emergency Management Director and Highway Superintendent. Such boards and municipal officials shall have 45 days to identify concerns or deficiencies or to provide recommendations to the Planning Board with respect to the LSICF or ASEFs. The Planning Board shall hold a Public Hearing to provide interested parties with the opportunity to comment in accordance with the requirements of the Special Permit process. If no Special Permit is required due to federal preemption, a Public Meeting will be held at least 30 days before the issuance or denial of the Certificate of Compliance.

12.7: Community and Environmental Impact Analysis & Health Impact Assessment

- a. A Community and Environmental Impact Analysis Statement shall be submitted to the Planning Board to determine compliance with the requirements of this Bylaw and shall be drafted by a qualified environmental engineering consultant hired by the Applicant. The purpose of the statement is to determine the impact of the project on the environment of the existing site and the resultant changes the proposal will have on the site and surrounding area. This information will assist the Town to determine if the LSICF and ASEFs can meet the requirements of this Bylaw. The Town can also request a "peer review" of the Community and Environmental Impact Analysis by a qualified environmental engineering firm that the Planning Board selects at the Applicant's expense (see Section 8.0). At a minimum, the statement shall provide the following information:
 - i. A description of the proposed development, its purpose, a schedule of construction and length of operation. This information and technical data must be sufficient to allow a thorough assessment of the proposed LSICF and ASEFs impacts on municipal services, environmental resources and public health and safety during construction and operation.
 - ii. A comprehensive description of baseline environmental and infrastructure conditions including but not limited to ambient noise levels, air and water quality, stormwater and drainage patterns, and water and sewer infrastructure before any activities associated with the development occur.
 - iii. A description of the environmental impacts of the proposed development both during and after complete build out of the proposed development. This description should focus on the environmental resources most likely to be affected by the development proposal and on the broader regional aspects of the environment impacts, including ecological inter-relationships. These impacts shall be defined as direct or indirect changes in the existing environment and as either beneficial or detrimental. Whenever possible, these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well.

- iv. Provide a separate analysis of all potential hazard impacts and hazard areas that could be caused by man-made accidents and natural hazards (flooding, hurricanes, earthquakes, tornadoes, snow/ice storms) and their probabilities and risks, with supporting statistics developed by an analysis of similar LSICF and ASEF's in comparable locations.
 - v. A discussion of measures which are required by Federal, State or local regulations to protect or mitigate impacts upon the environment, including any associated research or monitoring. Include sufficient documentation and supporting material to demonstrate that the proposed measures will function as expected.
 - vi. A discussion of the unavoidable adverse impacts described in Subsections 7.b. and 7.c. — both the short-term impacts (i.e., those occurring during build out of the LSICF and ASEF's), the long-term impacts, and the cumulative impacts to the environment. Particular attention should be paid to the LSICF and ASEF's relationship to trends of other LSICF or ASEF's developments (i.e., cumulative noise or air quality degradation posed by other industrial or commercial development).
 - vii. Hydrologic analysis and information, including, but not limited to, a description, inventory, analysis and evaluation of the existing groundwater conditions and mapping of surficial geology. This analysis must be focused in terms of both surface water and groundwater quality and quantity; a discussion of likely and possible changes to these resources; and a discussion of measures to reduce or mitigate the identified impacts. Potential impacts on residents and businesses served by private wells located within 750 feet of the proposed LSICF and ASEFs (see Section §11.0) should be included in the analysis.
 - viii. Odor, vapors or particulate matter produced by the LSICF and ASEF's shall not exceed Federal or State air quality standards. Applicant shall identify all hazardous pollutants that will be emitted that affect air quality that are regulated by MassDEP or the EPA. For all air pollutants generated, Applicant shall hire a qualified consultant to perform air quality testing in accordance with Section 11.c.
- b. The express standards and conditions referenced herein shall be addressed by the Applicant and submitted with the Application. An escrow account for the review by professional consultants pursuant to M.G.L. Chapter 44, Sec. 53G shall be established by the Applicant in the initial amount of \$100,000 or such other amount as the Planning Board may determine. The escrow account shall be maintained following final approval of the Application to provide for inspections in accordance with §8.0 herein.
 - c. The Applicant shall conduct a Health Impact Assessment (HIA) of the proposed project as part of the Community Impact Analysis. An HIA is a systematic process that uses an array of data sources and analytic methods and considers input from stakeholders to determine the potential effects of the project on the health of a population and the distribution of those effects within the population. The HIA shall provide recommendations on mitigating, monitoring and managing those effects.

12.8: Professional Consultants

The Town may employ a professional consultant or consultants to conduct peer reviews of the proposal or to perform and/or review the testing and monitoring results in accordance with M.G.L. Chapter 44, Sec. 53G, at the expense of the Applicant.

- a. The function of the peer review consultant(s) shall be to advise, counsel, represent and/or aid the Town in ensuring compliance with this Bylaw, any other applicable municipal codes on such matters relating to the construction or operations of LSICF and ASEFs, and with State law and regulations applicable to the project. The Consultant shall identify best practices for the design and development of the project.
- b. During the construction, operation, maintenance, decommissioning or reclamation activities associated with the LSICF and ASEFs, the Town shall require the services of an on-site inspector with proven background and experience in the type of LSICF and ASEFs proposed to be constructed, whose role will include but not be limited to the following:
 - i. Review of all applications for construction or operation of the LSICF and ASEF.
 - ii. Inspection of the site of the LSICF or ASEFs during key phases of construction.
 - iii. Inspection of LSICF or ASEFs upon receipt of a written complaint and request for an inspection by the property owner.
 - iv. Communication with appropriate municipal personnel if the inspector believes the Applicant, Operator or contractor is violating a municipal code addressed in this Bylaw or another bylaw of the Town or any other State or Federal law or regulation.
 - v. Authority to request and receive any records, logs, reports relating to the status or condition of the LSICF and ASEFs needed to determine compliance with this Bylaw.
 - vi. In the event a professional peer review consultant is employed for the purpose of advising, counseling or representing the Planning Board relative to ensuring compliance with this Bylaw, the cost for such services of the professional consultant shall be assessed against and paid for by the Applicant or Owner of the LSICF or ASEF in addition to any other consulting fees or charges assessed pursuant to this Bylaw.

- c. A consultant(s) shall be hired to perform and/or review the testing and monitoring results collected pursuant to Section 11 and will prepare a report summarizing those results and identifying any concerns. Such reports shall be submitted to the Select Board, Planning Board and Board of Health, and as appropriate MADEP.

12.9: Information Provided to Municipal Officials and Residents

Prior to the commencement of any construction activities of the LSICF and ASEFs, but no later than ninety (90) days prior, the Operator shall provide the following information to the Select Board, Planning Board, Board of Health, Fire Chief, Emergency Management Director and Highway Superintendent. For natural gas transmission lines and associated venting, metering and compressor stations, the potential impact area appropriate for the diameter and maximum allowable operating pressure for the proposed pipeline will be determined and GIS mapping of the impacted areas will be provided to the Town and residents in those zones as well as information on what to do or not do in the event of an emergency.¹

- a. A GIS map of the location of the LSICF and ASEFs and a copy of the plans prepared by a professional engineer or land surveyor licensed in the Commonwealth of Massachusetts showing the proposed location of all construction activity including equipment and structures and all permanent improvements for the LSICF or ASEFs including any post-construction surface disturbance in relation to natural resources and public or private property in the surrounding area. Following the construction of the LSICF and ASEFs, “as-built” drawings based on surveys completed by a professional surveyor and stamped by a Professional Engineer shall be provided to the Select Board, Fire Chief, Police Chief, Emergency Management Director and Highway Superintendent. Both large scale paper copies and digital versions shall be provided at an appropriate scale.
- b. A detailed description of the planned operations at the LSICF and ASEFs.
- c. The contact information for the construction manager and/or Operator of the LSICF and ASEFs.
- d. The availability of the construction manager and/or Operator to hold a meeting with residents and municipal officials to allow for questions and answers. The meeting(s) shall be held at least three months prior to the start of construction and monthly thereafter until completion of construction.
- e. Applicant will identify any aspect of construction or operations of the LSICF or ASEFs that will cause a disturbance such as noise, vibration, pollution, erosion, etc. Applicant will certify that it will provide notice of any planned blasting, venting of gas or release of other hazardous materials at least 2 weeks in advance. Any venting of gas or release of other hazardous materials, erosion, or other disturbance created as a result of an emergency shall be reported to the Planning Board, Select Board and Board of Health within 24 hours of the event.

In addition, each resident, business or other non-residential use within 1,000 feet of any construction or staging area and any resident identified to be in a hazard zone (e.g. explosion, fire, etc.) shall be provided with information about the hazards and what to do in the event of an emergency. Residents within 1,000 feet of any construction or staging area and any resident identified to be in a hazard zone will be notified by the Applicant of public meetings scheduled to answer questions.

12.10: Road Use and Construction Site Access

The Operator shall provide a traffic impact study or description of the plan for transportation and delivery of equipment, machinery, water, chemicals, products, materials, water products and other items that may be utilized or produced in the siting, construction, completion, alteration or operation of the LSICF and ASEFs and maintenance after construction is completed. Such description shall include the following:

- a. A map showing the planned vehicular access route to the development, indicating all private access roads, all state, county and local roads, bridges and other transportation infrastructure that may be used, and the type, weight, number of trucks, and delivery schedule necessary to support each phase of the development.
- b. A list of all trucking contractors or employees of the Applicant who will travel to and from the development site with evidence of required registrations, licenses and insurance coverage.
- c. The proposed routes must be designed to ensure adequate capacity for existing and projected traffic volumes, allow for efficient movement of traffic, including appropriate turning radii and transition grade, and minimize hazards to users of public roads as well as adjacent property and human activity.
- d. To the maximum extent feasible, vehicle access to any construction or staging area proposed in the vehicular access plan should be an arterial or collector road.
- e. Use of local roads for construction vehicle access serving primarily residential neighborhoods requires written permission from the Select Board (see 12.a.i.) and MassDOT and must be in compliance with M.G.L. Chapter 85, Section 2.

¹ A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines by Gas Research Institute and C-FER Technologies, 2000

- f. The Planning Board in consultation with the Select Board and Highway Superintendent reserves the right to designate alternate routes in the event the Applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by a Massachusetts registered professional engineer working on behalf of the Town.
- g. In accordance with M.G.L. Chapter 90, Section 17C, the Select Board may reduce speed limits on local roads that may present public safety hazards for trucks hauling construction materials.
- h. The Applicant and Operator of the LSICF and ASEF's shall execute a roadway maintenance and repair agreement with the Town and post a bond in a form acceptable to the Planning Board, Select Board and its Town Counsel prior to beginning any work on the LSICF or ASEFs (see §13.0 of this Bylaw).
- i. The roadway maintenance and repair agreement shall require the Applicant and Operator to conduct an inventory, analysis and evaluation of existing conditions on Town roads, culverts and bridges along the proposed transportation route, including photography, video and core boring. The roadway maintenance and repair agreement will identify the responsibilities of the Applicant and Operator to prepare, maintain or repair Town roads, culverts or bridges before, during and immediately after construction and during operation of the LSICF and ASEF. The Applicant and Operator shall take all necessary corrective action and measures as directed by the Planning Board or Select Board pursuant to the agreement.
- j. Beginning with its intersection with a public road, any access road for the LSICF or ASEFs shall be improved in accordance with Planning Board, Select Board or Conservation Commission requirements to prevent water pollution and soil erosion or damage to roads. No water, sediment or debris shall be carried off-site onto any public or private property. If any substantial amount of mud, dirt or other debris is carried onto public property from the development site of the LSICF or ASEFs, the Operator shall immediately stop work, clean the mud, dirt or debris and implement a remedial plan as directed by the Planning Board, Conservation Commission or Select Board to manage stormwater and prevent runoff of mud, dirt or other debris onto public property including roads, wetlands and surface waters. Operator will be responsible for the clean-up of any sediment or debris carried onto private property if clean-up is requested by the private property owner and permission for access is given.
- k. All-weather access roads suitable to handle emergency equipment shall be provided and maintained in accordance with the directions of the Select Board in consultation with the Fire Chief, Police Chief, Emergency Management Director and the Conservation Commission.
- l. The Operator shall take necessary safeguards to ensure appropriate dust control measures are in place.
- m. All applicable permits or approvals must be obtained, including access or driveway permits, to State, county or local roads, construction permits within State, county or local roads, and permits for overweight or oversize loads. Access directly to State roads may require MassDOT highway occupancy permits for overweight vehicles. The Applicant shall provide to the Planning Board and Select Board a copy of State permits and all other applicable permits or approvals.
- n. A suitable off-road area within the development site for vehicles to stand while gaining access to and from the LSICF and ASEF development site shall be provided so that the normal flow of traffic on public or private roads is undisturbed. Ingress and egress points to the development site from any public road shall be located and improved in order to meet the requirements of the 2006 MassDOT Project Development and Design Guide² as amended. Private roads, easements, and driveways may not be used for access to the LSICF and ASEF development site unless written permission from the property owner(s) is obtained and a copy of such permission is provided to the Planning Board and Select Board prior to the issuance of the Special Permit.
- o. The Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with the development, the Operator will provide flagmen in accordance with 701 CMR Section 7.0 to ensure the public safety and shall include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

12.11: Water, Noise & Air Testing & Monitoring

- a. **Water.** The Applicant and Operator of a LSICF and/or ASEFs shall provide the Planning Board, Select Board, and Board of Health with the results of a pre-construction and post-construction water analysis and flow rate for each existing public freshwater well within 750 feet³ of the LSICF and/or ASEFs, and for each private freshwater well within 750 feet of the LSICF and/or ASEFs provided that written permission is given by the property owner. If surficial geology warrants a greater testing area, the Planning Board or Board of Health can

²<https://www.massdot.state.ma.us/highway/DoingBusinessWithUs/ManualsPublicationsForms/ProjectDevelopmentDesignGuide.aspx>

³ MADEP Interim Wellhead Protection Area default radius for non-community sources for non-transient wells (NTNC).

direct the Applicant and Operator to conduct testing for additional wells within the larger area provided that written permission is given by the property owner. The tests shall conform to the following requirements and all costs to conduct the testing, including any restoration of the property, and the testing results will be provided to the property owner free of charge:

- i. Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from an independent MassDEP certified water testing laboratory.
 - ii. Well samples shall be analyzed and flow rates (gpm) determined prior to any construction activity to document baseline water quality data and flow rates of the well, especially before any planned blasting.
 - iii. If permission is granted in writing by the property owner, a post-construction sample analysis shall be submitted for water quality testing by the Operator within three months after construction is completed for wells within 750 feet. Wells within 750 feet of the facility or associated structures shall be tested on an annual basis throughout the life of the facility with the results provided to the property owner with a copy to the Planning Board and Board of Health. If surficial geology warrants a greater testing area, the Planning Board or Board of Health can direct the Applicant and Operator to conduct testing for additional wells within the larger area on an annual basis provided that written permission is given by the property owner.
 - iv. Parameters to be tested for include, but are not limited to, methane, chloride, sodium, TDS, pH, arsenic, barium and strontium, radon, a subgroup of the volatile organic chemicals (VOCs) called BTEX (benzene, toluene, etc.), and residuals from any blasting or directional drilling operations conducted during the construction phase.
 - v. If the results of the pre-construction and post-construction sample analyses indicate that well water contamination, as defined by MA DEP or EPA standards, has occurred or flow rates have been reduced, the owner of the well should file a complaint against the Owner/Operator with the regional MassDEP office with a copy to the Town Board of Health. The Owner/ Operator shall be required to conduct clean-up activities or repair or replace the well affected. After clean-up activities are conducted, the well shall be tested monthly for the contaminants listed in 11.a.iv. for a 24-month period to ensure that the clean-up has been properly completed. The well(s) shall be tested annually thereafter with the permission of the property owner.
 - vi. LSICFs or ASEFs that do not use any hazardous materials for their operations may request a waiver of water quality testing after the post-construction analysis has been completed if post-construction testing results find no decline in water quality or production rates in comparison to the base line water quality data. Such waiver must be approved by both the Planning Board and Board of Health.
- b. **Noise.** The Applicant and Operator shall test and monitor the noise resulting from the LSICF and ASEFs:
- i. Prior to the construction or operation of a LSICF and ASEFs, the Applicant shall identify ambient noise levels at the property line of each residential and business structure located closest to the proposed facility within a ¼ mile radius and at public buildings, schools, medical, emergency or other public High On-site Population locations closest to the proposed facility within a ¼ mile radius. For linear facilities such as pipelines, ambient noise level shall be measured at a minimum every ½ mile along the proposed route 300 feet away from the edge of the proposed easement and at each residence and business located within ¼ mile of the proposed easement. Any testing proposed to be completed on private property requires the written permission of the property owner. “Ambient” noise is defined as the background A-weighted sound level that is exceeded 90% of the time and the background C-weighted sound level that is exceeded 90% of the time measured during a 2 hour time period during the quietest part of the day or night (day 7:00 a.m. to 7:00 p.m.; night 7:00 p.m. to 7:00 a.m.). All testing required by this Bylaw shall be done by a qualified licensed professional acoustical engineer paid for by the Applicant. All testing shall be done in accordance with the professional standards of the appropriate accrediting agencies and the sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and associated recording and analyzing equipment. The Planning Board may have the results of the noise testing “peer reviewed” in accordance with §8.0 of this Bylaw.
 - ii. The Applicant shall provide to the Planning Board and Board of Health documentation of the established ambient noise levels prior to starting construction of a LSICF or ASEF.
 - iii. Complaints received by the Town shall be addressed by the Applicant and Operator of the LSICF or ASEF within 24 hours following receipt of notification by continuously monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's public building, school, medical, emergency or other High On-site Population public location or facilities, whichever is closer. Any testing proposed to be completed on private property requires the written permission of the property owner. The Applicant and Operator shall report the findings to the Planning Board and Board of Health and shall mitigate the problem to the allowable level of noise if the noise level exceeds the allowable standard (see Section 12. i.).

- c. **Air.** For all air pollutants generated, Applicant shall hire a qualified consultant to perform air quality testing to be conducted on a daily, weekly or more frequent basis at any LSICF or ASEF emission location including Compressor Stations, Metering Stations or Venting Stations located in the Town during the operation of the facility to protect public health and safety. Ambient air quality monitoring station(s) should be installed at least a year prior to the construction and operation of the LSICF or ASEF's in order to establish baseline conditions. Air quality reports should be provided to the Town and if requested by the State, to State officials on a monthly basis at a minimum.

12.12: Design, Installation & Reclamation

- a. **Access.**
 - i. To the maximum extent feasible and in accordance with State law, construction vehicle access to the LSICF and ASEFs shall be from an arterial or collector road. Unless permission is granted by the Select Board, no LSICF or ASEF construction or operations site shall have access solely through a local road.
 - ii. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
- b. **Structure height.**
 - i. Permanent structures associated with the LSICF and ASEFs shall comply with the height regulations for the zoning district in which the LSICF or ASEF is located.
 - ii. There shall be an exemption to the height restrictions contained in this section for the temporary placement of construction equipment necessary for the construction of a LSICF or ASEFs. The duration of such exemption shall not exceed the actual time period of construction or re-construction of the LSICF or ASEF.
 - (a) The time period of such exemption shall not exceed six months.
 - (b) The Operator shall give the Planning Board and Select Board prior written notice of at least 30 days before the beginning date for its exercise of the exemption.
- c. **Setbacks.** Surface land uses affiliated with the LSICF or ASEF and all supporting equipment and structures shall be setback a minimum of seven hundred and fifty (750) feet from residential buildings and all commercial, industrial and institutional uses or a minimum of five hundred (500) feet from the nearest lot line, whichever is greater. Setbacks in areas of "High On-site Populations" shall be increased to ¼ mile (1,320 feet). The Planning Board shall determine whether setbacks should be increased beyond ¼ mile if the area that could be impacted in the event of an accident at the LSICF or ASEF is greater than ¼ mile. High On-site Populations⁴ are defined in the footnote below. Applicants that cannot comply with the setback requirements can request a waiver from the Planning Board to reduce the setback distance but must notify in writing any property owner(s) within the setback area that would be impacted by the requested reduction.
- d. **Screening and fencing.** The Applicant shall provide a plan prepared by a registered Landscape Architect licensed in Massachusetts showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with the LSICF and ASEFs. The landscape plan shall incorporate the use of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to screen the facility. Security gates and/or fencing as appropriate to ensure public safety shall be installed after consultation with the Planning Board, Select Board, Fire Chief, Police Chief and Emergency Management Director with openings no less than 12 feet wide. Any fence installed shall be surrounded by native vegetation to provide screening. Existing vegetation in proximity to LSICF and ASEFs shall be preserved to the greatest extent possible. Emergency responders shall be given means to access all LSICF and ASEFs in case of an emergency. Warning signs shall be placed on the security gates or fencing associated with the LSICF or ASEFs, providing notice of the potential dangers and the contact information in case of an emergency.
- e. **Lighting.** To minimize night time light pollution, no LSICF and ASEFs shall be artificially lighted except as required for emergency night time access or by the FAA. Beacon light permitted only if required by the FAA with evidence of this FAA requirement submitted with the application. Any other lights shall be full-cutoff down lighting and shall be shielded so as to prevent intrusion upon roads and nearby properties.
- f. **Shadow & Flicker.** Wind Energy Facilities shall be located in areas that do not result in any shadowing or flickering on off-site inhabited buildings. The applicant has the burden of proving that any shadowing or flickering on off-site inhabited buildings will not occur.
- g. **Odor.** No LSICF and ASEFs shall produce odors detectable beyond its property boundaries.
- h. **Noise.** The Applicant and Operator shall minimize, to the extent possible, noise resulting from the LSICF and ASEFs and will conduct testing and monitoring as outlined in Section 11.b.:
 - i. The noise generated during the LSICF or ASEF operations shall comply with the provisions of the Massachusetts Department of Environmental Protection's, Division of Air Quality Noise Regulations (310 CMR 7.10), as amended, or the provisions of this Bylaw, whichever is more restrictive.

⁴ High on-site populations are defined as the following: retirement housing; assisted living facilities; congregate living facilities; convalescent services; parks, churches, detention facilities; day care services (commercial); hospitals; medical offices exceeding 5,000 sq. ft. of gross floor area; and educational facilities (public or private) that pose a public safety concern due to the characteristics of the occupants, development, or site that would make evacuation difficult in the event of an emergency.

- ii. A source of sound will be considered in violation of this Bylaw if the source:
 - (a) increases the broadband sound level by more than 5 dB(A) above ambient pre-construction noise levels during construction activities and subsequent operations or increases the broadband sound level by more than 5 dB(C) above the pre-construction ambient noise level during construction activities and subsequent operations; or
 - (b) produces a “pure tone” condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more; or
 - (c) results in sound or noise levels at any time greater than 35 dB(A) during the day or 30 dB(A) at night (typical range 30-40 dB(A) for rural or quiet residential areas); or
 - (d) for low frequency sounds or noise with octave center frequencies at or below 125 Hz, results in a maximum noise level outside the property boundary greater than 40 dB(C)
- iii. Exemption from the standards established in this subsection may be granted by the Planning Board during the construction stages of a LSICF or ASEF development for cause shown and upon written agreement between the Applicant and the Planning Board. However, any such exceedances of the noise standards shall not be allowed between 7:00 p.m. and 7:00 a.m.
- iv. LSICF and ASEFs shall be constructed and operated to mitigate sound levels and shall install devices or use other equipment to mitigate sound levels to ensure that the noise level standards at residential or public buildings, medical, emergency or High On-site Population locations are not exceeded.
- i. Hours of operation. Except for emergency operations, hours of construction activities or operation at a LSICF or ASEFs are limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and not permitted on weekends or legal holidays. Truck traffic related to the construction or operations of the LSICF or ASEFs shall be allowed only during these hours of operation. Exemption from the standards established in this subsection may be granted by the Planning Board for cause shown and upon written agreement between the Applicant and the Town.
- j. Reclamation/restoration of all disturbed areas.
 - i. Reclamation shall be initiated as soon as weather and ground conditions permit after construction or re-construction of a LSICF or ASEFs, and reclamation shall be completed no more than six months after this point.
 - ii. Reclamation shall be carried out on all disturbed areas and achieve the following objectives:
 - (a) Final soil profiles shall be designed to equal or reduce soil erosion potentials over stable pre-operation conditions, and final land forms shall be stable;
 - (b) Preexisting visual character of site shall be restored or enhanced through planting of local or adaptive vegetation. Invasive species shall not be considered acceptable; and
 - (c) Disturbance of soil cover shall be minimized.
- k. Prohibitions.
 - i. No LSICF or ASEF shall be allowed to be constructed or operated in the floodway (*see diagram*) designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) FIRM maps dated 7/2/80 or any successor maps issued by FEMA.
 - ii. Construction or operation of a LSICF or ASEFs outside of the floodway but in the one-hundred-year floodplain is discouraged but may be permitted by the Planning Board in its discretion if the following provisions are met:
 - (a) The Applicant must provide conclusive documentation that no other location is more appropriate for location of the LSICF or ASEF other than a location within the floodplain.
 - (b) An adequate emergency evacuation plan shall have been produced by the Applicant and filed with the Town.
 - (c) No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Planning Board, in consultation with the Board of Health, if the Applicant and Operator can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a one-hundred-year flood, and further provides security to the Town ensuring the Applicant's and Operator's ability to remedy any damage or injury that may occur.
 - (d) Only necessary and needed structures will be permitted within the floodplain.
 - (e) All structures within the floodplain shall be designed to withstand a one-hundred year storm event.
 - (f) An engineer registered in Massachusetts and qualified to present such documentation that the LSICF or ASEF will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Town.
 - (g) The Applicant has received approval from the Conservation Commission if required.

12.13: Performance Bond, Insurance and Indemnity

- a. Performance Bond or Escrow Account. The Applicant shall submit to the Town a Performance Bond from a surety authorized to do business in the State to cover any damage to public property that occurs as a result of the construction of the LSICF and any ASEF's in an amount and for a term (e.g. construction period plus 2-3 years) determined by a professional engineer and acceptable to the Town. In addition, the Applicant shall provide a bond or establish an escrow account that will ensure that all testing and maintenance provisions required during the life of the LSICF or ASEF facility are completed in accordance with this bylaw and any agreement with the Planning Board related to the LSICF and/or ASEF.

The bonds shall provide, but not be limited to, the following condition: there shall be recoverable by the Town, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the Town in connection with the Applicant's geophysical operations within the Town. The rights reserved to the Town with respect to the bond are in addition to all other rights of the Town, and no action, proceeding or exercise of a right with respect to such bond shall affect any other rights of the Town.

- b. Insurance. Prior to conducting any operations hereunder, the Applicant, Operator and its contractors shall furnish certificates of insurance to the Planning Board showing the Town as an additional insured with respect to operations conducted within the Town and showing liability insurance covering commercial, personal injury, and general liability in amounts not less than \$1,000,000 per person, \$10,000,000 per occurrence, and \$10,000,000 property damage. The Applicant and Operator shall also provide certificates of insurance to the Planning Board and Select Board showing the Town as an additional insured under general liability umbrella insurance with a minimum amount of \$10,000,000.
- c. Indemnity. The Applicant shall protect, indemnify, defend and hold the Town, its officers, employees, agents and representatives harmless from and against all claims, demands and causes of action of every kind and character for injury to, or death of, any person or persons, damages, liabilities, losses and/or expenses, occurring or in any way incidental to, arising out of, or in connection with the Applicant or its contractors', agents', or representatives' construction or operation of the LSICF or ASEF, including attorneys' fees and any other costs and expenses incurred by the Town in defending against any such claims, demands and causes of action. Within 30 days of receipt of same, the Applicant and/or Operator shall notify the Town in writing, of each claim for injuries to or death of persons, or damages or losses to property occurring or in any way incidental to, arising out of, or in connection with the Applicant's or its contractors', agents', or representatives' operations conducted or associated with the LSICF or ASEFs. At the Town's discretion, the Town may conduct an independent investigation, monitor, and review the processing of any such claim, to ensure that such claim is handled as required herein.
- d. Notwithstanding anything contained herein to the contrary, construction and/or operation of the LSICF or ASEF is not allowed until a copy of all Bonds, Insurance Certificates, Agreements or Studies required by this Bylaw have been completed and provided to the Planning Board, Select Board and Town Counsel. The Performance Bond and the Certificates of Insurance must also be filed with the Town Clerk.

12.14: Removal Requirements and Abandonment

- a. Any LSICF or ASEF which has reached the end of its useful life or has been abandoned consistent with Section 14.0 of this bylaw shall be removed. The Owner and/or Operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The Owner or Operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - i. Physical removal of all LSICF or ASEF structures, equipment, security barriers and transmission lines from the site.
 - ii. Disposal of all solid and hazardous waste in accordance with local, State, and Federal waste disposal regulations.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the Owner or Operator to leave landscaping or designated below-grade foundations or structures in order to minimize erosion and disruption to vegetation.
 - iv. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSICF or ASEF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board and Select Board. If the owner or Operator of the LSICF or ASEF fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned LSICF or ASEF. The Applicant and Operator shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal may be charged to the property owner in accordance with the provisions of M.G.L. 139.
 - v. The Owner/Operator of a LSICF or ASEF shall provide a form of surety, either through an escrow account, bond or other form of surety approved by the Planning Board and Select Board in consultation with Town Counsel to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and Select Board, in consultation with a Professional Engineer and Town Counsel, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Applicant and the Town. Such surety will not be required for municipal or State-owned facilities. The Applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

12.15: Violations and Penalties

- a. Any owner, Operator or other person who violates or permits a violation of this Bylaw shall pay to the Town a fine of \$300 per violation plus, to the extent permitted by law, all court costs, including, but not limited to, reasonable attorney's fees, incurred by the Town on account of such violation. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Town are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith.

Motion was made, seconded and unanimously voted to amend the third sentence in 12.11.a.v. to read, "After clean-up activities are conducted, the well shall be tested monthly for the contaminants listed in 11.a.iv. for a 24-month period to ensure that the clean-up has been properly completed."

The Moderator declared a two-thirds majority vote on the article as amended based on a hand-count: YES = 98 and NO = 11

ARTICLE 30: Failed to amend Section 11.3, of the Protective By-laws of the Town of Conway, "Temporary Moratorium."

ARTICLE 31: (Voted following Article 24)

ARTICLE 32: (Voted after Article 24, following Article 31)

ARTICLE 33: Voted that the Town adopt the following resolution:

Resolution of the Town of Conway in support of 100 percent renewable energy

WHEREAS, too much of Massachusetts' energy comes from fossil fuels that pollute our air and water and alter our climate making food production harder; and,

WHEREAS, Massachusetts communities are already feeling the impacts of climate change with extreme weather events such as Conway's February 2016 tornado as well as more frequent and severe flooding events and drought conditions; and,

WHEREAS, the Town of Conway is already taking action to reduce its carbon emissions and promote clean energy, including "Green Communities" energy efficiency retrofits of municipal buildings and a Town-wide solar incentive program that resulted in 27 private residences installing photovoltaic systems generating 167.4 kw, and also Conway is participating in a Franklin county aggregation plan for procuring renewable energy; and

WHEREAS, Conway currently contains large tracts of state and private forest land which, as long as they remain living forests, sequesters significant amounts of carbon and additionally serve as quality-protectors of the drinking water-supplies of most of our neighboring towns and,

WHEREAS, the transition to 100 percent renewable energy should promote employment opportunities and economic growth in our communities, facilitate local control and ownership over energy options, and bring tangible benefits to low/ fixed income residents and others who have historically been disadvantaged by our energy system;

WHEREAS, clean energy has already brought many benefits to Massachusetts, including tens of thousands of clean energy jobs, and more of our energy dollars retained in the local economy and reduced pollution; and

WHEREAS, Massachusetts has historically been a leader in putting protections of our environment into law with Chapter 91 in our State Constitution preserving in perpetuity biologically important forests and other ecosystems which are essential to the fight against global climate crisis, and has a responsibility to continue to set a positive example for other states and countries to follow; and

WHEREAS, Massachusetts can get 100 percent of its energy from clean, renewable sources by harnessing its abundant solar and wind resources, and taking advantage of innovations in energy efficiency, green transportation, energy storage, and other technologies; and

NOW, THEREFORE, BE IT RESOLVED by the Citizens at this Conway Town Meeting, in the County of Franklin, Commonwealth of Massachusetts, that Massachusetts should commit to a goal of 100 percent clean, renewable energy, and move as quickly as possible to achieve that goal;

AND BE IT FURTHER RESOLVED that Conway's citizens direct our select board to communicate this intent by letter with statewide elected and appointed officials, including the Legislature and Governor, urging them also to do everything in their power to bring Massachusetts closer to 100 percent renewable energy, and ensure that the benefits of renewable energy are realized by Massachusetts residents from all walks of life;

AND BE IT FURTHER RESOLVED that the Town of Conway will commit to a goal of 100 percent renewable energy, and its officials and staff will consider all municipal decisions in light of whether they will bring the City and its residents, businesses, and institutions closer to 100 percent renewable energy;

AND BE IT FURTHER RESOLVED that the Town of Conway will attempt to avoid taking actions that could increase the use of fossil fuels, biofuels, or delay the transition to 100 percent renewable energy.

Annual Town Meeting, 14 May 2018 – page 16

At 11:38 p.m., the meeting adjourned until Thursday, 17 May 2018, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- Two member of the Board of Health for three years;
- Two members of the local School Committee for three years;
- One member of the local School Committee for two years;
- Two members of the Planning Board for three years;
- One Moderator for one year;

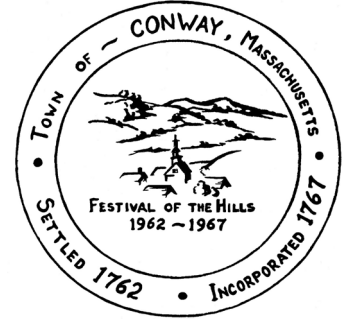
And to vote on the following question:

Shall the Town of Conway be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of repairing Bridge #C-20-004 on North Poland Road, including the payment of all costs incidental and related thereto?

Yes _____ No _____.

A true record of the Meeting,
Attest:

Virginia A. Knowlton, Town Clerk





Town of Conway, Massachusetts

Special Town Meeting 24 September 2018

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 82 voters were checked at the door and issued yellow cards for the purpose of voting. Aina Barten, Lorraine Boyden, and Sarah Newman served as checkers. The meeting was called to order by the Town Clerk in the absence of the Moderator. Nominations for meeting Moderator were received from the floor and Kenneth Ouimette was unanimously voted to serve and was duly sworn to his duties by the Town Clerk. The call and return of service having been examined and found to be in order, it was unanimously voted to dispense with the formality reading the warrant. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted that the Town **pay two bills from previous fiscal years**, from United Site Services for the use of portable toilets, \$44.80 out of the Board of Health budget, and \$9.75 out of the Parks, Recreation, and Trails budget, for a total of \$55.45. (*Nine-tenths vote.*)

ARTICLE 2: Unanimously voted that the Town **grant authority to the Select Board to negotiate payment in lieu of taxes (PILOT) agreements** for any and all solar energy projects, in consultation with the Board of Assessors.

ARTICLE 3: Voted that the Town **grant authority to the Select Board to approve a payment in lieu of taxes agreement** for an approximately 5 megawatt (AC) solar energy project on a parcel at 2394 Main Poland Road, Franklin County Registry of Deeds Book 3639, Page 247.

ARTICLE 4: Voted that the Town adopt M.G.L. Part I, Title IX, Chapter 64G, Section 3A and 830 CMR 64G.3A.1, **Local Option Room Occupancy Excise**, as amended, for short-term (under 90 days annually) rentals, and an Occupancy Excise on short-term rentals in excess of 90 days annually, not exceeding 6%, but that no excise shall be imposed if the total amount of the rent is less than fifteen dollars (\$15.00).

Vote by actual hand count was YES = 44 and NO = 37.

ARTICLE 5: Article Failed to approve a transfer of funds from the **Garage Stabilization Fund** to the “Plans – Highway Garage” account, account number 001-422-5842, to hire an Owner’s Project Manager and revise existing plans for the Conway Highway Garage.

ARTICLE 6: Unanimously voted to will **replace the existing Conway Zoning Bylaw Article 11, “Temporary Moratorium on Recreational Marijuana Establishments”** in its entirety with the following:
(Amendments to the original text appearing in the warrant appear at the end of the voted bylaw.)

ARTICLE 11: ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS

11.1 Purpose and Intent

It is the purpose of this article to promote public health, safety and general welfare, and to support the availability of recreational marijuana in accordance with State law and regulations (935 CMR 500.000 et.seq.). To mitigate potential impacts to adjacent areas and the environment this bylaw will regulate the locations and site development to promote safe attractive business areas, prevent crime, maintain property values, protect and preserve the quality of residential neighborhoods and to protect the safety of children and young people in the vicinity of schools, public parks and other areas where children congregate.

11.2 Special Permit Granting Authority & Site Plan Review

The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. Chapter 40A, Sections 9 and 9A. Special permits issued by the Planning Board shall require a positive vote by a supermajority vote of Planning Board Members. Any proposed Marijuana Establishment requires a Special Permit and Site Plan Review approval. The Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of this Article, waive strict compliance with the requirements set forth in sections 11.4 and 11.5.

11.3 Definitions

Craft Marijuana Cultivator Cooperative - a marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products for delivery to marijuana establishments but not to consumers.

Host Community Agreement – A marijuana establishment seeking to operate in Conway shall execute an agreement with the host community setting forth the conditions for having a marijuana establishment located within the host community. Such Host Community Agreement shall include, but not be limited to, all stipulations of responsibilities between Conway and the marijuana establishment. A Host Community Agreement between a marijuana establishment and a host community will include a community impact fee for the host community. The community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or a greater amount if allowed by the State. Such Host Community Agreement shall be effective for 5 years and can be renewed for successive 5 year periods at the option of the Town. Any cost to Conway imposed by the operation of a marijuana establishment shall be documented and considered a public record.

Independent Testing Laboratory - a laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

Licensee - a person or entity licensed by the State Cannabis Control Commission to operate a marijuana establishment.

Marijuana Cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment – a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts except a medical marijuana treatment center.

Marijuana Product Manufacturer – an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility – an entity licensed to engage in research projects by the State Cannabis Control Commission.

Marijuana Retailer – an entity licensed to purchase and transport marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

11.4 Requirements Regarding the Allowed Locations for Marijuana Establishments

- A. See Sections 22 and 23 of these bylaws for locations for permitted Marijuana Establishments.
- B. Marijuana Establishments shall not be located within 500 feet of any existing public, parochial, or private school, kindergarten, State-approved day care center or other locations where children congregate. This setback shall include the grounds on which said public, parochial, or private school, kindergarten or State-approved day care center is located on. The distance between any Marijuana Establishment and any public, parochial, or private school, kindergarten, State-approved day care center or other location where children congregate shall be measured in a straight line, without regard to intervening structures, from the closest property line of any existing public, parochial, or private school, kindergarten, or State-approved day care center or other places where children congregate to the building or parking area of the Marijuana Establishment, whichever is closest.
- C. Marijuana Establishments shall not be located within 500 feet from any public recreation area or park measured in a straight line, without regard to intervening structures, from the closest property line of the recreation area to the building or parking area of the Marijuana Establishment, whichever is closest.
- D. Marijuana Establishments, excluding Marijuana Retailers, shall not be located within 200 feet from any existing residential use. The distance between a residential use and a Marijuana Establishment shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential property to the building or parking area of the Marijuana Establishment, whichever is closest.

11.5 Site Development, Permitting Standards & Application

Pursuant to Chapter 40A Section 9A the following site improvements and amenities are required to protect public safety and neighboring property values, in addition to the Special Permit requirements found in Section 63 and the Site Plan Review requirements found in Section 64 of these bylaws. The Planning Board is empowered hereunder to review and approve Special Permit applications for Marijuana Establishments and impose requirements for: buffering; odor control; noise; outdoor lighting; parking; access to the site from public roads; hazardous materials; and landscaping and buildings. The purpose of these requirements is to avoid site development which may result in negative environmental, neighborhood, or public safety impacts.

- A. **Dimensional Requirements:** Except for outdoor cultivation, any building or structure containing a Marijuana Establishment shall meet the setback requirements of this Section 11 and all other dimensional requirements of the appropriate district as specified in these bylaws. For any property proposed to contain a Marijuana Establishment, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon. For outdoor cultivation, a minimum setback (clearance) from any property line of 25 feet shall be required.
- B. **Parking and Loading Requirements:** On-site parking and loading shall be provided in accordance with the requirements of Section 34 of these bylaws. For any property proposed to contain a Marijuana Establishment Business, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon.
- C. **Site Screening:** Rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening shall be by fencing that is 3-1/2 feet tall within 20 feet of the street and 6 feet tall elsewhere on the property and/or a 10 foot wide vegetated planting of hardy evergreens and deciduous trees and shrubs no more than six (6) feet on center and no less than five (5) feet in height or other appropriate screening approved by the granting authorities.
- D. **Lighting & Security:** Energy efficient site lighting shall be maintained at a minimum lumen to ensure adequate visibility on the property to ensure public safety. Light standards may not exceed twenty (20) feet in height and shall be shielded from abutting properties and shall incorporate full cut off fixtures to reduce light pollution. Additional security features, such as security cameras covering external areas with the capability to function with minimal lighting at night, shall be installed and maintained. Internal lighting in greenhouses shall be fully screened from abutters after sunset.
- E. **Noise & Odors:** Except for outdoor cultivation, no noise, or marijuana odors, or other odors detectable at the property line of the Marijuana Establishment shall be allowed. Outdoor marijuana cultivators shall be required to mitigate odors through siting, use of low-odor seed varieties, and other odor-reduction methods as practicable.
- F. **Hazardous Materials:** Submission of a complete list of chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Depending on the quantities proposed to be used or stored on site, the Planning Board may request that a Hazardous Materials Management Plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces. Permitting priority will be granted to organic cultivation.
- G. **Driveways:** Driveways shall comply with Section 34 of these bylaws.
- H. **Signs:** All signs for a Marijuana Establishment must meet the requirements of Section 33 of this bylaw and the State Regulations (935 CMR 500.000 et. seq.) including the requirement that, no advertising signs shall be located within twenty feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines.
- I. **Buildings:** Appearance of buildings for Marijuana Establishments shall be consistent with the appearance of other buildings in Conway, not employing unusual color or building design which would attract attention to the premises. In the Rural Residential and Agricultural Zoning District new buildings for Marijuana Cultivators including Craft Marijuana Cultivators shall resemble local agricultural buildings, such as barns or greenhouses. Marijuana Establishment Buildings shall not exceed 10,000 square feet in total on any parcel in the Rural Residential and Agricultural Zoning District.
- J. **Cultivation:** Marijuana products are required to be grown indoors in greenhouses, barns or other buildings or outdoors in a manner that minimizes public nuisances including odors, noise, and lighting to neighboring properties.

- K. Energy Efficiency: Marijuana establishments are required to prepare an energy efficiency plan. The use of renewable energy sources such as solar should be considered.
- L. Water Efficiency: Marijuana Establishments are required to prepare a plan for water management and efficiency. Applicant shall provide expected water usage amounts for cultivation or processing and will address whether such amounts will impact nearby public or private drinking water supplies or other water resources in the area.
- M. Marketing: Marijuana Establishments shall not be allowed to disseminate or offer to disseminate marijuana marketing materials to minors or suffer minors to view displays or linger on the premises. No free samples may be provided by Marijuana Establishments to consumers.
- N. Applications: The applicant requesting permission to operate any Marijuana Establishment must file their application with the Special Permit Granting Authority and the Town Clerk. Such application shall contain the information required by Section 63 Special Permit and any rules and regulations established by the Special Permit Granting Authority and the State Cannabis Control Commission. The application shall also include:
 - 1. Name and Address of the legal owner and Licensee of the Marijuana Establishment;
 - 2. Name and Address of all persons having lawful, equity or security interests in the Marijuana Establishment;
 - 3. Name and Address of the Manager of the Licensed Marijuana Establishment;
 - 4. The number of proposed employees; and
 - 5. Proposed security precautions.
- O. Site Plan Review: No Marijuana Establishment shall be established prior to submission and approval of a site plan by the Planning Board, pursuant to Section 64. The site plan shall, at the minimum, depict all existing and proposed buildings, parking spaces, driveways, service areas, and other open uses. The site plan shall show the distances between the proposed Marijuana Establishment and all existing uses within 1,000 feet of the property lines of the proposed Marijuana Establishment.
- P. Change in License or Owner: The Owner and Licensee of any Marijuana Establishment issued a Special Permit under this bylaw shall report, in writing, within 10 business days any change in the name of the legal owner of the Marijuana Establishment or any expiration or suspension of a license to the Building Inspector and Planning Board. Any failure to meet this requirement of this Bylaw will result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities conducted under the Special Permit cease immediately.
- Q. Change of Ownership: A Special Permit issued under this Article shall lapse upon any transfer of ownership or legal interest of more than 10% or change in contractual interest in the subject premises or property. The Special Permit may be renewed thereafter only in accordance with this Article 11 and Section 63 (Special Permit) and Section 64 (Site Plan Review) of these bylaws.
- R. Host Community Agreement: Applicant shall submit the proposed Host Community Agreement that is required between a Marijuana Establishment and the Town it is operating in at the time they submit their Application.

11.6 Expiration

A Special Permit to operate a Marijuana Establishment shall expire after a period of five calendar years from its date of issuance but shall be renewable for successive five-year periods thereafter, provided that a written request for such renewal is made to the Special Permit Granting Authority at least 60 calendar days prior to said expiration and that no objection to said renewal is made and sustained related to compliance with the conditions of the Special Permit as well as public safety factors applied at the time the Special Permit renewal is requested. In addition, a Host Community Agreement satisfactory to Conway shall be provided if requested by the Town.

11.7 Severability

The invalidity of any provision of this Section shall not invalidate any other Section or provision thereof.

Amendments to original warrant Article 6 regarding replacement of the existing Conway Zoning Bylaw Article 11, “Temporary Moratorium on Recreational Marijuana Establishments” with ARTICLE 11: ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS.

All amendments to the printed by law were seconded and voted in accordance with the law.

Deletions to the warrant article are shown as ~~strike throughs~~, additions underlined and *italicized*.

11.2 Special Permit Granting Authority & Site Plan Review

...Establishment requires a Special Permit and Site Plan Review approval. *The Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of this Article, waive strict compliance with the requirements set forth in sections 11.4 and 11.5.*

11.4.B.....-approved day care center or other places where children congregate to the building or parking area ~~property line~~ of the Marijuana Establishment, whichever is closest.

11.4.C

.....structures, from the closest property line of the recreation area to the ~~property line~~ building or parking area of the Marijuana Establishment, whichever is closest.

11.5.A

Dimensional Requirements: *Except for outdoor cultivation, A*ny building or structure containing a Marijuana Establishment shall meet the setback requirements of this Section 11 and all other dimensional requirements of the appropriate district as specified in these bylaws. For any property proposed to contain a Marijuana Establishment, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon. *For outdoor cultivation, a minimum setback (clearance) from any property line of 25 feet shall be required.*

11.5.C

Site Screening: Rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening shall be by ~~a solid stockade fence~~ ing that is 3 1/2 feet tall within 20 feet of the street and 6 feet tall elsewhere on the property and/or a 10 foot wide vegetated planting of hardy evergreens and deciduous trees and shrubs no more than six (6) feet on center and no less than five (5) feet in height or other appropriate screening approved by the granting authorities.

11.5.D

Lighting & Security: Energy efficient site lighting shall be maintained at a minimum lumen ~~as determined by the Conway Police Department~~ to ensure adequate visibility ...

... Additional security features ~~recommended by the Conway Police Department~~, such as security cameras covering external areas with the capability to function with minimal lighting at night, shall be installed and maintained. Internal lighting in greenhouses shall be fully screened from abutters after sunset.

11.5.E

Noise & Odors: *Except for outdoor cultivation, n*No noise, or marijuana odors, or other odors detectable at the property line of the Marijuana Establishment shall be allowed. *Outdoor marijuana cultivators shall be required to mitigate odors through siting, use of low-odor seed varieties, and other odor-reduction methods as practicable.*

11.5.F

Hazardous Materials: Submission... Permitting priority will be granted to organic cultivation.

11.5.G

~~Driveways: Driveways shall comply with Section 34 of these bylaws. No driveway to a Marijuana Establishment shall be within three hundred (300) feet of any existing residential use. No such premises shall have any driveway entrance or exit for motor vehicles within five hundred (500) feet of the property used by any school, public library, or church or other location where children congregate.~~

11.5.J

Cultivation: Marijuana products are required to be grown indoors in greenhouses, barns or other buildings or outdoors in a manner that ~~to~~ minimizes public nuisances including odors, noise, and lighting to neighboring properties.

AT 9:41 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A True Record of the Meeting,

Attest:

Virginia A. Knowlton, Town Clerk



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
13 May 2019

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 173 voters were checked at the door and issued yellow cards for the purpose of voting. Lorraine Boyden, Marie Iken, and Laurie Lucier served as checkers. John O'Rourke, chairman of the Board of Selectmen, presented the Town Clerk with a plaque acknowledging appreciation of her 40 years of service to the town. The meeting was called to order by Moderator J. Nicholas Filler, and unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted that the Town dispense with hearing the reports of Town officers and committees and to accept the reports as printed in the Town Report and as amended to include the Tax Balance for FY 2018.

ARTICLE 2: Voted to hear the report of the Finance Committee and **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing.**

A.	DEPT #	DEPARTMENT NAME	FY 2020 REC.*	VOTE
	114	MODERATOR	350	Unanimously voted
	122	SELECTMEN	6,500	Unanimously voted
	131	FINANCE COMMITTEE	300	Unanimously voted
	132	RESERVE FUND	40,000	Unanimously voted
	135	TOWN AUDITS	1	Unanimously voted
	141	ASSESSORS	8,155	Unanimously voted
	141	ASSESSORS SALARY, WAGES	58,606	Unanimously voted
	145-146	TREASURER-COLLECTOR	16,878	Unanimously voted
	145-146	TREASURER-COLLEC. SALARY, WAGES	60,337	Unanimously voted
	150	TOWN ADMIN	18,700	Unanimously voted
	150	TOWN ADMIN SALARY, WAGES	88,787	Unanimously voted
	151	LEGAL	11,000	Unanimously voted
	159	INFORMATION TECHNOLOGY	29,980	Unanimously voted
	161	TOWN CLERK	13,850	Unanimously voted
	161	TOWN CLERK SALARY, WAGES	34,513	Unanimously voted
	162-163	REGISTRARS AND ELECTIONS	8,950	Unanimously voted
	170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	9,056	Unanimously voted
	190	PERSONNEL COMMITTEE	200	Unanimously voted
	192	BUILDING MAINTENANCE	56,100	Unanimously voted
	192	BUILDING MAINTENANCE WAGES	17,833	Unanimously voted
	193	TOWN INSURANCE	73,000	Unanimously voted
	210	POLICE	18,150	Unanimously voted
	210	POLICE SALARY, WAGES	110,922	Unanimously voted
	220	FIRE	36,945	Unanimously voted
	220	FIRE SALARY, WAGES	30,693	Unanimously voted
	231	AMBULANCE	25,000	Unanimously voted
	290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	7,535	Unanimously voted
	422	HIGHWAY	256,000	Unanimously voted
	422	HIGHWAY SALARY, WAGES	260,781	Unanimously voted
	423	WINTER ROADS	105,000	Unanimously voted
	423	WINTER ROADS WAGES	19,830	Unanimously voted
	512	BOARD OF HEALTH (BOH)	139,968	Unanimously voted
	512	BOH SALARY, WAGES	60,469	Unanimously voted
	540 SERIES	HUMAN SERVICES (COA, VETERANS)	13,718	Unanimously voted
	630	PARKS, RECREATION, TRAILS	8,000	Unanimously voted
	691	HISTORICAL COMMISSION	400	Unanimously voted
	751	DEBT SERVICE	33,441	Unanimously voted
	752	SHORT TERM INTEREST	1	Unanimously voted
	830	FRCOG (town nurse under Board of Health)	51,992	Unanimously voted
	900	EMPLOYEE COSTS	668,468	Unanimously voted
B.	300A	GRAM SCH OPERATING	1,868,752	Unanimously voted
	300B	GRAM SCH TRANSPORT	83,520	Unanimously voted
C.	892A	FRONTIER REG OPERATING	1,478,594	Voted
	892B	FRONTIER TRANSPORTATION	54,729	Voted
D.	320	TECHNICAL SCHOOLS	151,468	Unanimously voted
		GRAND TOTALS:	6,037,472	

**recommended by the Select Board and Finance Committee*

Annual Town Meeting, 13 May 2019

ARTICLE 3: Unanimously voted that the Town **approve capital borrowing** by the Frontier Regional School District as voted by the Frontier Regional School District Committee, for \$1,826,664 to pay the costs of the District's capital improvements program, including (i) the payment of \$630,000 to pay costs of designing, and constructing a new track, including all related oversight, and (ii) \$1,196,664 to pay costs of various other capital improvements, including HVAC upgrades, upgrades in the LMC, carpet replacement, parking lot repaving and repairs of related parking structures, roof repairs and costs of oversight associated with each of the foregoing projects.

ARTICLE 4: Voted that the Town transfer \$200,000 from the Capital Stabilization account to the General Fund for the **purchase of a replacement truck** for the Town's 1998 Volvo Autocar, said Volvo to be used as trade in. *(Two-thirds vote declared by Moderator on a hand count.)*

ARTICLE 5: Voted that the Town transfer \$650,000 from the Highway Garage Stabilization Account to the General Fund to **design and build a cold-storage (unheated) Highway building**, including developing bid documents as necessary, preparing the site, and constructing the building. *(Two-thirds vote declared by Moderator.)*

ARTICLE 6: Voted that the Town transfer \$60,000 from the Highway Garage Stabilization account to the General Fund to **design a Highway maintenance facility and partially prepare the site**, including obtaining a formal estimated construction cost and developing bid documents. *(Two-thirds vote declared by Moderator.)*

ARTICLE 7: Voted that the Town transfer \$150,000 to the **Capital Stabilization Account**, \$120,000 of that from the General Stabilization Account, and \$30,000 of that from free cash. *(Two-thirds vote declared by Moderator.)*

ARTICLE 8: Voted that the Town transfer \$100,000 from free cash to the **Highway Garage Stabilization Account**. *(Two-thirds vote declared by Moderator.)*

ARTICLE 9: Voted that the Town transfer \$55,710 from the Capital Stabilization account to the General Fund for the purchase of **six new self-contained breathing apparatuses**. *(Two-thirds vote declared by Moderator.)*

ARTICLE 10: Voted that the Town transfer \$45,000 from free cash to the General Fund for a **new mini-excavator**.

ARTICLE 11: Unanimously voted that the Town transfer \$22,664 from the Ambulance Department Receipts Reserved account to the Fiscal Year 2020 **operating budget of the Ambulance Department**.

ARTICLE 12: Unanimously voted that the Town transfer \$22,000 from free cash to the General Fund to **replace a compactor at the Transfer Station**.

ARTICLE 13: Unanimously voted that the Town transfer \$20,000 from free cash to the **Other Post-Employment Benefits Fund**.

ARTICLE 14: Voted that the Town transfer \$20,000 from free cash to the General Fund for a **new grant match account**.

ARTICLE 15: Passed over the article replace a one-ton pickup truck.

ARTICLE 16: Passed over the article to replace a compact loader.

ARTICLE 17: Voted that the Town transfer \$15,000 from free cash to the General Fund for the **design of a lift for the Town Hall**.

ARTICLE 18: Voted that the Town transfer \$12,000 from free cash to the General Fund for a **new account to pay expenses for audits** of Town finances, Conway Grammar School finances, and any other audit.

ARTICLE 19: Voted that the Town amend Article 13 of the May 14, 2018 annual Town Meeting by transferring from free cash to the General Fund **an additional \$6,000 for the replacement of the 2012 Kubota tractor**.

ARTICLE 20: Unanimously voted that the Town transfer \$5,000 from the Assessors' Overlay Surplus account to the General Fund for the next **recertification of Town property values**.

ARTICLE 21: Unanimously voted that the Town transfer \$5,000 from the Assessor's Overlay Surplus account to the General Fund for the **conversion of the Assessors' Computer software system**, \$4,200 of that to the Assessors' Fiscal Year 2020 Salary and Wages line and \$800 of that to the Assessors' Fiscal Year 2020 operating expenses.

ARTICLE 22: Unanimously voted that the Town transfer \$2,576 from free cash to the General Fund for **library expenses**.

Annual Town Meeting, 13 May 2019

ARTICLE 23: Unanimously voted that the Town authorize the Treasurer to spend \$15,000 from the **Medicaid Revolving Fund**.

ARTICLE 24: Voted that the Town appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes, with each item considered a separate appropriation:

- A. To appropriate \$4,332.93 from FY 2020 Annual Revenues for Administration of the Community Preservation Committee; and
- B. To provide Reserves from FY 2020 Annual Reserves
 - \$8,665.87 to the Community Preservation Historical Resources Reserve;
 - \$8,665.87 to the Community Preservation Community Housing Reserve;
 - \$8,665.87 to the Community Preservation Open Space Reserve; and
 - \$56,328.16 to the Community Preservation Budgeted Reserve.

ARTICLE 25: Unanimously voted that the Town adopt M.G.L. Chapter 44, Sections 53G for **obtaining funds from applicants for the hiring of consultants**; and chapter 44, section 53G1/2 for **the deposit of payments** of cash, bonds, negotiable securities, sureties, or other financial guarantees to secure the performance of any obligation by an applicant as a condition of a license, permit or other approval or authorization for the Planning Board, Zoning Board of Appeals, Board of Selectmen, etc.

ARTICLE 26: Voted that the Town will amend its vote on Article 4 of the September 24, 2018 special Town Meeting to **set its short-term rentals tax at 6%**, as follows:

ARTICLE 4: The Town voted to adopt M.G.L. Part I, Title IX, Chapter 64G, Section 3A and 830 CMR 64G.3A.1, **Local Option Room Occupancy Excise**, as amended, for short-term (under 90 days annually) rentals, and an Occupancy Excise on short-term rentals in excess of 90 days annually of 6%, but that no excise shall be imposed if the total amount of the rent is less than fifteen dollars (\$15.00).

ARTICLE 27: Unanimously voted that the Town will **amend its General Bylaws** under “Town Officers, Boards, and Committees” to include a new Section 9, as follows:

Section 9: Personnel Bylaw - There shall be a three (3) member Personnel Committee pursuant to authority contained in M.G.L. Chapter 41, Section 108. The purpose of the Personnel Committee Bylaw is to establish a permanent Personnel Committee (Committee) to serve in an advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.

- 1) The committee shall be composed of the following persons:
 - a) one (1) Conway residents appointed by the Town Moderator as voting members for a term of three (3) years; (*Amended- Annual Meeting - 11 May 2015*)
 - b) one (1) Conway resident, appointed by the Selectboard as a voting member for a term of three (3) years;
 - c) one (1) Conway resident, serving on or appointed by the Finance Committee as a voting member for a term of three (3) years;
 - d) A majority of the voting members of the committee shall constitute a quorum;
 - e) Members shall serve without compensation and shall serve until their successors are appointed and sworn in;
 - f) All voting members appointed must not be a current employee or elected official for a period of three (3) years prior to serving on the personnel committee.
- 2) The roles and responsibilities of the Personnel Committee will be in the areas of personnel matters and personnel policy for the Town of Conway, which will include the following for all Town employees:
 - a) revision of Conway personnel handbook outlining policies including, but not limited to, hiring and firing, attendance, benefits, classification, compensation, discrimination, employee discipline, employee safety, grievances, harassment, privacy policies, substance abuse, termination, worker compensation, working hours, workplace civility;
 - b) assist in administering and interpretation of the personnel handbook;
 - c) assist in administering and interpreting various personnel requests from Town department heads, including but not limited to sections a) and b) above;
 - d) serve as a resource to the Selectboard for the resolution of complaints and grievances, with the exception of school personnel as per M.G.L. Chapter 40, Section 21B;
- 3) Hiring and firing decisions, as well as updates to any policy changes will be made by the Conway Selectboard, after reviewing any recommendations that may be made by the Personnel Committee, when requested by the Select Board.
- 4) The Committee shall act in an advisory capacity to the Town Meeting and shall prepare a written report on all warrant articles involving personnel matters as requested by the Board.
- 5) The Committee shall make an annual report, in writing, to the Board on or before January 15 of each year to be included in the town report.

Annual Town Meeting, 13 May 2019

ARTICLE 28: Voted that the Town accept the provisions of M.G.L. Ch. 32B, Section 20, as amended, establishing an Other Post-Employment Benefits Trust Fund, and **designates the Treasurer, Town Administrator, and representative of the Board of Selectmen custodians of the Fund as its Trustees.**

ARTICLE 29: Voted that the Town **authorize the Selectboard to enter into a ten (10) year contract** with the option for a five (5) year extension, commencing on July 1, 2020 with the qualified vendor selected by Mass DEP through a competitive bid process for recycling processing services for the Town, subject to the Select Board's determination that the contract is in the best interests of the Town and subject to Town Meeting approval in the Spring of 2020 for funding for these services.

ARTICLE 30: Voted that the Town will **adopt the following resolution:**

Be it resolved that the Town of Conway, hereby adopt this resolution in support of HD.2968 and SD. 1495 "Providing for the creation of a Special Commission to the Seal and Motto of the Commonwealth" and request that Representative Natalie Blais and Senator Jo Comerford continue their advocacy and support for this Resolve in the General Court.

ARTICLE 31: Voted that the Town will **adopt the following resolution:**

A RESOLUTION

Calling for the US to Join the Treaty on the Prohibition of Nuclear Weapons

WHEREAS, nuclear weapons cannot be used without catastrophic humanitarian consequences that violate every principle of international law and human morality; and

WHEREAS, the continued existence of these weapons poses an intolerable risk to human survival, since they can be detonated by accident as well as by design; and

WHEREAS, the United States, together with Britain, France, Russia and China, signed and ratified a legally binding commitment more than 50 years ago to negotiate "in good faith" and "at an early date" the total elimination of their nuclear arsenals; and

WHEREAS, the International Court of Justice ruled, in their 1996 Advisory Opinion on the Legality of Nuclear Weapons, that the legally binding commitment to negotiate means "bringing those negotiations to a successful conclusion;" and

WHEREAS, in the year 2000 the United States, together with Britain, France, Russia and China gave an "unequivocal undertaking" to 187 other nations that they would fulfill their commitment to accomplish the total elimination of their nuclear arsenals; and

WHEREAS, in July 2017, 122 nations adopted the Treaty on the Prohibition of Nuclear Weapons, making it illegal under international law to develop, test, produce, possess, stockpile, transfer, use, or threaten to use nuclear weapons¹; and

WHEREAS, once this Treaty enters in force, it will be illegal in all countries who are party to this Treaty to assist, encourage or induce, in any way, anyone to engage in any activity prohibited by the Treaty; and

WHEREAS, more and more countries will continue to sign and ratify this Treaty, including sooner or later many key allies of the United States; and

WHEREAS, this means that the United States will find it increasingly difficult to develop, manufacture, deploy or justify its continued dependence on nuclear weapons.

NOW THEREFORE BE IT RESOLVED that we the residents of Conway, Massachusetts call on the Select Board to take all necessary steps to align Conway with the U.N. Treaty on the Prohibition of Nuclear Weapons.

NOW THEREFORE BE IT RESOLVED that the town of Conway, Massachusetts calls upon our federal leaders to sign the Treaty on the Prohibition of Nuclear Weapons and to invite the other nuclear armed nations to do likewise, leading to an agreed multilateral pathway for the elimination of all nuclear weapons worldwide.

BE IT FURTHER RESOLVED that the town of Conway calls upon the Commonwealth of Massachusetts to align with the Treaty on the Prohibition of Nuclear Weapons by setting up, as a first step, a Citizens Commission to look into the implications of doing so, as per bills HD.3477 and SD.1688, currently before the State Legislature.

BE IT FURTHER RESOLVED that the Select Board of Conway, Massachusetts calls upon our federal leaders and our nation to take immediate steps in the meantime to reduce the threat posed by the continued existence of these weapons and to prevent the possibility of nuclear war taking place by accident, miscalculation or design, by:

¹<http://www.icanw.org/treaty-on-the-prohibition-of-nuclear-weapons/>

Annual Town Meeting, 13 May 2019

- renouncing the option of using nuclear weapons first;
- ending the president’s sole, unchecked authority to launch a nuclear attack;
- taking US nuclear weapons off hair-trigger alert;
- cancelling the plan to replace its entire arsenal with enhanced weapons; and
- leading a global effort to reduce tensions, particularly with Russia, through dialogue, diplomacy and other confidence-building measures.

BE IT FURTHER RESOLVED that the town clerk shall cause a copy of this resolution to be sent to State Representative Natalie Blais, State Senator Adam Hinds, U.S. Congressperson Richard Neal, U.S. Senator Elizabeth Warren, U.S. Senator Ed Markey, and President Donald J. Trump.

ARTICLE 32: Voted that the Town will adopt the following resolution:

Whereas the Town of Conway and its residents are vulnerable to increasingly destructive weather patterns including hurricanes, tornados, floods and drought, as well as the increased likelihood of wildfires and new pests and diseases which will threaten the health of residents, our domestic animals, crops, wildlife including pollinators and the integrity of the land itself,

Whereas Conway residents are vulnerable to medical emergencies because the Town lacks funds to fully accredit our ambulance and our EMTs so that certain kinds of common emergency treatments such as epipens can be administered as needed; and

Whereas the Town of Conway does not have and is unlikely ever to have sufficient revenues from real estate taxes alone to meet such emergencies;

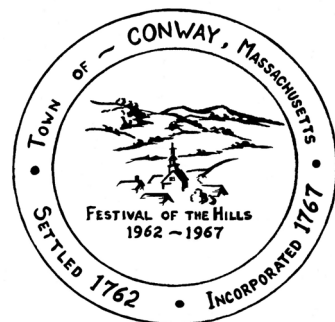
Now be it resolved that we, the residents of Conway, will encourage the establishment of a Friends of Conway Trust, run by residents, whose mission will be to seek funds and other resources to allow the Town and its residents to prepare for these sorts of foreseeable emergencies in a timely and pragmatic way.

At 10:50 p.m., the meeting adjourned until Thursday, 16 May 2019, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- One member of the Board of Health for three years;
- One member of the Board of Health for two years;
- One member of the Board of Health for one year;
- One member of the local School Committee for three years;
- One member of the local School Committee for two years;
- One member of the Frontier Regional School District School Committee for three years;
- One member of the Planning Board for three years;
- One member of the Planning Board for two years;
- One Town Clerk for three years;
- Three Constables, each for three years; and
- One Moderator for one year.

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

**Special Town Meeting
 09 December 2019**

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 90 voters were checked at the door and issued yellow cards for the purpose of voting. Lorraine Boyden, Aina Barten, and Sarah Newman served as checkers. The meeting was called to order by Town Clerk Laurie Lucier. James Recore was nominated to moderate, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Voted that the Town make the following amendments to the schedule of Town Clerk Fees as authorized by M.G.L. Chapter 262, Section 34, clauses 1-79:

CLAUSE	DESCRIPTION	FEE
(11)	For entering amendment of a record of the birth of a child born out of wedlock, subsequently legitimized.....	\$5.00 <u>\$10.00</u>
(13)	For furnishing certificate of birth.....	\$5.00 <u>\$10.00</u>
(13A)	For furnishing abstract copy of a record of birth.....	\$2.00 <u>\$5.00</u>
(20)	For filing certificate of a person conducting business under any title other than his/her real name.....	\$10.00 <u>\$15.00</u>
(21)	For filing by a person conducting business under any title other than his/her real name of a statement of change of residence, or of discontinuance, retirement or withdrawal from, or change of location of such business.....	\$5.00 <u>\$10.00</u>
(22)	For furnishing a certified copy of a certificate of a person conducting business under any title other than his/her real name or a statement by such person of his/her discontinuance, retirement or withdrawal from such business.....	\$5.00 <u>\$10.00</u>
(24)	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	\$10.00 <u>\$15.00</u>
(30)	For furnishing a certificate of death.....	\$5.00 <u>\$10.00</u>
(30A)	For furnishing an abstract copy of the record of death.....	\$2.00 <u>\$5.00</u>
(43)	For entering certificate of marriage filed by persons married out of the Commonwealth.....	\$5.00 <u>\$10.00</u>
(44)	For issuing a certificate of marriage	\$5.00 <u>\$10.00</u>
(44A)	For furnishing an abstract copy of a record of marriage.....	\$2.00 <u>\$5.00</u>
(54)	For recording power of attorney	\$5.00 <u>\$10.00</u>
(57)	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.....	\$10.00 <u>\$15.00</u>
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.	\$10.00 <u>\$15.00</u>
(66)	For examining records or papers relating to birth, marriage, or death upon the application of any person, the actual expense thereof, but not less than.....	\$5.00 <u>\$10.00</u>

ARTICLE 2: Voted that the Town amend dog license fees as follows, effective beginning with 2020 licenses:

Male / Spay / Neuter:	\$3.00	<u>\$5.00</u>
Male / Female:	\$6.00	<u>\$10.00</u>
Kennel, 4 or fewer:	\$10.00	<u>\$15.00</u>
Kennel, up to 10:	\$25.00	<u>\$35.00</u>
Kennel, over 10:	\$50.00	

ARTICLE 3: Voted that the Town amend the bylaws relating to dogs as follows:

DOG LEASH LAW

~~This bylaw requires the restraint of a~~Any dog within the Town of Conway shall be restrained by a chain or leash not exceeding eight feet in length, unless such dog is on the premises of the owner or keeper, or upon the premises of another person with permission of such other person. (Adopted – May 1974) If any dog owner or keeper is found to be out of compliance with the dog leash law, a fine ~~of no more than \$20.00~~ shall be assessed in accordance the “Non-Criminal Disposition” section of the General Bylaws ~~shall be assessed in accordance with this Bylaw for the first offense, and \$50.00 per offense thereafter.~~

DOG LICENSING DEADLINE AND FINES

All dogs ~~four (4)~~ six (6) months of age and older owned or kept in the Town of Conway must be licensed ~~by July 1 each year.~~ Licenses expire on March 31st of each year. A fine of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00), in addition to the regular licensing fee, shall be assessed for every dog a dog-owner fails to properly license, in accordance with M.G.L. Chapter 140, by July 1 of any year. Such fine shall be increased ~~to twenty five dollars (\$25.00)~~, in addition to the regular licensing fee, for every dog a dog-owner fails to properly license, in accordance with the "Non-Criminal Disposition" section of the General Bylaws and in accordance with M.G.L. Chapter 140, ~~and whose~~ for any dog that is still unlicensed at the time that a complaint is filed in Greenfield District Court against the dog-owner for keeping an unlicensed dog.

ARTICLE 4: Voted that the Town adopt M.G.L. Chapter 59, §2A(a) and **change the effective date of assessment from January 1 to July 1, beginning July 1, 2020.**

ARTICLE 5: Voted that the Town adopt M.G.L. Chapter 114, Section 27 to authorize the Board of Selectmen to **appoint a Board of Cemetery Commissioners for the Town of Conway.**

ARTICLE 6: Tabled the article to see if the Town adopt M.G.L. Chapter 48, Sec. 42, **establishing the position of Fire Chief as a "strong chief."**

ARTICLE 7: Voted that the Town appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation:

Appropriations

- A. To appropriate \$12,000 from the Community Preservation Open Space Fund to **create a pollinator field** on .57 acres of the Audubon meadow on the south side of State Route 116; and
- B. To appropriate \$45,000 from the Historic Preservation Reserve Fund for **repair of the Town Hall cupola and other Town Hall repairs.**

ARTICLE 8: Tabled the motion that the Town transfer \$5,200 from free cash to the general fund to increase the hours of the Assistant to the Town Administrator.

ARTICLE 9: Tabled the motion that the Town transfer \$1,500 from free cash to the general fund for additional administrative assistant services for boards, committees, and commissions.

ARTICLE 10: Tabled the motion that the Town transfer \$50,000 from free cash to the general fund to provide a 40% match for a state grant to construct a lift for the Town Hall.

ARTICLE 11: Voted that the Town transfer \$4,000 from free cash to the general fund for **legal assistance in negotiating a long-term contract** with Comcast for the provision of cable services.

ARTICLE 12: Voted that the Town transfer \$25,000 from free cash to the general fund for **title examinations, surveys, and related work for one or more MassDOT bridge replacement projects** on North Poland Road.

ARTICLE 13: Voted that the Town transfer \$1,374.38 from free cash for **paying two bills from a prior year** (one for \$1,326, for reverse 911 capability; one for \$48.38, for ambulance supplies).

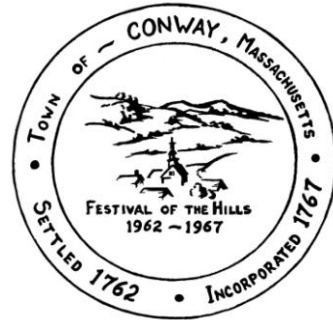
ARTICLE 14: Voted that the Town appropriate \$988,000 for **a new Highway Department Maintenance Facility**, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 20 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, such borrowing to be contingent on the passage of a Proposition 2½ debt exclusion ballot question.

Special Town Meeting, 09 December 2019

ARTICLE 15: Voted that the Town transfer \$50,000 from free cash to the general fund, and the remainder of the Highway Garage Stabilization account, \$433,243.51, to the general fund, to partially fund **a new Highway Department Maintenance Facility**.

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
June 20, 2020

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 157 voters were checked at the door and issued yellow cards for the purpose of voting. Sarah Newman and Troy Lucier served as checkers. The meeting was called to order by Town Clerk Laurie Lucier. Kenneth Ouimette was nominated to moderate, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Unanimously voted that the Town dispense with hearing the reports of the Selectmen, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health and any committee and act thereon.

ARTICLE 2: Voted to hear the report of the Finance Committee and **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing.**

A.	DEPT #	DEPARTMENT NAME	FY 2021 REC.*	VOTE
	114	MODERATOR	350	Voted
	122	SELECTMEN	2,900	Voted
	131	FINANCE COMMITTEE	300	Voted
	132	RESERVE FUND	40,000	Voted
	135	TOWN AUDITS	1	Voted
	141	ASSESSORS	10,690	Voted
	141	ASSESSORS SALARY, WAGES	49,114	Voted
	145-146	TREASURER-COLLECTOR	17,898	Voted
	145-146	TREASURER-COLLEC. SALARY, WAGES	60,337	Voted
	150	TOWN ADMIN	16,000	Voted
	150	TOWN ADMIN SALARY, WAGES	98,787	Voted
	151	LEGAL	10,000	Voted
	159	INFORMATION TECHNOLOGY	34,431	Voted
	161	TOWN CLERK	6,150	Voted
	161	TOWN CLERK SALARY, WAGES	34,513	Voted
	162-163	REGISTRARS AND ELECTIONS	9,600	Voted
	170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	6,004	Voted
	190	PERSONNEL COMMITTEE	1	Voted
	192	BUILDING MAINTENANCE	59,600	Voted
	192	BUILDING MAINTENANCE WAGES	17,833	Voted
	193	TOWN INSURANCE	84,710	Voted
	210	POLICE	18,050	Voted
	210	POLICE SALARY, WAGES	110,620	Voted
	220	FIRE	36,005	Voted
	220	FIRE SALARY, WAGES	36,673	Voted
	231	AMBULANCE	22,400	Voted
	290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	7,535	Voted
	422	HIGHWAY	256,000	Voted
	422	HIGHWAY SALARY, WAGES	260,781	Voted
	423	WINTER ROADS	103,000	Voted
	423	WINTER ROADS WAGES	19,830	Voted
	512	BOARD OF HEALTH (BOH)	165,131	Voted
	512	BOH SALARY, WAGES	60,469	Voted
	540 SERIES	HUMAN SERVICES (COA, VETERANS)	11,943	Voted
	630	PARKS, RECREATION, TRAILS	8,000	Voted
	691	HISTORICAL COMMISSION	400	Voted
	751	DEBT SERVICE	103,046	Voted
	752	SHORT TERM INTEREST	1,650	Voted
	830	FRCOG (town nurse under Board of Health)	56,474	Voted
	900	EMPLOYEE COSTS	731,191	Voted
B.	300A	GRAM SCH OPERATING	1,868,752	Unanimously voted
	300B	GRAM SCH TRANSPORT	83,520	Unanimously voted
C.	892A	FRONTIER REG OPERATING	1,473,565	Unanimously voted
	892B	FRONTIER TRANSPORTATION	38,734	Unanimously voted
D.	320	TECHNICAL SCHOOLS	132,274	Unanimously voted
		GRAND TOTALS:	6,165,362	

**recommended by the Select Board and Finance Committee*

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ARTICLE 3: Unanimously voted that the Town transfer \$25,800 from free cash to the general fund for capital expenses for the Conway Grammar School.

ARTICLE 4: Unanimously voted that the Town transfer \$8,066 from free cash to the general fund for capital expenses for the Frontier Regional School District, including purchasing and installing electric corridor holds, repairing the Central Clock System, and repairing the exterior and interior Intercom System, as part of a total \$48,500 expense.

ARTICLE 5: Voted that the Town transfer \$240,000 from the capital stabilization account to the general fund to replace a 6-wheel Highway Truck, the current truck to be traded in. (*Two-thirds vote declared by Moderator.*)

ARTICLE 6: Passed over the Article to transfer \$159,000 from the General Stabilization Fund to the general fund.

ARTICLE 7: Passed over the Article to transfer \$159,000 from free cash to the general fund.

ARTICLE 8: Passed over the Article to authorize the Treasurer / Collector to borrow up to \$200,000.

ARTICLE 9: Unanimously voted that the Town transfer \$150,000 from free cash to the Capital Stabilization Fund.

ARTICLE 10: Voted as follows that the Town transfer \$122,700 from the Capital Stabilization Fund to the general fund for the following equipment:

- Two-thirds vote failed - Highway Department –\$50,000, for a bucket loader;
- Unanimously voted for the Fire Department, \$42,700 for self-contained breathing apparatuses;
- Two-thirds vote failed - Highway Department, \$30,000 for a compact loader.

ARTICLE 11: Unanimously voted that the Town transfer \$38,416 from the OPEB Trust Fund to the general fund to pay other post-employment benefits (retiree health insurance) and to transfer \$10,000 from free cash into the OPEB Trust Fund.

ARTICLE 12: Unanimously voted that the Town transfer \$27,693 from free cash to the Ambulance Department operating budget.

ARTICLE 13: Unanimously voted that the Town transfer \$27,435 from free cash to the general fund for partial debt service for the Highway garage.

ARTICLE 14: Unanimously voted that the town transfer \$23,300 from free cash to the general fund for radio equipment for the Police, Fire, and Ambulance Departments.

ARTICLE 15: Unanimously voted that the town transfer \$11,040 from free cash to the general fund for the first year of software conversion for the Treasurer/Collector.

ARTICLE 16: Unanimously voted that the town transfer \$5,000 from free cash to the general fund for an annual contribution to the Assessors' five-year revaluation program.

ARTICLE 17: Unanimously voted that the Town transfer \$5,000 from free cash to the grant match fund.

ARTICLE 18: Unanimously voted that the Town transfer \$4,500 from free cash to the general fund for software conversion for the Board of Assessors.

ARTICLE 19: Unanimously voted that the Town transfer \$2,641 from free cash to the general fund for helping ensure accreditation for the Field Memorial Library.

ARTICLE 20: Votes as follows that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation, as follows:

A: Unanimously voted that the Town appropriate \$115,854 from the Unreserved Fund Balance for preservation of the Field Memorial Library, to include upgrading the heating system, interior lighting, dome repairs (both interior and exterior), and multiple interior restoration projects.

B: Voted that the Town appropriate \$4,000 from the Open Space Reserve for interpretive nature signs in the South River Meadow.

C: Voted that the Town appropriate \$14,000 from the Open Space Reserve for updating the Open Space and Recreation Plan.

D: Voted that the town appropriate \$60,840 from the Open Space Reserve and \$13,160 from the Budgeted Reserve for a partial Town match for approximately \$440,000 state grant for Municipal Vulnerability Preparedness (MVP) against flooding in the South River.

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E: Voted that the town appropriate \$250,000 from the Unreserved Fund Balance for safety and accessibility improvements to the playground at the Conway Grammar School.

F: Voted to table the Article to appropriate \$50,000 from the Unreserved Fund Balance for conservation of the MacLeish Stone House.

G: Unanimously voted to provide reserves from FY 2021 Annual Reserves, as mandated by state law:

10% to the Community Preservation Historical Resources Reserve (\$9,021.05, estimated);

10% to the Community Preservation Open Space Reserve (\$9,021.05, estimated);

10% to the Community Preservation Community Housing Reserve (\$9,021.05, estimated);

5% to for Administration of the Community Preservation Committee (\$4,510.53, estimated); and

the remainder to the Community Preservation Budgeted Reserve (\$58,636.81, estimated).

ARTICLE 21: Unanimously voted that the Town authorize the Treasurer to spend \$15,000 from the Medicaid Revolving Fund to pay related reimbursement fees.

ARTICLE 22: Unanimously voted that the Town authorize the Select Board to approve a Massachusetts Department of Transportation project to approve a road layout, and replace a bridge or bridges, on North Poland Road.

ARTICLE 23: Unanimously voted that the Town authorize the creation of a revolving fund for receipts from sales and donations for the purpose of publishing a Town newsletter in accordance with M.G.L. Chapter 44, Section 53E½, with annual expenses not to exceed \$5,000, and that the Newsletter Committee and the Town Administrator, or his or her designee, be authorized to expend funds from the account.

ARTICLE 24: Unanimously voted to table the Article to rescind the Town Meeting vote for Article 27 at the April 10, 2006 annual Town Meeting to establish a Housing Committee.

ARTICLE 25: Unanimously voted that the Town amend its General By-laws by adding a section, "Depositing Snow on Roads," as follows:

Depositing Snow in Roads

No person shall throw, or cause to be thrown, or put or cause to be put, by any means, any snow or ice onto any public way or public land. Anyone doing so is subject to non-criminal disposition. Homeowners are responsible for contractors' actions. The enforcing agent shall be the Police Department.

ARTICLE 26: Unanimously voted that the Town amend its marijuana by-law, accepting the recommendations of the Planning Board, to read as follows:

ADULT USE RECREATIONAL MARIJUANA ESTABLISHMENTS AND MEDICAL USE OF MARIJUANA

(amended 20 June 2020)

11.1 Purpose and Intent

It is the purpose of this article to promote public health, safety and general welfare, and to support the availability of recreational and medical marijuana in accordance with State law and regulations (935 CMR 500.000 et. seq.) and (935 CMR 501.000 et. seq.). To mitigate potential impacts to adjacent areas and the environment this bylaw will regulate the locations and site development to promote safe attractive business areas, prevent crime, maintain property values, protect and preserve the quality of residential neighborhoods and to protect the safety of children and young people in the vicinity of schools, public parks and other areas where children regularly congregate.

11.2 Special Permit Granting Authority & Site Plan Review

The Planning Board shall be the Special Permit Granting Authority (SPGA) under this section in accordance with M.G.L. Chapter 40A, Sections 9 and 9A. Special permits issued by the Planning Board shall require a positive vote by a supermajority vote of Planning Board Members. Any proposed Marijuana Establishment requires a Special Permit and Site Plan Review approval. The Planning Board may in any particular case, where such action is in the public interest and not inconsistent with the intent and purpose of this Article, waive strict compliance with the requirements set forth in sections 11.4 and 11.5.

11.3 Definitions

Craft Marijuana Cultivator Cooperative - a marijuana cultivator comprised of residents of the Commonwealth organized as a limited liability company or limited liability partnership under the laws of the Commonwealth, or an appropriate business structure as determined by the Cannabis Control Commission, that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products for delivery to marijuana establishments but not to consumers.

Host Community Agreement – A Marijuana Establishment seeking to operate in Conway shall execute an agreement with the host community setting forth the conditions for having a marijuana establishment located within the host community. Such Host Community Agreement shall include, but not be limited to, all stipulations of responsibilities between Conway and the marijuana establishment. A Host Community Agreement between a marijuana establishment and a host community will include a community impact fee for the host community. The community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or a greater amount if allowed by the State. Such Host Community Agreement shall be effective for 5 years and can be renewed for successive 5 year periods at the option of the Town. Any cost to Conway imposed by the operation of a marijuana establishment shall be documented and considered a public record.

Independent Testing Laboratory - a laboratory that is licensed by the State Cannabis Control Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

Licensee - a person or entity licensed by the State Cannabis Control Commission to operate a marijuana establishment.

Marijuana Cultivator - an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

Marijuana Establishment – a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts except a medical marijuana treatment center.

Marijuana Product Manufacturer – an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

Marijuana Products – products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Research Facility – an entity licensed to engage in research projects by the State Cannabis Control Commission.

Marijuana Retailer – an entity licensed to purchase and transport marijuana and marijuana products from marijuana establishments and to sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

Medical Marijuana Treatment Center (MTC) - a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Commonwealth of Massachusetts under 935 CMR 501.000. Similar to a Marijuana establishment for adult use marijuana, except only allowed to supply products for Medical use of Marijuana in accordance with 935 CMR 501.000.

For purposes of this bylaw section, "Marijuana Establishments" shall include "Medical Marijuana Treatment Centers" unless otherwise indicated.

11.4 Requirements Regarding the Allowed Locations for Marijuana Establishments

- A. See Sections 22 and 23 of these bylaws for locations for permitted Marijuana Establishments.
- B. Marijuana Establishments shall not be located within 500 feet of any existing public, parochial, or private school, kindergarten, State-approved day care center or other locations where children regularly congregate. This setback shall include the grounds on which said public, parochial, or private school, kindergarten or State-approved day care center is located on. The distance between any Marijuana Establishment and any public, parochial, or private school, kindergarten, State-approved day care center or other location where children regularly congregate shall be measured in a straight line, without regard to intervening structures, from the closest property line of any existing public, parochial, or private school, kindergarten, or State-approved day care center or other places where children regularly congregate to the building, outdoor cultivation area, or parking area of the Marijuana Establishment, whichever is closest.
- C. Marijuana Establishments shall not be located within 500 feet from any existing public recreation area or park measured in a straight line, without regard to intervening structures, from the closest property line of the recreation area to the building, outdoor cultivation area, or parking area of the Marijuana Establishment,

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whichever is closest.

- D. Marijuana Establishments, excluding Marijuana Retailers, shall not be located within 200 feet from any existing residential use not located on the same lot with the marijuana establishment. The distance between a residential use and a Marijuana Establishment shall be measured in a straight line, without regard to intervening structures, from the closest property line of the residential property to the building, outdoor cultivation area, or parking area of the Marijuana Establishment, whichever is closest.

11.5 Site Development, Permitting Standards & Application

Pursuant to Chapter 40A Section 9A the following site improvements and amenities are required to protect public safety and neighboring property values, in addition to the Special Permit requirements found in Section 63 and the Site Plan Review requirements found in Section 64 of these bylaws. The Planning Board is empowered hereunder to review and approve Special Permit applications for Marijuana Establishments and impose requirements for: buffering; odor control; noise; outdoor lighting; parking; access to the site from public roads; hazardous materials; and landscaping and buildings. The purpose of these requirements is to avoid site development, which may result in negative environmental, neighborhood, or public safety impacts.

- A. Dimensional Requirements: All outdoor cultivation areas, buildings or structures containing a Marijuana Establishment shall meet the setback requirements of this Section 11 and all other dimensional requirements of the appropriate district as specified in these bylaws. For any property proposed to contain a Marijuana Establishment, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon. Unless otherwise specified for all outdoor cultivation areas, a minimum setback (clearance) from any property line of 50 feet shall be required.
- B. Parking and Loading Requirements: On-site parking and loading shall be provided in accordance with the requirements of Section 34 of these bylaws. For any property proposed to contain a Marijuana Establishment Business, the applicant for a Special Permit for such use shall demonstrate that the entire property shall comply with these requirements and controls following the establishment of such use thereon.
- C. Site Screening: Rear and side property lines shall be screened from any neighboring residential, educational, childcare or recreational uses or properties. Screening shall be by fencing that is 3-1/2 feet tall within 20 feet of the street and 6 feet tall elsewhere on the property and/or a 10 foot wide vegetated planting of hardy evergreens and deciduous trees and shrubs no more than six (6) feet on center and no less than five (5) feet in height or other appropriate screening approved by the granting authorities.
- D. Lighting & Security: Energy efficient site lighting shall be maintained at a minimum lumen to ensure adequate visibility on the property to ensure public safety. Light standards may not exceed twenty (20) feet in height and shall be shielded from abutting properties and shall incorporate full cut off fixtures to reduce light pollution. Additional security features, such as security cameras covering external areas with the capability to function with minimal lighting at night, shall be installed and maintained. Internal lighting in greenhouses shall be fully screened from abutters after sunset.
- E. Noise & Odors: No objectionable noise, or objectionable marijuana odors, or other objectionable odors detectable at the property line of the Marijuana Establishment shall be allowed, except outdoor marijuana cultivators shall be allowed to mitigate marijuana odors through siting, use of low-odor seed varieties, and other odor-reduction methods as practicable. For odor mitigation plans, applicants for permits for Marijuana Establishments at Tiers 5-11 shall provide, at their own expense, written documentation with supporting research. Documentation must be provided by qualified professionals approved by the Planning Board. Minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field with expertise in the areas.
- F. Complaints of objectionable noise or odors exceeding four incidents within a two-week period shall be investigated by the town. Complainants may seek relief from the Board of Health, from the ZBA for violations of the Special Permit, or by mediation from the Agricultural Commission or Selectboard.
- G. Hazardous Materials: Submission of a complete list of all inorganic and organic chemicals, pesticides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Depending on the quantities proposed to be used or stored on site, the Planning Board may request that a Hazardous Materials Management Plan be prepared to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism. The plan should include spill containment and clean-up procedures, and provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces. Permitting priority will be granted to organic cultivation.
- H. Driveways: Driveways shall comply with Section 34 of these bylaws.
- I. Signs: All signs for a Marijuana Establishment must meet the requirements of Section 33 of this bylaw and the State Regulations (935 CMR 500.000 et. seq.) including the requirement that no advertising signs shall be located within twenty feet of a public or private way and must be set back a minimum of twenty (20) feet from all property lines.

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- J. Buildings *and Structures*: Appearance of buildings *or structures* for Marijuana Establishments shall be consistent with the appearance of other buildings *or structures* in Conway, not employing unusual color or building design that would attract attention to the premises. In the Rural Residential and Agricultural Zoning District new buildings *or structures* for Marijuana Cultivators, including Craft Marijuana Cultivators shall resemble local agricultural buildings, such as barns or greenhouses. Marijuana Establishment Buildings *or structures* shall not exceed 10,000 square feet in total on any parcel in the Rural Residential and Agricultural Zoning District.
- K. Cultivation : Marijuana products are required to be grown indoors in *buildings*, greenhouses, barns or other structures or outdoors in a manner that minimizes public nuisances including odors, noise, and lighting to neighboring properties.
- L. Energy Efficiency: Marijuana establishments are required to prepare an energy efficiency plan. The use of renewable energy sources such as solar should be considered.
- M. Water Efficiency: Marijuana Establishments are required to prepare a plan for water management and efficiency. Applicant shall provide expected water usage amounts for cultivation or processing and will address whether such amounts will impact nearby public or private drinking water supplies or other water resources in the area. Applicants for permits for Marijuana Establishments at Tiers 5-11 shall provide, at their own expense, written documentation with supporting research. Documentation must be provided by qualified professionals approved by the Planning Board. Minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field with expertise in the areas
- N. Marketing: Marijuana Establishments shall not be allowed to disseminate or offer to disseminate marijuana marketing materials to minors or suffer minors to view displays or linger on the premises. No free samples may be provided by Marijuana Establishments to consumers.
- O. Applications: The applicant requesting permission to operate any Marijuana Establishment must file their application with the Special Permit Granting Authority and the Town Clerk. Such application shall contain the information required by Section 63 Special Permit and any rules and regulations established by the Special Permit Granting Authority and the State Cannabis Control Commission. The application shall also include:
1. Name and Address of the legal owner and Licensee of the Marijuana Establishment;
 2. Name and Address of all persons having lawful, equity or security interests in the Marijuana Establishment;
 3. Name and Address of the Manager of the Licensed Marijuana Establishment;
 4. The number of proposed employees; and
 5. Proposed security precautions.
- P. Site Plan Review: No Marijuana Establishment shall be established prior to submission and approval of a site plan by the Planning Board, pursuant to Section 64. The site plan shall, at the minimum, depict all existing and proposed buildings, parking spaces, driveways, service areas, and other open uses. The site plan shall show the distances between the proposed Marijuana Establishment and all existing uses within 1,000 feet of the property lines of the proposed Marijuana Establishment.
- Q. Change in License or Owner: The Owner and Licensee of any Marijuana Establishment issued a Special Permit under this bylaw shall report, in writing, within 10 business days any change in the name of the legal owner of the Marijuana Establishment or any expiration or suspension of a license to the Building Inspector and Planning Board. Any failure to meet this requirement of this Bylaw will result in the immediate issuance of a cease and desist order by the Building Inspector ordering that all activities conducted under the Special Permit cease immediately.
- R. Change of Ownership: A Special Permit issued under this Article shall lapse upon any transfer of ownership or legal interest of more than 10% or change in contractual interest in the subject premises or property. The Special Permit may be renewed thereafter only in accordance with this Article 11 and Section 63 (Special Permit) and Section 64 (Site Plan Review) of these bylaws.
- S. Host Community Agreement: Applicant shall submit the proposed Host Community Agreement that is required between a Marijuana Establishment and the Town it is operating in at the time they submit their Application.

11.6 Expiration

A Special Permit to operate a Marijuana Establishment shall expire after a period of five calendar years from its date of issuance but shall be renewable for successive five-year periods thereafter, provided that a written request

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for such renewal is made to the Special Permit Granting Authority at least 60 calendar days prior to said expiration and that no objection to said renewal is made and sustained related to compliance with the conditions of the Special Permit as well as public safety factors applied at the time the Special Permit renewal is requested. In addition, a Host Community Agreement satisfactory to Conway shall be provided if requested by the Town.

11.7 Severability

The invalidity of any provision *or any Section* of this Article shall not invalidate any other provision *or Section* thereof.

At 5:30 p.m., the meeting adjourned until Tuesday, June 30, 2020, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One Selectman for three years;
- One Assessor for three years;
- Two members of the Board of Health for three years;
- Two members of the local School Committee for three years;
- One member of the local School Committee for one year;
- Two members of the Planning Board for three years;
- One Tree Warden for three years; and
- One Moderator for one year

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

**Annual Town Meeting
 June 5, 2021**

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 133 voters were checked at the door and issued electronic voting clickers for the purpose of voting. Tammy Bennett and Sarah Newman served as checkers. The meeting was called to order by the Moderator James Recore, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

ARTICLE 1: Voted that Town Meeting pass over Article 1.

ARTICLE 2:

Section A: Voted that the Town approve Section A of Article 2 as presented in the warrant, for a subtotal of **\$2,652,425**.

Section B: Voted that the Town approve Section B of Article 2 as presented in the warrant, for a subtotal of **\$2,026,243**.

Section C: Voted I move that the Town approve Section C of Article 2 as presented in the warrant for a subtotal of **\$1,518,797**.

Section D: I move that the Town approve Section D of Article 2 as presented in the warrant for a subtotal of **\$146,711**.

A.

DEPT #	DEPARTMENT NAME	FY 2020	FY 2021	FY 2022 REC.*	FY21 – 22 CHANGE
114	MODERATOR	350	350	350	0
122	SELECTMEN	6,500	2,900	8,500	5,600
131	FINANCE COMMITTEE	300	300	300	0
132	RESERVE FUND	40,000	40,000	40,000	0
135	TOWN AUDITS	1	1	1	0
141	ASSESSORS	8,155	10,690	12,008	1,318
141	ASSESSORS SALARY, WAGES	58,606	49,114	61,511	12,397
145-146	TREASURER-COLLECTOR	16,878	17,898	17,783	-115
145-146	TREASURER-COLLEC. SALARY, WAGES	60,337	60,337	63,391	3,054
150	TOWN ADMINISTRATION	18,700	16,000	18,700	2,700
150	TOWN ADMINISTRATION SAL., WAGES	88,787	98,787	106,380	7,593
151	LEGAL	11,000	10,000	10,000	0
159	INFORMATION TECHNOLOGY	29,980	34,431	37,586	3,155
161	TOWN CLERK	13,850	6,150	7,750	1,600
161	TOWN CLERK SALARY, WAGES	34,513	34,513	37,500	2,987
162-163	REGISTRARS AND ELECTIONS	8,950	9,600	15,800	6,200
170 SERIES	ConCom, Pl. Brd., ZBA, Ag. Com, Open Space	9,056	6,004	6,254	250
190	PERSONNEL COMMITTEE	200	1	1	0
192	BUILDING MAINTENANCE	56,100	59,600	59,600	0
192	BUILDING MAINTENANCE SAL., WAGES	17,833	17,833	0	-17,833
193	TOWN INSURANCE	73,000	84,710	85,419	709
210	POLICE	18,150	18,050	18,775	725
210	POLICE SALARY, SALARY, WAGES	110,922	110,620	116,220	5,600
220	FIRE	36,945	36,005	39,805	3,800
220	FIRE SALARY, WAGES	30,693	36,673	39,600	2,927
231	AMBULANCE	25,000	22,400	25,000	2,600
290 SERIES	DOG & TREE WARDENS, EMERG. MAN.	7,535	7,535	7,635	100
422	HIGHWAY	256,000	256,000	256,000	0
422	HIGHWAY SALARY, WAGES	260,781	260,781	304,873	44,092
423	WINTER ROADS	105,000	103,000	103,000	0
423	WINTER ROADS WAGES	19,830	19,830	20,834	1,004
512	BOARD OF HEALTH (BOH)	139,968	165,131	164,559	-572
512	BOH SALARY, WAGES	60,469	60,469	63,833	3,364
540 SERIES	HUMAN SERVICES (COA, VETERANS)	13,718	11,943	12,685	742
630	PARKS, RECREATION, TRAILS	8,000	8,000	8,000	0
650	TOWN NEWSLETTER	0	0	6,000	6,000
691	HISTORICAL COMMISSION	400	400	400	0
751	DEBT SERVICE	33,441	103,046	102,149	-897
752	SHORT TERM INTEREST	1	1,650	1,650	0
830	FRCOG (Town Nurse under Board of Health)	51,992	56,474	56,716	242
900	EMPLOYEE COSTS	668,468	731,191	715,857	-15,334

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B.	300A	GRAM SCH OPERATING	1,868,752	1,868,752	1,945,554	76,802
	300B	GRAM SCH TRANSPORT	83,520	83,520	80,689	-2,831
C.	892A	FRONTIER REG OPERATING	1,478,594	1,473,565	1,477,649	4,084
	892B	FRONTIER TRANSPORTATION	54,729	38,734	41,148	2,414
D.	320A	TECHNICAL SCHOOLS	151,468	111,831	120,342	2,211
	320B	TECH SCHOOLS TRANSPORTATION	--	20,443	26,369	5,926
	FY 20 to 21: 127,890 2.12%	GRAND TOTAL for Operating Budget:	6,037,472	6,165,362	6,344,176	FY 21-22 178,814 2.90%

**recommended unanimously by the Selectboard and Finance Committee*

ARTICLE 3: Voted that the Town transfer \$71,000 from the Grammar School Capital Stabilization Fund to the general fund for **capital expenses of the Conway Grammar School.** *(Two-thirds vote.)*

ARTICLE 4: Voted that the Town transfer \$34,000 from free cash to the **Conway Grammar School capital stabilization fund.**

ARTICLE 5: Voted that the Town **Pass Over** Article 5.

ARTICLE 6: Voted that the Town borrow \$170,000 for **paving a section of Shelburne Falls Road,** and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 15 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, such borrowing to be contingent on the passage of a Proposition 2½ debt exclusion ballot question. *(two-thirds vote.)*

ARTICLE 7: Voted that the Town transfer \$150,000 from free cash to the **Capital Improvements Stabilization Fund.**

ARTICLE 8: Voted that the Town transfer \$220,000 from the Capital Improvements Stabilization Fund for **capital improvements** as follows:

For the Highway Department – \$220,000 to **replace a 6-wheel Highway Truck.** *(Two-thirds vote.)*

ARTICLE 9: Voted that the Town transfer \$41,300 from free cash for **current year Smith Vocational and Agricultural High School tuition and transportation.**

ARTICLE 10: Voted that the Town transfer \$24,841 from the Ambulance Receipts Reserved Fund for a **partial payment for Ambulance Department operational expenses.**

ARTICLE 11: Voted that the Town transfer \$20,000 from free cash to the **OPEB Trust Fund.**

ARTICLE 12: Voted that the Town transfer \$15,290 from free cash to the general fund for a **retroactive pay raise for Town employees for FY 2021.**

ARTICLE 13: Voted that the Town transfer \$14,923 from free cash to the general fund for **partial debt service for the Highway Garage.**

ARTICLE 14: Voted that the Town transfer \$5,000 from free cash to the general fund as a partial contribution to the **recertification of property values.**

ARTICLE 15: Voted that the Town transfer \$5,000 from free cash to the general fund as a **partial contribution to replenish the Grant Match Fund.**

ARTICLE 16: Voted that the Town transfer \$2,707 from free cash to the **Field Library** to help ensure its accreditation.

ARTICLE 17: Voted that the Town will transfer \$3,775 from free cash to the general fund to pay a **prior year Assessors' bill for a software subscription.** *(four-fifths vote.)*

ARTICLE 18: Voted that the Town transfer \$1,065 from free cash for **prior year Town Office supply expenses.** *(four-fifths vote.)*

ARTICLE 19: Voted that the Town transfer \$570 from free cash for **prior year Board of Health payroll expenses.** *(four-fifths vote.)*

Annual Town Meeting, June 5, 2021

ARTICLE 20: Voted that the Town **authorize the Selectboard to acquire in fee simple** by purchase, with CPA funds allocated by successful vote of article 23 A, for an amount not to exceed \$2,800, the appraised value of said property, a parcel of land owned by Judith Waldo which address is 0 Shelburne Falls Road, and more particularly described as follows: Assessors' Map 410, Lot 26.5. for the public purpose of the South River Flood Resiliency Project. *(Two-thirds vote.)*

ARTICLE 21: Voted move that the Town will **authorize the Selectboard to acquire in fee simple** by purchase, with CPA funds allocated by successful vote of article 23 A, for an amount not to exceed \$3,700, the appraised value of said property, a parcel of land owned by Mary Boeh which address is 0 Shelburne Falls Road, and more particularly described as follows: Assessors' Map 410, Lot 26.5, being part of the property conveyed to John and Mabel Chesbro, probably as recorded in Book 623, page 90 or in Book 482, page 54 in the Franklin County Registry of Deeds for the public purpose of the South River Flood Resiliency Project. *(Two-thirds vote.)*

ARTICLE 22: Voted that the Town transfer the remainder of the Cricket Hill Road Special Revenue Fund and the remainder of the Sale of Real Estate, Ch. 44, Sec. 63 Special Revenue Fund, as a portion of the cost for the public purpose of purchasing a parcel of land owned by the South River Trust, which address 69 Main Street, and more particularly described as Assessors' Map 102, Lots 2 and 2.1, as part of the South River Flood Resiliency Project and further to authorize the Selectboard to acquire in fee simple by purchase said property. *(Two-thirds vote.)*

ARTICLE 23: Voted that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund** as listed in the warrant, with each item considered a separate appropriation.

A: \$50,000 from the Unbudgeted Reserve for Expenses for land acquisition at 69 Main Street and two unnumbered, unbuildable parcels along Shelburne Falls Rd., for costs not to exceed \$80,000, the appraised values of the parcels;

B: \$15,000 from the Unbudgeted Reserve for Expenses for a Chapter 21 E Phase 2 environmental assessment for 69 Main Street;

C: \$45,000 from the Housing Reserve for a Habitat for Humanity house at 638 South Deerfield Rd.; and

D: From FY 2022 Annual Revenue:

10% to the Community Preservation Historical Resources Reserve (\$9,378, estimated);

10% to the Community Preservation Community Housing Reserve (\$9,378, estimated);

10% to the Community Preservation Open Space Reserve (\$9,378 estimated);

5% from FY 2021 Annual Revenues for Administration of the Community Preservation Committee (\$4,689, estimated); and

the remainder to the Community Preservation Budgeted Reserve (\$60,957, estimated).

(Two-thirds vote.)

ARTICLE 24: Voted that the Town authorize the Treasurer to spend \$15,000 from the **Medicaid Revolving Fund** to pay related reimbursement fees.

ARTICLE 25: Voted that the Town amend its General Bylaws to change the date of its annual Town Meeting, as printed in the warrant.

ARTICLE 26: Voted that the Town amend its General Bylaws to rename the Board of Selectmen as the Select Board, and, for such purposes, to **replace throughout the by-laws the words "Board of Selectmen" or "Selectmen" with "Selectboard," and "Selectman" with "Selectboard Member"**, and to authorize the Town Clerk to make non-substantive ministerial revisions to ensure that gender and number issues in related text is revised to properly reflect such change in title; and, further, to amend the General Bylaws by inserting new Sections therein as printed in the warrant.

ARTICLE 27: Voted that the Town **amend its Protective (Zoning) Bylaws** to replace the words "Board of Selectmen" where they appear in Sections 6-61 and "Selectmen" where it appears in Sections 6-62 with "Selectboard," as printed in the warrant. *(Two-thirds vote.)*

ARTICLE 28: Voted that the Town amend its Protective (Zoning) Bylaws, as referenced in Article 2 of those by-laws, to remove the Fournier parcel, so called, (off Fournier Road) from the Solar Overlay District and to adopt an amended Official Zoning Map dated February 22, 2021, as printed in the warrant. *(Two-thirds vote.)*

ARTICLE 29: Voted that the Town amend its Protective (Zoning) Bylaws, Article 9, Large Scale Solar Facilities Bylaw, as printed in the warrant. *(Two-thirds vote.)*

Annual Town Meeting, June 5, 2021

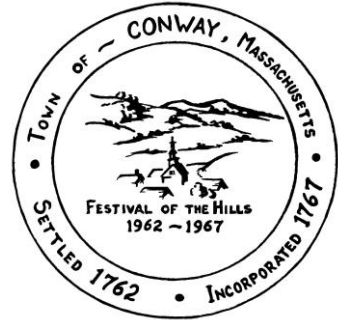
At 4:30 p.m., the meeting adjourned until Thursday, June 5, 2021, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

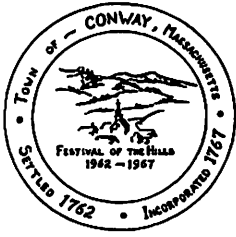
- One Selectman for three years;
- One Assessor for three years;
- Two members of the Board of Health for three years;
- Two members of the local School Committee for three years;
- One member of the local School Committee for one year;
- Two members of the Planning Board for three years;
- One Moderator for one year: and

To vote the following question related to barrowing \$170,000 for paving a section of Shelburne Falls Road,
as printed in the warrant

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

**Annual Town Meeting
 June 4, 2022**

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 125 voters were checked at the door and issued electronic voting clickers for the purpose of voting. Tammy Bennett and Sarah Newman served as checkers. The meeting was called to order by the Moderator James Recore, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following actions were taken by those persons in attendance:

ARTICLE 1: Voted that Town Meeting accept the town reports as printed in the Town Annual Report.

ARTICLE 2:

Section A: Voted that the Town approve line items 114 through 900 of Article 2 as presented in the warrant, for a subtotal of **\$2,655,670**.

Section B: Voted that the Town approve line items 300A and 300B of Article 2 as presented in the warrant, for a subtotal of **\$2,086,307**.

Section C: Voted that the Town approve line items 310A, 310B and 310C of Article 2 as presented in the warrant for a subtotal of **\$1,571,659**.

Section D: Voted that the Town approve line items 320A, 320B and 320C of Article 2 as presented in the warrant for a subtotal of **\$183,261**.

Section E: Voted that the Town approve line items 330A and 330B of Article 2 as presented in the warrant for a subtotal of **76,344**, and a total in Article 2 of **\$6,573,331**.

DEPT #	DEPARTMENT NAME	FY 2021	FY 2022	FY 2023 REC.*	FY22 - 23 CHANGE
114	MODERATOR	\$350	\$350	\$350	\$0
122	SELECTBOARD	\$2,900	\$8,500	\$6,500	-\$2,000
131	FINANCE COMMITTEE	\$300	\$300	\$300	\$0
132	RESERVE FUND	\$40,000	\$40,000	\$40,000	\$0
135	TOWN AUDITS	\$1	\$1	\$1	\$0
141	ASSESSORS	\$10,690	\$12,008	\$12,075	\$67
141	ASSESSORS WAGES	\$49,114	\$61,511	\$60,002	-\$1,509
145	TREASURER-COLLECTOR	\$17,898	\$17,783	\$20,919	\$3,136
145	TREASURER-COLLECTOR WAGES	\$60,337	\$63,391	\$66,531	\$3,140
150	TOWN ADMINISTRATION	\$16,000	\$18,700	\$20,600	\$1,900
150	TOWN ADMINISTRATION WAGES	\$98,787	\$106,380	\$92,040	-\$14,340
151	LEGAL	\$10,000	\$10,000	\$11,000	\$1,000
159	INFORMATION TECHNOLOGY	\$34,431	\$37,586	\$42,242	\$4,656
161	TOWN CLERK	\$6,150	\$7,750	\$7,750	\$0
161	TOWN CLERK WAGES	\$34,513	\$37,500	\$40,382	\$2,882
162	REGISTRARS	\$1,500	\$1,500	\$1,700	\$200
163	ELECTIONS	\$8,100	\$14,300	\$9,600	-\$4,700
170	OPEN SPACE	\$3,100	\$3,100	\$3,100	\$0
171	CONSERVATION COMMISSION	\$853	\$803	\$807	\$4
172	AGRICULTURAL COMMISSION	\$1	\$1	\$1	\$0
175	PLANNING BOARD	\$1,850	\$2,150	\$2,250	\$100
176	ZONING BOARD OF APPEALS	\$200	\$200	\$200	\$0
190	PERSONNEL COMMITTEE	\$1	\$1	\$1	\$0
192	BUILDING MAINTENANCE	\$59,600	\$59,600	\$73,500	\$13,900
192	BUILDING MAINTENANCE WAGES	\$17,833	\$0	\$0	\$0
193	TOWN INSURANCE	\$84,710	\$85,419	\$89,053	\$3,634
210	POLICE	\$18,050	\$18,775	\$19,975	\$1,200

Annual Town Meeting, June 4, 2022

210	POLICE WAGES	\$110,620	\$116,220	\$119,707	\$3,487
220	FIRE	\$36,005	\$39,805	\$42,005	\$2,200
220	FIRE WAGES	\$36,673	\$39,600	\$41,697	\$2,097
231	AMBULANCE	\$22,400	\$25,000	\$25,000	\$0
291	EMERGENCY MANAGEMENT	\$4,225	\$4,225	\$4,250	\$25
292	ANIMAL CONTROL OFFICER	\$3,010	\$3,110	\$3,110	\$0
294	TREE WARDEN	\$300	\$300	\$300	\$0
422	HIGHWAY	\$256,000	\$256,000	\$260,800	\$4,800
422	HIGHWAY WAGES	\$260,781	\$304,873	\$312,883	\$8,010
423	SNOW & ICE	\$103,000	\$103,000	\$103,000	\$0
423	SNOW & ICE WAGES	\$19,830	\$20,834	\$21,459	\$625
433	TRANSFER STATION	\$0	\$0	\$135,048	\$135,048
433	TRANSFER STATION WAGES	\$0	\$0	\$43,260	\$43,260
491	CEMETERY	\$600	\$600	\$600	\$0
512	BOARD OF HEALTH	\$165,131	\$164,559	\$17,992	-\$146,567
512	BOARD OF HEALTH WAGES	\$60,469	\$63,833	\$22,423	-\$41,410
541	COUNCIL ON AGING	\$1,200	\$1,200	\$1,200	\$0
543	VETERANS	\$10,743	\$11,485	\$11,245	-\$241
630	PARKS, RECREATION & TRAILS	\$8,000	\$8,000	\$8,000	\$0
635	FOREST & TRAILS	\$0	\$0	\$400	\$400
650	TOWN NEWSLETTER	\$0	\$6,000	\$6,000	\$0
691	HISTORICAL COMMISSION	\$400	\$400	\$400	\$0
710	DEBT SERVICE	\$80,021	\$81,077	\$52,133	-\$28,944
751	DEBT SERVICE INTEREST	\$23,025	\$21,072	\$19,119	-\$1,953
752	SHORT TERM INTEREST	\$1,650	\$1,650	\$100	-\$1,550
830	FRCOG (Town Nurse under Board of Health)	\$56,474	\$56,716	\$56,590	-\$126
900	EMPLOYEE COSTS	\$710,227	\$715,857	\$726,161	\$10,304
	TOTAL	\$2,548,053	\$2,653,025	\$2,655,760	\$2,735
300A	GRAM SCH OPERATING	\$1,868,752	\$1,945,554	\$2,016,647	\$71,093
300B	GRAM SCH TRANSPORT	\$83,520	\$80,689	\$69,660	-\$11,029
310A	FRONTIER REG OPERATING	\$1,473,565	\$1,477,649	\$1,532,073	\$54,424
310B	FRONTIER TRANSPORTATION	\$38,734	\$41,148	\$26,759	-\$14,389
310C	FRONTIER CAPITAL ASSESSMENT			\$12,827	\$12,827
320A	FRANKLIN COUNTY TECHNICAL SCHOOL	\$91,432	\$68,814	\$169,670	\$100,856
320B	FCTS TRANSPORTATION	\$2,943	\$2,969	\$7,049	\$4,080
320c	FCTS CAPITAL ASSESSMENT	\$6,698	\$6,228	\$6,542	\$314
330A	OTHER TECHNICAL SCHOOLS	\$18,500	\$39,000	\$49,344	\$10,344
330B	OTHER TECH SCHOOLS TRANSPORTATION	\$12,700	\$23,400	\$27,000	\$3,600
FY 21 to 22: 178,814 2.90%	GRAND TOTAL for Operating Budget:	6,165,362	6,344,176	6,573,331	FY 22-23 229,155 3.49%

**Unanimously approved by the Selectboard and Finance Committee*

ARTICLE 3: Voted that the Town transfer \$82,000 from the Grammar School Capital Stabilization Fund to the general fund for capital expenses of the Conway Grammar School. *(Two-thirds vote.)*

ARTICLE 4: Voted that the Town transfer \$52,000 from free cash to the Conway Grammar School capital stabilization fund.

Annual Town Meeting, June 4, 2022

- ARTICLE 5:** Voted that the Town approve setting the salaries of elected officials as provided by M.G.L. c. 41, section 108 to be made effective from July 1, 2022, as presented in the budget
- ARTICLE 6:** Voted that the Town transfer \$150,000 from free cash to the **Capital Improvements Stabilization Fund**.
- ARTICLE 7:** Voted that the Town approve the creation of a new **Fire Truck Stabilization Fund**.
- ARTICLE 8:** Voted that the Town transfer \$100,000 from free cash into to the **Fire Truck Stabilization Fund**.
- ARTICLE 9:** Voted that the Town transfer \$7,400 from free cash to the general fund for **two portable speed radar detectors**.
- ARTICLE 10:** Voted that the Town transfer \$27,762 from the Ambulance Receipts Reserved Fund for a **partial payment for Ambulance Department operational expenses**.
- ARTICLE 11:** Voted that the Town transfer \$60,000 from the Ambulance Receipts Reserved Fund into the **Ambulance Stabilization Fund**.
- ARTICLE 12:** Voted that the Town transfer \$5,000 from free cash to the general fund for **ongoing ambulance training**.
- ARTICLE 13:** Voted that the Town transfer \$3,600 from free cash to the general fund for **Ambulance Department 800 MHz Emergency Pagers**.
- ARTICLE 14:** Voted that the Town transfer \$18,000 from free cash to the general fund for **Fire Department 800 MHz Emergency Pagers**.
- ARTICLE 15:** Voted that the Town transfer \$20,000 from free cash into the **OPEB Trust Fund**.
- ARTICLE 16:** Voted that the Town transfer \$13,867 from free cash to the general fund for **partial debt service for the Highway Garage**.
- ARTICLE 17:** Voted that the Town transfer \$10,000 from free cash to the tax title revolving account to **assist the treasurer in collecting delinquent taxes**.
- ARTICLE 18:** Voted that the Town transfer \$10,000 from free cash to the general fund **compensated absences account**.
- ARTICLE 19:** Voted that the Town transfer \$5,000 from free cash to the general fund to **provide for the testing of diseases in mosquitos**.
- ARTICLE 20:** Voted that the Town pass over the article: "that the Town vote to transfer \$7,984 from free cash to the general fund to pay for **software development for data management modules for the Town Clerk**."
- ARTICLE 21:** Voted that the Town transfer \$5,000 from free cash to the general fund as a partial contribution for **future revaluation work**.
- ARTICLE 22:** Voted that the Town transfer \$5,000 from free cash to the general fund as a **partial contribution to replenish the Grant Match and Administration Account**.
- ARTICLE 23:** Voted that the Town transfer \$2,775 from free cash to the **Field Library** to help ensure its accreditation.
- ARTICLE 24:** Voted that the Town authorize the Treasurer to spend up to \$5,000 from the **Medicaid Revolving Fund** to pay related reimbursement fees.
- ARTICLE 25:** Voted that the Town **authorize the Selectboard to request special legislation allowing Chief Kenneth Ouimette to serve on the Police Department after age 65** until the date of his retirement or until his non-reappointment.
- ARTICLE 26:** Voted that the Town **authorize the Selectboard to request special legislation allowing Randall Williams to serve on the Police Department after age 65** until the date of his retirement or until his non-reappointment.
- ARTICLE 27:** Voted that the Town allow the Selectboard to **apply for, accept, and expend** state, federal and other grants which do not require a town appropriation or town meeting approval.

Annual Town Meeting, June 4, 2022

ARTICLE 28: Voted that the Town authorize the Selectboard to acquire by eminent domain a **permanent easement** for flood control, public safety, removal of the berm, other municipal purposes related to the South River Flood Resiliency Project and other municipal purposes over the following described parcel: A portion of the property at 69 Main Street, Assessors Tax Map 102 Lot 2.1 owned by South River Trust, John R. Evans, Trustee, that portion of the property lying southerly of the current South River location consisting of 4.3 acres more or less, Franklin County Registry of Deeds Book 2867, Page 169. *(Two-thirds vote.)*

ARTICLE 29: Voted that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund** as listed in the warrant, with each item considered a separate appropriation.

A: \$63,850 from the Community Preservation Fund, specifically from the Unbudgeted Reserve Account, for grant matching and/or for costs and expenses for land acquisition, rights of way, easements and related costs and expenses for two unnumbered, unbuildable parcels along Shelburne Falls Road, owned by Judith Waldo and the heirs of Mary Boeh, and for a portion of 69 Main Street owned by South River Trust all for flood remediation, public safety, and general municipal purposes; *(two-thirds vote)* and

B: \$42,388 to the Historical Society for the Archibald MacLeish Stone House renovation project [Historic Resources Reserve account]; and

C: \$21,000 to the Cemetery Trustees for Howland and Pine Grove for removal of hazardous trees from the Howland Cemetery [Budgeted Reserve account]; and

D: FY 2023 Annual Revenue:

10% to the Community Preservation Historical Resources Reserve; (\$9,471.64)

10% to the Community Preservation Community Housing Reserve; (\$9,471.64)

10% to the Community Preservation Open Space Reserve; (\$9,471.64)

5% from FY 2021 Annual Revenues for Administration of the Community Preservation Committee (\$4,735.82); and the remainder to the Community Preservation Budgeted Reserve (\$61,565.69).

ARTICLE 30: Voted that the Town authorize the Selectboard to forward the citizen's petition on the Fair Share Amendment to local legislators.

ARTICLE 31: Voted that the Town amend its General Bylaws on the Form and Conduct of Town Government, The Town Meeting to read as follows:

Section 1: The ANNUAL TOWN MEETING for the election of Town Officers shall be considered the adjournment of the Town Meeting and shall be on the following Thursday after Annual Town Meeting each year.

(Amended – Special Meeting – 17 Oct 2011)

Section 2: All business of the ANNUAL TOWN MEETING to be held on the first Saturday in June.

(Amended – Annual Meeting – 5 June 2021)

ARTICLE 32: Voted that the Town amend its General Bylaws on LEGAL to read as follows:

Section 4: The Selectboard may annually appoint a member of the Bar who is in good standing, to serve as Town Counsel for the term of one year from the first day of July following annual Town Meeting, and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term and may employ special counsel to assist said Town Counsel whenever, in their judgment necessity therefor arises.

(Amended – February 1974)

ARTICLE 33: Voted that the Town amend its General Bylaws by adding a new section to establish and authorize revolving funds for use by certain Town departments, boards, committees and agencies or officers, as set forth in the warrant.

ARTICLE 34: Voted that the Town amend its General Bylaws by replacing the word 'council' with 'counsel' as referenced in the bylaws.

ARTICLE 35: Voted that the Town amend its Protective (Zoning) Bylaws by adopting a new Article 7: Floodplain District which would replace existing Article 7 Section 71: Floodplain District & Section 72 Development Regulations with a new Article 7, Sections 711-7115 as set forth in the warrant.


(Two-thirds vote.)

Annual Town Meeting, June 4, 2022

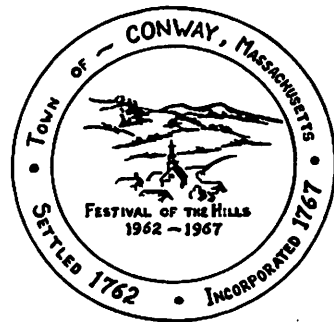
At 3:30 p.m., the meeting adjourned until Thursday, June 9, 2022, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for:

- One member of the Selectboard for three years;
- One Assessor for three years;
- One Assessor for one year;
- Two members of the Board of Health for three years;
- One member of the Frontier Regional School Committee for three years;
- Two members of the Local School Committee for three years;
- One member of the Planning Board of two years;
- One member of the Planning Board for three years;
- Three Constables for three years;
- Town Clerk for three years;
- Moderator for one year.

A true record of the Meeting,
Attest:



Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

**Special Town Meeting
December 10, 2022**

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 82 voters were checked at the door and issued electronic voting clickers for the purpose of voting. Tammy Bennett, Laurie Lucier and Troy Lucier served as checkers. The meeting was called to order by Town Clerk Laurie Lucier, Kenneth Ouimette was nominated to moderate, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following actions were taken by those persons in attendance:

ARTICLE 1: Tabled the article to authorize the Frontier Regional School District to establish a Capital Stabilization Fund according to Massachusetts General Laws c. 71, §16 G ½.

ARTICLE 2: Voted that the Town appropriate \$50,000 from Capital Stabilization for a replacement vehicle, which includes upfitting¹, for the Fire Department.

ARTICLE 3: Vote failed to appropriate \$92,000 from Capital Stabilization for a new chipper for the Highway Department.

ARTICLE 4: Vote failed to appropriate \$7,000 from Capital Stabilization for a new chip box for the Highway Department.

ARTICLE 5: Voted that the Town appropriate \$37,000 from General Stabilization to repair the transfer station landfill cap.

ARTICLE 6: Voted that the Town appropriate \$970 from Free Cash for paying a bill from a prior year for storm damage related log and brush removal.

ARTICLE 7: Voted that the Town appropriate \$920 from Free Cash for paying a bill from a prior year for landfill monitoring.

ARTICLE 8: Voted that the Town create a special revenue fund for the purpose of making timely payments to Police Officers performing outside details per the authority granted under Massachusetts General Law, Chapter 44, Section 53C.

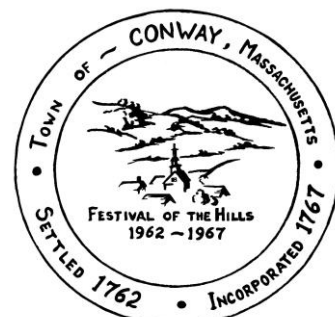
ARTICLE 9: Voted that the Town appropriate \$10,000 from Free Cash to fund a special revenue fund for the purpose of making timely payments to Police Officers performing outside details per the authority granted under Massachusetts General Law, Chapter 44, Section 53C.

ARTICLE 10: Voted that the Town accept by local option the provisions of Mass. General Law, Chapter 59, Section 5, Clause 41C which provides a real estate tax exemption for persons 70 years old or older on limited incomes and stating that an applicant's "...gross receipts limit may increase annually by the percentage increase in the Consumer Price Index (CPI) determined by the DOR each year."

ARTICLE 11: Voted that the Town request special legislation providing for the recall of elected officials as provided for in the draft legislation on file at the Town Administrator's office and as provided at Town Meeting.

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk



¹ Warrant reads "uplifting" by scribe's error



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
June 3, 2023

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 181 voters were checked at the door and issued electronic voting clickers for the purpose of voting. Tammy Bennett and Sarah Newman served as checkers. The meeting was called to order by the Moderator James Recore, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following actions were taken by those persons in attendance:

ARTICLE 1: Voted that Town Meeting accept the town reports as printed in the Town Annual Report.

ARTICLE 2:

Section A: Voted that the Town approve line items 114 through 900 of Article 2 as presented in the warrant, for a subtotal of **\$2,880,982**.

Motion carried to reconsider Articles 1 and 2A.

ARTICLE 1: Voted again that Town Meeting accept the town reports as printed in the Town Annual Report.

ARTICLE 2:

Section A: Voted again that the Town approve line items 114 through 900 of Article 2 as presented in the warrant, for a subtotal of **\$2,880,982**.

Section B: Voted that the Town approve line items 300A and 300B of Article 2 as presented in the warrant, for a subtotal of **\$2,135,585**.

Section C: Voted that the Town approve line items 310A, 310B and 310C of Article 2 as presented in the warrant for a subtotal of **\$1,604,965**. (*This amount differs from the warrant because the assessment of \$16,463 for the tennis courts listed on the warrant as part of the \$20,281 under 310C has been separated out as Article 29A.*)

Section D: Voted that the Town approve line items 320A, 320B and 320C of Article 2 as presented in the warrant for a subtotal of **\$171,272**.

Section E: Voted that the Town approve line items 330A and 330B of Article 2 as presented in the warrant for a subtotal of **\$52,906, and a total in Article 2 of \$6,845,710**.

DEPT #	DEPARTMENT NAME	FY 2022	FY 2023	FY 2024 REC.*	FY23 – 24 CHANGE
114	MODERATOR	\$350	\$350	\$350	\$0
122	SELECTBOARD	\$8,500	\$6,500	\$6,500	\$0
131	FINANCE COMMITTEE	\$300	\$300	\$300	\$0
132	RESERVE FUND	\$40,000	\$40,000	\$40,000	\$0
135	TOWN AUDITS	\$1	\$1	\$10,000	\$9,999
141	ASSESSORS	\$12,008	\$12,075	\$15,703	\$3,628
141	ASSESSORS WAGES	\$61,511	\$60,002	\$54,319	-\$5,683
145	TREASURER-COLLECTOR	\$17,783	\$20,919	\$19,795	-\$1,124
145	TREASURER-COLLECTOR WAGES	\$63,391	\$66,531	\$67,861	\$1,331
150	TOWN ADMINISTRATION	\$18,700	\$20,600	\$18,200	-\$2,400
150	TOWN ADMINISTRATION WAGES	\$106,380	\$92,040	\$94,942	\$2,902
151	LEGAL	\$10,000	\$11,000	\$10,000	-\$1,000
159	INFORMATION TECHNOLOGY	\$37,586	\$42,242	\$44,825	\$2,583
161	TOWN CLERK	\$7,750	\$7,750	\$10,145	\$2,395
161	TOWN CLERK WAGES	\$37,500	\$40,382	\$39,398	-\$985
162	REGISTRARS	\$1,500	\$1,700	\$1,700	\$0
163	ELECTIONS	\$14,300	\$9,600	\$10,000	\$400
170	OPEN SPACE	\$3,100	\$3,100	\$3,100	\$0
171	CONSERVATION COMMISSION	\$803	\$807	\$1,061	\$254

Annual Town Meeting, June 3, 2023

172	AGRICULTURAL COMMISSION	\$1	\$1	\$1	\$0
175	PLANNING BOARD	\$2,150	\$2,250	\$2,350	\$100
176	ZONING BOARD OF APPEALS	\$200	\$200	\$325	\$125
190	PERSONNEL COMMITTEE	\$1	\$1	\$1	\$0
192	BUILDING MAINTENANCE	\$59,600	\$73,500	\$82,500	\$9,000
193	TOWN INSURANCE	\$85,419	\$89,053	\$89,532	\$479
210	POLICE	\$18,775	\$19,975	\$21,725	\$1,750
210	POLICE WAGES	\$116,220	\$119,707	\$120,539	\$833
220	FIRE	\$39,805	\$42,005	\$40,255	-\$1,750
220	FIRE WAGES	\$39,600	\$41,697	\$41,548	-\$150
231	AMBULANCE	\$25,000	\$25,000	\$25,000	\$0
291	EMERGENCY MANAGEMENT	\$4,225	\$4,250	\$4,250	\$0
292	ANIMAL CONTROL OFFICER	\$3,110	\$3,110	\$5,305	\$2,195
294	TREE WARDEN	\$300	\$300	\$510	\$210
422	HIGHWAY	\$256,000	\$260,800	\$342,800	\$82,000
422	HIGHWAY WAGES	\$304,873	\$312,883	\$319,141	\$6,258
423	SNOW & ICE	\$103,000	\$103,000	\$108,000	\$5,000
423	SNOW & ICE WAGES	\$20,834	\$21,459	\$21,888	\$429
433	TRANSFER STATION	\$0	\$135,048	\$148,148	\$13,101
433	TRANSFER STATION WAGES	\$0	\$43,260	\$45,800	\$2,540
491	CEMETERY	\$600	\$600	\$600	\$0
512	BOARD OF HEALTH	\$164,559	\$17,992	\$17,650	-\$342
512	BOARD OF HEALTH WAGES	\$63,833	\$22,423	\$15,974	-\$6,449
541	COUNCIL ON AGING	\$1,200	\$1,200	\$1,200	\$0
543	VETERANS	\$11,485	\$11,245	\$9,474	-\$1,770
630	PARKS, RECREATION & TRAILS	\$8,000	\$8,000	\$8,000	\$0
635	FOREST & TRAILS	\$0	\$400	\$400	\$0
650	TOWN NEWSLETTER	\$6,000	\$6,000	\$6,000	\$0
691	HISTORICAL COMMISSION	\$400	\$400	\$400	\$0
710	DEBT SERVICE	\$81,077	\$52,133	\$108,189	\$56,056
751	DEBT SERVICE INTEREST	\$21,072	\$19,119	\$21,473	\$2,354
752	SHORT TERM INTEREST	\$1,650	\$100	\$101	\$1
830	FRCOG (Town Nurse under Board of Health)	\$56,716	\$56,590	\$58,439	\$1,849
900	EMPLOYEE COSTS	\$715,857	\$726,161	\$765,266	\$39,105
	TOTAL	\$2,653,025	\$2,655,761	\$2,880,982	\$225,222
300A	GRAM SCH OPERATING	\$1,945,554	\$2,016,647	\$2,060,585	\$43,938
300B	GRAM SCH TRANSPORT	\$80,689	\$69,660	\$75,000	\$5,340
	TOTAL CGS	\$2,026,243	\$2,086,307	\$2,135,585	\$49,278
310A	FRONTIER REG OPERATING	\$1,477,649	\$1,532,073	\$1,568,585	\$36,512
310B	FRONTIER TRANSPORTATION	\$41,148	\$26,759	\$32,563	\$5,804
310C	FRONTIER CAPITAL ASSESSMENT		\$12,827	\$3,818	-\$9,009
	TOTAL FRONTIER	\$1,518,797	\$1,571,659	\$1,604,965	\$33,307
320A	FRANKLIN COUNTY TECHNICAL SCHOOL	\$68,814	\$169,670	\$159,930	-\$9,741
320B	FCTS TRANSPORTATION	\$2,969	\$7,049	\$5,198	-\$1,851
320c	FCTS CAPITAL ASSESSMENT	\$6,228	\$6,542	\$6,144	-\$397
	TOTAL FRANKLIN TECH	\$78,011	\$183,261	\$171,272	-\$11,989
330A	OTHER TECHNICAL SCHOOLS	\$39,000	\$49,344	\$25,906	-\$23,438
330B	OTHER TECH SCHOOLS TRANSPORTATION	\$23,400	\$27,000	\$27,000	\$0
	TOTAL OTHER TECH	\$62,400	\$76,344	\$52,906	-\$23,438

FY 22 to 23: \$229,155.62 3.49%	GRAND TOTAL for Operating Budget:	6,344,176	6,573,332	6,845,710	FY 23 to 24: \$272,378 4.21%
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**Unanimously approved by the Selectboard and Finance Committee*

ARTICLE 3: Voted that the Town set the salaries of elected officials as provided by M.G.L. c. 41, section 108 to be made effective from July 1, 2023 as presented in the budget.

ARTICLE 4: Voted that the Town approve the **Frontier Regional School District** establish a **Capital Stabilization Fund**. *(Two-thirds vote.)*

ARTICLE 5: Voted that the Town transfer \$10,000 from **Free Cash** to pay for a state **Fire Marshall approved stage curtain** for the **Conway Grammar School** stage.

Motion carried that the Town move Article 29A forward.

ARTICLE 29: Voted that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation.
(The amount for the tennis courts is reduced from the estimate of \$17,000 listed in the warrant.)

A. \$16,463 to the Frontier Regional School Committee for the reconstruction of Frontier Regional tennis courts, including lining for pickleball courts, for school and community use, from the Open Space/Recreation Account Fund.

ARTICLE 6: Voted that the Town transfer \$311,000 to construct an addition to the Public Safety Building and to meet said appropriation, the Town shall transfer \$311,000 from the Highway Maintenance Building Special Article, account number 001-422-5851 to a Public Safety Building Addition fund.

ARTICLE 7: Voted that the Town transfer \$84,695.07 from the Sale of Real Estate special revenue fund #282 to the Public Safety Building Addition fund.

ARTICLE 8: Voted that the Town transfer \$100,000 from **Free Cash** into the **Fire Truck Stabilization Fund**.

Motion carried that the Town move Articles 11 and 12 forward.

ARTICLE 11: Voted that the Town transfer \$40,000 from the **Highway Maintenance Building Special Article**, account number 001-422-5851 and authorize its use for a **used 60-70' straight Boom Lift**.

ARTICLE 12: Voted that the Town transfer \$99,000 from the **Highway Maintenance Building Special Article**, account number 001-422-5851 for an **18" Chipper with winch** and a **Chipper box**.

ARTICLE 9: Vote failed that the Town transfer \$70,000 from the **Capital Stabilization Fund** for the purchase of a **side entry/exit, rubber tire Compact Loader**. *(Two-thirds vote.)*

ARTICLE 10: Vote failed that the Town transfer \$80,000 from the **Capital Stabilization Fund** for the purchase of a **Plow Truck (a one ton four-door short bed, 6-cylinder, diesel, with new V plow)**. *(Two-thirds vote.)*

ARTICLE 13: Voted that the Town \$31,138 from the **Ambulance Receipts fund** for a **partial payment for Ambulance Department operational expenses**.

ARTICLE 14: Voted that the Town transfer \$65,270 from **Free Cash** to pay for the paving note for **Shelburne Falls Road**.

ARTICLE 15: Voted that the Town transfer from **Free Cash**, or otherwise provide \$9,600 to pay for **Bid Phase Services, Construction Phase Services and Grant Administration Assistance for the Delabarre Avenue Pre-Hazard Mitigation grant project**.

ARTICLE 16: Voted that the Town authorize the following FY '24 expenditure limits for the **Town of Conway Revolving Funds**:

- up to \$5,000 from the **Medicaid** Revolving fund;
- up to \$6,000 from the **Dog Licenses** fund;
- up to \$10,000 from the **Newsletter** Revolving fund; and
- up to \$20,000 from the **Conway Youth Sports Program** Revolving fund

ARTICLE 17: Voted Article 17 as printed in the warrant. *(Two-thirds vote.)*

ARTICLE 18: Voted that the Town transfer \$20,000 from **Free Cash** into the **OPEB Trust Fund**, so that the Town may meet future retirements costs of current and future retirees.

ARTICLE 19: Voted that the Town transfer \$12,811 from **Free Cash** to pay for the **partial debt service for the Highway Garage Facility**.

ARTICLE 20: Voted that the Town authorize the **Treasurer and Collector to enter into compensating balance agreements**.

ARTICLE 21: Voted that the Town transfer \$10,000 from **Free Cash to cover compensated absences**.

ARTICLE 22: Voted that the Town transfer up to \$24,000 from the **Overlay** account for **conversion expenses for use by the Board of Assessors**.

ARTICLE 23: Voted that the Town transfer \$5,000 from **Free Cash** to fund a partial contribution for **future revaluation work**.

ARTICLE 24: Voted that the Town transfer \$5,000 from **Free Cash** to fund a **partial contribution to replenish the Grant Match and Administration Account**.

ARTICLE 25: Voted that the Town transfer \$2,845 from **Free Cash** to the **Field Library** to help ensure its accreditation.

ARTICLE 26: Voted that the Town **rescind Article 3 of the May 14, 2018 Annual Town Meeting which was to pay for the cost of bridge repair** for North Poland Road.

ARTICLE 27: Voted that the Town **allow the Selectboard to apply for**, accept, and expend state, federal and other **grants**, which do not require a town appropriation or town meeting approval.

ARTICLE 28: Voted that the Town authorize the Select Board to **acquire in fee by eminent domain**, for flood control, public safety, other municipal purposes related to the South River Flood Resiliency Project and other municipal purposes the following described parcel: **the half interest in the property owned by the Estate of Mary V. Boeh and the half interest in the property owned by the Salvation Army** for a total sum of the appraised price, of \$4,700, the property being located at 0 Shelburne Falls Road, Assessors Tax Map 410 Lot 26.6 and consisting of 1.36 acres more or less. *(Two-thirds vote.)*

ARTICLE 29: Voted that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation.

B. \$45,000 to the Town of Conway Selectboard to provide a 13.89% match for a \$324,000 Commonwealth of Massachusetts Municipal Vulnerability Grant that will model and study potential impacts of South River flooding on the Town Center and provide solutions for the Center's protection, from the Budgeted Reserve Account Fund.

C. From FY 2024 Annual Revenue (estimated):

10% to the Community Preservation Historical Resources Reserve (\$9,500, estimated);
10% to the Community Preservation Community Housing Reserve (\$9,500, estimated);
10% to the Community Preservation Open Space Reserve (\$9,500, estimated);
5% from FY 2024 Annual Revenues for Administration of the Community Preservation Committee (\$4,750, estimated); and
the remainder to the Community Preservation Budgeted Reserve (\$61,750, estimated)

ARTICLE 30: Voted that the Town amend its General Bylaws by removing from **Section 9: Personnel Bylaw f) All voting members appointed must not be a current employee or elected official for a period of three (3) years prior to serving on the personnel committee.**

And replacing it with

f) All voting members appointed must not be currently paid employees of the Town of Conway.

ARTICLE 31: Voted that the Town **accept the provisions of Massachusetts General Laws, c. 39 sec 23D** for all adjudicatory hearings as presented in the warrant.

ARTICLE 32: Voted that the Town **accept Mass G L c 44 sec 53G and amend its General Bylaws** by adding the language to the Town Bylaws pursuant to M.G.L. c.44, section 53G as presented in the warrant.

ARTICLE 33: Voted that the Town amend its existing Zoning Bylaws by amending Article 11, Adult Use Recreational Marijuana Establishments, section 11.5R as presented in the warrant. *(2/3rds majority vote)*

ARTICLE 34: Voted that the Town amend its existing Zoning Bylaws by amending Article 8 as presented in the warrant. *(2/3rds majority vote)*

ARTICLE 35: Voted that the Town authorize the Selectboard to forward the non-binding citizen's petition on making Conway Pollinator-Friendly to Governor Maura T. Healy, Massachusetts Department of Agricultural Resources Commissioner Ashley E. Randle, State Senator Paul W. Mark and State Representative Natalie M. Blais.

At 4:00 p.m., the meeting adjourned until Thursday, June 8, 2023, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for various Town Officers as set forth in the town warrant.

A true record of the Meeting,
Attest:

Laurie L. Lucier, Town Clerk





Commonwealth of Massachusetts
Town of Conway, Massachusetts

Special Town Meeting
December 9, 2023

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 136 voters were checked at the door and issued electronic voting clickers for the purpose of voting however, after a problem occurred with the voting program, it was agreed to continue with voice voting. Tammy Bennett and Sarah Newman served as checkers. The meeting was called to order by the Moderator James Recore, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following actions were taken by those persons in attendance:

ARTICLE 1: Voted unanimously that Town transfer \$10,000 from Free Cash to the general fund compensated absences account.

ARTICLE 2: Voted unanimously that the Town approve a line-to-line transfer of \$3,074 from the Police Department salary line 001-210-5400-000-110-0 to the Police Department expenses line 001-210-5400-000-420-0 for equipment and training.

ARTICLE 3: Voted unanimously that the Town appropriate \$1.5 million dollars to pay for emergency deficit spending for town road repairs and other flood related expenses, including engineering and design, and, to meet said appropriation, authorize the Town Treasurer, with the approval of the Selectboard, to borrow said amount under and pursuant to G.L. c. 44, § 8(9), or any other enabling authority, and to issue bonds or notes of the Town.

ARTICLE 4: Voted unanimously that the Town authorize the Selectboard to convey a fee simple interest in the property known as and numbered 0 Off Ashfield Road, as further identified in the Town Assessor's records as Map 409 Lot 18.1, through deed to the successful bidder Hank Horstmann for the sum of \$6,501.00 on such terms and conditions as the Selectboard deems to be in the best interest(s) of the Town, and to execute any and all agreement(s) and document(s) to effectuate the conveyance of said property, if any.

ARTICLE 5: Motion passed unanimously to divide this Article into two sections.

- a) Voted unanimously that the Town accept the provisions of Massachusetts General Laws Chapter 59, §5K, and request the Selectboard to establish a property tax work-off program for taxpayers who are veterans or qualifying seniors (over 60 years of age) to take effect in FY25.
- b) Voted unanimously that the Town accept the provisions of Massachusetts General Laws Chapter 59, §5N, and request the Selectboard to establish a property tax work-off program for taxpayers who are veterans or qualifying seniors (over 60 years of age) to take effect in FY25.

ARTICLE 6: Voted unanimously that the Town appropriate \$7,000 from Free Cash for software, hardware and training to allow Assessors to enter information on site during assessments.

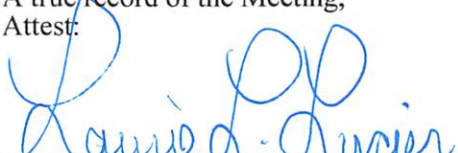
ARTICLE 7: A. Voted that the Town appropriate \$7,825 from the Community Preservation Fund Open Space/Recreation Account for use by the Town of Conway Open Space Committee as fiscal agent for the Selectboard approved plan from *Pollinate Conway!* for Veterans Memorial Park Habitat Restoration with Native Plants.

ARTICLE 7: B. Voted that the Town appropriate \$14,074.80 from the Community Preservation Fund Historic Resources Account for use by the Town of Conway Office of the Town Clerk to advance archival storage of the Town's vital records.

ARTICLE 8: Voted unanimously that the Town amend its General Bylaws by adding a new Section 10 to the "Form and Conduct of Town Government, The Town Meeting," as written in the warrant, and by renumbering existing Sections 10 through 21 thereunder to Sections 11 through 22, respectively.

AT 2:17 p.m., MOTION WAS MADE and seconded and vote was taken to adjourn the meeting.

A true record of the Meeting,
Attest:


Laurie L. Lucier, Town Clerk



Commonwealth of Massachusetts
Town of Conway, Massachusetts

Annual Town Meeting
June 1, 2024

AT A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 143 voters were checked at the door and issued electronic voting clickers for the purpose of voting. Tammy Bennett and Sarah Newman served as checkers. The meeting was called to order by the Moderator James Recore, and it was unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following actions were taken by those persons in attendance:

ARTICLE 1: Voted that Town Meeting accept the town reports as printed in the Town Annual Report.

ARTICLE 2:

Section A: Voted that the Town approve line items 114 through 900 of Article 2 as presented in the warrant, for a subtotal of **\$3,017,104**.

Section B: Voted that the Town approve line items 300A and 300B of Article 2 as presented in the warrant, for a subtotal of **\$2,209,486**.

Section C: Voted that the Town approve line items 310A, 310B and 310C of Article 2 as presented in the warrant for a subtotal of **\$1,687,474**.

Section D: Voted that the Town approve line items 320A, 320B and 320C of Article 2 as presented in the warrant for a subtotal of **\$138,269**.

Section E: Voted that the Town approve line items 330A and 330B of Article 2 as presented in the warrant for a subtotal of **\$0**, and a total in Article 2 of **\$7,052,333**.

DEPT #	DEPARTMENT NAME	FY 2023	FY 2024	FY 2025 REC.*	FY24 – 25 CHANGE
114	MODERATOR	\$350	\$350	\$350	\$0
122	SELECTBOARD	\$6,500	\$6,500	\$6,500	\$0
131	FINANCE COMMITTEE	\$300	\$300	\$300	\$0
132	RESERVE FUND	\$40,000	\$40,000	\$40,000	\$0
135	ACCOUNTING/AUDITS	\$1	\$10,000	\$49,608	\$39,608
141	ASSESSORS	\$12,075	\$15,703	\$62,769	\$47,066
141	ASSESSORS WAGES	\$60,002	\$54,318	\$7,500	-\$46,818
145	TREASURER-COLLECTOR	\$20,919	\$19,795	\$22,155	\$2,360
145	TREASURER-COLLECTOR WAGES	\$66,531	\$67,861	\$72,252	\$4,391
150	TOWN ADMINISTRATION	\$20,600	\$18,200	\$19,350	\$1,150
150	TOWN ADMINISTRATION WAGES	\$92,040	\$94,942	\$100,808	\$5,866
151	LEGAL	\$11,000	\$10,000	\$15,000	\$5,000
159	INFORMATION TECHNOLOGY	\$42,742	\$44,825	\$44,876	\$51
161	TOWN CLERK	\$7,750	\$7,350	\$9,050	\$1,700
161	TOWN CLERK WAGES	\$40,382	\$39,398	\$41,368	\$1,970
162	REGISTRARS	\$1,700	\$1,700	\$1,700	\$0
163	ELECTIONS	\$4,500	\$5,000	\$6,000	\$1,000
163	ELECTIONS WAGES	\$5,100	\$5,000	\$7,000	\$2,000
170	OPEN SPACE	\$3,100	\$3,100	\$3,100	\$0
171	CONSERVATION COMMISSION	\$807	\$1,061	\$1,065	\$4
172	AGRICULTURAL COMMISSION	\$1	\$1	\$1	\$0
175	PLANNING BOARD	\$2,250	\$2,350	\$2,350	\$0
176	ZONING BOARD OF APPEALS	\$200	\$325	\$325	\$0
190	PERSONNEL COMMITTEE	\$0	\$1	\$1,500	\$1,499
192	BUILDING MAINTENANCE	\$73,500	\$82,500	\$78,500	-\$4,000
193	TOWN INSURANCE	\$89,053	\$89,532	\$95,065	\$5,533
210	POLICE	\$19,975	\$21,725	\$23,500	\$1,775

Annual Town Meeting, June 1, 2024

210	POLICE WAGES	\$119,707	\$120,539	\$124,589	\$4,049
220	FIRE	\$42,005	\$40,255	\$42,850	\$2,595
220	FIRE WAGES	\$41,697	\$41,548	\$43,626	\$2,077
231	AMBULANCE	\$25,000	\$25,000	\$25,000	\$0
291	EMERGENCY MANAGEMENT	\$4,250	\$4,250	\$4,350	\$100
292	ANIMAL CONTROL OFFICER	\$4,169	\$5,305	\$5,742	\$438
294	TREE WARDEN	\$300	\$510	\$510	\$0
422	HIGHWAY	\$293,300	\$342,800	\$331,000	-\$11,800
422	HIGHWAY WAGES	\$312,883	\$319,140	\$362,847	\$43,708
423	SNOW & ICE	\$103,000	\$108,000	\$108,000	\$0
423	SNOW & ICE WAGES	\$23,922	\$21,888	\$32,697	\$10,808
433	TRANSFER STATION	\$135,048	\$148,148	\$139,851	-\$8,297
433	TRANSFER STATION WAGES	\$43,260	\$45,800	\$51,600	\$5,800
491	CEMETERY	\$600	\$600	\$600	\$0
512	BOARD OF HEALTH	\$17,992	\$17,650	\$17,700	\$50
512	BOARD OF HEALTH WAGES	\$22,423	\$15,974	\$24,506	\$8,532
541	COUNCIL ON AGING	\$1,200	\$1,200	\$3,000	\$1,800
543	VETERANS	\$11,245	\$9,474	\$9,715	\$241
630	PARKS & RECREATION	\$8,000	\$8,000	\$9,000	\$1,000
635	FOREST & TRAILS	\$400	\$400	\$400	\$0
650	TOWN NEWSLETTER	\$6,000	\$6,000	\$6,000	\$0
691	HISTORICAL COMMISSION	\$400	\$400	\$400	\$0
710	DEBT SERVICE	\$52,133	\$108,189	\$109,245	\$1,056
751	DEBT SERVICE INTEREST	\$19,119	\$21,473	\$18,712	-\$2,761
752	SHORT TERM INTEREST	\$100	\$101	\$101	\$0
830	FRCOG (Town Nurse under Board of Health)	\$56,590	\$58,439	\$24,937	-\$33,502
900	EMPLOYEE COSTS	\$726,161	\$764,386	\$808,136	\$43,750
	TOTAL	\$2,692,281	\$2,877,305	\$3,017,104	\$139,799

300A	GRAM SCH OPERATING	\$2,016,647	\$2,060,585	\$2,113,936	\$53,351
300B	GRAM SCH TRANSPORT	\$69,660	\$75,000	\$95,550	\$20,550
	TOTAL CGS	\$2,086,307	\$2,135,585	\$2,209,486	\$73,901

310A	FRONTIER REG OPERATING	\$1,532,073	\$1,568,585	\$1,654,697	\$86,112
310B	FRONTIER TRANSPORTATION	\$26,759	\$32,563	\$32,777	\$214
310C	FRONTIER CAPITAL ASSESSMENT	\$12,827	\$3,817	\$0	-\$3,817
	TOTAL FRONTIER	\$1,571,659	\$1,604,965	\$1,687,474	\$82,509

320A	FRANKLIN COUNTY TECHNICAL SCHOOL	\$169,670	\$159,930	\$125,754	-\$34,176
320B	FCTS TRANSPORTATION	\$7,049	\$5,198	\$6,248	\$1,050
320c	FCTS CAPITAL ASSESSMENT	\$6,542	\$6,144	\$6,267	\$123
	TOTAL FRANKLIN TECH	\$183,261	\$171,272	\$138,269	-\$33,003

330A	OTHER TECHNICAL SCHOOLS	\$49,344	\$25,906		-\$25,906
330B	OTHER TECH SCHOOLS TRANSPORTATION	\$27,000	\$27,000		-\$27,000
	TOTAL OTHER TECH	\$76,344	\$52,906	\$0	-\$52,906

FY 23 to 24: \$229,155.62 3.49%	GRAND TOTAL for Operating Budget:	6,609,852	6,842,033	7,052,333	FY 24-25 \$210,300 2.98%
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Annual Town Meeting, June 1, 2024

ARTICLE 3: Voted that the Town set the salaries of elected officials as provided by M.G.L. c. 41, section 108 to be made effective from July 1, 2025 as presented in the budget.

ARTICLE 4: Voted that the Town transfer \$16,000 from the Conway Grammar School Stabilization Fund for a new phone system for the Conway Grammar School. *(Two-thirds vote.)*

ARTICLE 5: Voted that the Town transfer \$20,000 from the Conway Grammar School Stabilization Fund for a video surveillance system for the Conway Grammar School. *(Two-thirds vote.)*

ARTICLE 6: Voted that the Town transfer \$17,700 from the Conway Grammar School Stabilization Fund to provide mini-splits for the Conway Grammar School. *(Two-thirds vote.)*

ARTICLE 7: Voted that the Town transfer from Free Cash \$53,700 to the Conway Grammar School Capital Stabilization Fund.

Note: The \$17,700 for mini-splits, which are part of this transfer, were funds rebated to the town after the last purchase of mini-splits but which then had to revert to the general fund. Therefore \$17,700 of this amount would be a reimbursement to the school for the rebate they secured.

Motion carried that the Town move Article 27 forward.

ARTICLE 27: Voted that the Town appropriate, or reserve for later appropriation, monies from the **Community Preservation Fund**, with each item considered a separate appropriation, or take any other action relative thereto:

- A. \$150,000 from the Community Preservation Fund, specifically from the Community Preservation Budgeted Reserve Account, to the Town of Conway Parks and Recreation Committee for the construction of four pickleball courts behind the Conway Grammar School for community use.

Motion carried that the Town amend Article 27B as below.

- B. From FY 2025 Annual Revenue (estimated):
 - 10% to the Community Preservation Historical Resources Reserve (\$10,199.71, estimated);
 - 10% to the Community Preservation Community Housing Reserve (\$10,199.71, estimated);
 - 10% to the Community Preservation Open Space Reserve (\$10,199.71, estimated);
 - 10% to the Community Preservation Outdoor Recreation Reserve (\$10,199.71, estimated);**
 - 5% from FY 2024 Annual Revenues for Administration of the Community Preservation Committee (\$5,099.85, estimated); and
 - the remainder to the Community Preservation Budgeted Reserve (**\$56,098.39**, estimated)

ARTICLE 8: Voted that the Town transfer from Free Cash \$100,000 to the **Fire Truck Stabilization fund** as follows: Fire Department – \$100,000 to **save for a new rescue pumper** *(expected purchase in 2028)*.

ARTICLE 9: Voted that the Town transfer from Free Cash \$100,000 for the purchase of a **side entry/exit, rubber tire Compact Loader**.

ARTICLE 10: Voted that the Town transfer from Free Cash \$100,000 for the purchase of a **Plow Truck (one ton four-door shortbed, 6 cylinder, diesel, with new V plow)**.

ARTICLE 11: Voted that the Town transfer \$85,000 from Capital Stabilization, or otherwise provide for a Police Cruiser, (includes upfitting. *(Two-thirds vote.)*)

ARTICLE 12: Voted that the Town transfer from Free Cash \$50,000 to the General Stabilization Fund.

ARTICLE 13: Voted that the Town transfer from Free Cash \$100,000 to the Ambulance Stabilization fund towards the purchase of an new ambulance.

ARTICLE 14: Voted that the Town transfer \$36,646 from the **Ambulance Receipts fund** to the Ambulance Department operational expenses account for a **partial payment** for these expenses.

ARTICLE 15: Voted that the Town raise and appropriate, transfer from available funds, or otherwise provide \$9,950 for preliminary study of town streetlights by an energy consultant, with the goal of saving money and reducing our carbon footprint.

ARTICLE 16: Voted that the Town authorize the following FY '25 expenditure limits for the Town of Conway Revolving Funds pursuant to M.G.L. c. 44, section 53 ½ and the Town of Conway Bylaw:

- up to \$5,000 from the Medicaid Revolving fund;
- up to \$6,000 from the Dog Licenses fund;
- up to \$10,000 from the Newsletter Revolving fund; and
- up to \$20,000 from the Conway Youth Sports Program Revolving fund

ARTICLE 17: Voted that the Town revoke the Opioid Settlement Stabilization Fund and transfer any dedicated funds to the Opioid Settlement Special Revenue Fund as per the Massachusetts General Laws Chapter 44, Section 53, Clause 4; and, as authorized by the Department of Revenue, Division of Local Services' Director of Accounts. *(Two-thirds vote.)*

ARTICLE 18: Voted that the Town transfer \$20,000 from Free Cash into the **OPEB Trust Fund**.

ARTICLE 19: Voted that the Town transfer \$11,755 from Free Cash to the **debt service for the Highway Garage Facility as a partial payment for that debt service**.

ARTICLE 20: Voted that the Town authorize the **Treasurer and Collector to enter into compensating balance agreements** for Fiscal Year 2025 as permitted by M.G.L. c. 44, section 53F.

ARTICLE 21: Voted that the Town raise and appropriate, transfer from available funds, or otherwise provide the sum of \$6,000 as a partial contribution for the **future revaluation work account**.

ARTICLE 22: Voted that the Town raise and appropriate, transfer from available funds, or otherwise provide the sum of \$2,920 to the **Field Memorial Library** to help ensure its accreditation.

ARTICLE 23: Voted that the Town **rescind the appropriation and authorized borrowing of Article 3 of the December 9, 2023 Special Town Meeting which was to pay for the cost of road repair** after the July floods or take any action relative thereto.

December 9, 2023 Special Town Meeting ARTICLE 3: To see if the Town will vote to raise and appropriate \$1.5 million dollars to pay for emergency deficit spending for town road repairs and other flood related expenses, including engineering and design, and to meet said appropriation, authorize the Town Treasurer, with the approval of the Selectboard, to borrow said amount under and pursuant to G.L. c. 44, § 8(9), or any other enabling authority, and to issue bonds or notes of the Town; or take any other action relative thereto. (2/3rds vote required).

ARTICLE 24: Voted to allow the Selectboard to apply for, accept, and expend state, federal and other grants, which do not require a town appropriation or town meeting approval.

ARTICLE 25: Voted that the Town authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise for general public way purposes, a permanent easement, consisting of 2,119.00 square feet of land, more or less, for the purpose of rip rap placement and environmental restoration, a permanent easement, consisting of 82.00 square feet of land, more or less, for the purpose of overhead utility easement, and a permanent easement, consisting of 50.00 square feet of land, more or less, for the purpose of overhead utility easement, and a temporary easement, consisting of 11,545.00 square feet of land, more or less, for the purpose of grading, environmental protection/restoration, and temporary overhead utility work, all on the westerly side of North Poland Road, Town of Conway, Franklin County, Massachusetts, from Debra J. Craven and Willis D. Burnett, heirs and devisees of the Estate of Josephine L. Burnett (Franklin Probate Docket No. FR18P0060EA), for the North Poland Road over Poland Brook bridge replacement (Bridge No. C-20-004), said land is more specifically shown as "**Parcels DE-1, PUE-1, PUE-2, and TE-1**" on a set of plans, to be recorded, entitled "Easement Plan of Land North Poland Road Over Poland Brook Conway, Massachusetts," prepared by Green International Affiliates, Inc., dated April 2, 2024, and as amended. Said plans are also filed with the Town of Conway Town Clerk.

ARTICLE 26: Voted that the Town authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise for general public way purposes, a permanent easement, consisting of 529.00 square feet of land, more or less, for the purpose of overhead utility easement, a permanent easement, consisting of 49.00 square feet of land, more or less, for the purpose of overhead utility easement, and a permanent easement, consisting of 386.00 square feet of land, more or less, for the purpose of overhead utility easement, and a temporary easement, consisting of 1,834.00 square feet of land, more or less, for the purpose of grading, tree trimming, and driveway work, and a temporary easement, consisting of 12,869.00 square feet of land, more or less, for the purpose of grading, tree trimming, and bridge construction equipment swing radii work area, all on the easterly side of North Poland Road, Town of Conway, Franklin County, Massachusetts, from Debra J. Craven and Willis D. Burnett, heirs and devisees of the Estate of Josephine L. Burnett (Franklin Probate Docket No. FR18P0060EA), for the North Poland Road over Poland Brook bridge replacement (Bridge No. C-20-004), said land is more specifically shown as "**Parcels PUE-3, PUE-4, PUE-5, TE-3, and TE-4**" on a set of plans, to be recorded, entitled "Easement Plan of Land North Poland Road Over Poland Brook Conway, Massachusetts," prepared by Green International Affiliates, Inc., dated April 2, 2024, and as amended. Said plans are also filed with the Town of Conway Town Clerk.

ARTICLE 28: Voted that the Town to amend the Town of Conway Revolving Funds Bylaw by adding the following fund.

Revolving Fund	Entity Authorized to Spend from Fund	Fee, Charges, or Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Transfer Station	Town Administrator	Income to the transfer station from fees charged for materials deposited at the transfer station.	Expenses Related to the administration of the transfer station.	Limit of \$10,000.00 Per Fiscal Year	None	Fiscal Year 2025 and Subsequent Years

ARTICLE 29: Vote failed that the Town amend the General Bylaws of the Town of Conway, Bylaw TOWN OFFICERS, BOARDS AND COMMITTEES Section 2 as follows.

TOWN OFFICERS, BOARDS AND COMMITTEES

Section 2: Only Conway residents shall be allowed to serve as voting members of Boards, Committees, and Commissions; however appointed associate members of town boards will be allowed to serve and vote, whether town residents or not (Amended- Annual Meeting - 09 May 2016)

ARTICLE 30: Voted that the Town amend the Zoning Bylaws of the Town of Conway, ARTICLE 6: ADMINISTRATION, Section 62 as follows.

ARTICLE 6: ADMINISTRATION

SECTION 62: Planning Board and Zoning Board of Appeals

The Planning Board shall consist of five elected members and one appointed associate member, which Board shall act on all matters within its jurisdiction under this Bylaw and Chapter 40A of the General Laws in the manner prescribed by the said law and by this Bylaw.

There is hereby established a Zoning Board of Appeals of three members and two associate members, to be appointed by the Selectboard, which Board of Appeals shall act on all matters within its jurisdiction under this Bylaw and Chapter 40A of the General Laws in the manner prescribed by the said law and by this Bylaw. (Amended 5 Jun 2021).

ARTICLE 31: Voted that the Town authorize and request the Selectboard to petition the General Court of the Commonwealth for Home Rule Legislation to establish a special fund for the Festival of the Hills Receipts for the Town of Conway and further to approve any recommended changes from Senate or House Counsel or senator or local representative, the text of the special legislation is available at the Town Clerk’s office and will be at Town Meeting.

AN ACT ESTABLISHING A SPECIAL FUND FOR THE FESTIVAL OF THE HILLS RECEIPTS FOR THE TOWN OF CONWAY

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. (a) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the town of Conway may establish a special fund for the deposit of any proceeds from the annual Festival of the Hills, any state, federal or other grants and any local appropriations for such purpose. Interest earned on the fund shall be treated as general fund revenue for the town. Any balance remaining at the end of the fiscal year shall carry over to the next fiscal year and thereafter if not then expended for the purposes set forth in this act.

(b) Proceeds from the fund shall be used at the discretion of the Festival of the Hills Committee of the town of Conway without further appropriation first (1) to pay all expenses for the Festival of the Hills event in the town of Conway; and (2) thereafter a portion or all of the remaining net balance in the fund in any given year may be expended at the discretion of the Festival of the Hills Committee as scholarship grants to graduating high school seniors in the town of Conway to further their education or training provided that no funds received pursuant to local appropriation shall be used for scholarship purposes; and (3) any remaining balance to be used for the purposes set forth above.

SECTION 2. This act shall take effect upon its passage.

ARTICLE 32: Voted that the Town adopt the following General Bylaw establishing a Festival of the Hills Committee for the Town:

Festival of the Hills Committee Bylaw

Section 1. There shall be a Festival of the Hills Committee of the Town of Conway consisting of up to seven citizens of the Town. The Selectboard shall appoint members to the committee for terms not to exceed three years, full terms to begin on the first day of July. The original members shall be appointed for terms so as to stagger the terms of office, 3 members to be appointed for a term of three years, 2 members to be appointed for a term of two years, and 2 members to be appointed for a term of one year, thereafter appointments shall be for three year terms. The Festival of the Hills Committee shall elect its own officers. The Committee shall serve without salary. The Committee shall hold scheduled meetings at least once in every two months of the calendar years and more if necessary. A member absent from one third of the meetings in any year of his/her term or for other cause may be removed by a majority vote of the Selectboard after due notice to that member of the impending removal action.

Section 2. In the event of any vacancy in its membership, the Festival of the Hills Committee shall notify the Selectboard in writing, and the Selectboard and Committee shall fill the vacancy pursuant to M.G.L. c. 41, section 11. Such appointee shall serve the remaining portion of the term of the prior member.

Section 3. The Festival of the Hills Committee shall be responsible for planning, organizing and facilitating the Festival of the Hills in the Town of Conway annually. The Committee shall furnish for the Report for each annual Town Meeting a statement of the doings of the Committee for the fiscal year last closed and an accounting of the funds received and expended from the Festival of the Hills special fund for the fiscal year last closed.

Section 4. The Committee shall have authority and control over the Festival of the Hills special fund.

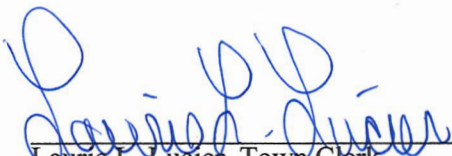
Section 5. A quorum of members will be a majority of the appointed members at the time of any meeting. Each vote taken shall require a quorum and a majority vote of the quorum to be effective.

Motion carried that the Town amend Article 33 as below.

ARTICLE 33: Voted that the Town authorize and request the Selectboard to petition the General Court of the Commonwealth for Home Rule Legislation to allow any citizens in the Town of Conway, notwithstanding the provisions of M.G.L. 51, Sections 1, and Section 47A, who have reached the age of 16 or older, to register and vote in municipal elections *and town meetings* within the Town.

At 12:50 p.m., the meeting adjourned until Thursday, June 8, 2023, to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for various Town Officers as set forth in the town warrant.

A true record of the Meeting,
Attest:



Laurie L. Lucier, Town Clerk

