

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONWAY
ANNUAL TOWN MEETING WARRANT
Saturday, June 4, 2022**

In the name of the Commonwealth of Massachusetts you are hereby directed to warn the Inhabitants of said Town qualified to vote in elections and in Town affairs to meet at the Grammar School gymnasium in said Town of Conway, Saturday, the 4th of June, 2022 at 1:00 p.m. in the afternoon, to act on the following:

ARTICLE 1: To hear the reports of the Selectboard, Town Treasurer, Town Clerk, School Committee, Tax Collector, Board of Health and any committee and act thereon.

ARTICLE 2: To hear the report of the Finance Committee and vote to **raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing**, or take any other action relative thereto; said amounts may be contingent upon a general override of Proposition 2½ to fund a deficit in the operating budget.

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
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%
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**Unanimously approved by the Selectboard and Finance Committee*

ARTICLE 3: To see if the Town will vote to transfer \$82,000 for **capital expenses of the Conway Grammar School from the Conway Grammar School capital stabilization fund**, or take any action relative thereto. *(Two-thirds vote.)*

SUBMITTED BY: Conway Grammar School
 SELECTBOARD RECOMMENDATION: 3-0
 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$52,000 for the **Conway Grammar School capital stabilization fund**, or take any action relative thereto.

SUBMITTED BY: Conway Grammar School
 SELECTBOARD RECOMMENDATION: 3-0
 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 5: To see if the Town will vote to set 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, or take any action relative thereto.

SUBMITTED BY: Selectboard
 SELECTBOARD RECOMMENDATION: 3-0
 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$150,000 for the **Capital Improvements Stabilization Fund**, or take any action relative thereto.

SUBMITTED BY: Selectboard
 SELECTBOARD RECOMMENDATION: 3-0
 FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 7: To see if the Town will vote to create a new **Fire Truck Stabilization fund** or take any action relative thereto.

SUBMITTED BY: Fire Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$100,000 for a new **Fire Truck Stabilization fund** as follows:

Fire Department – \$100,000 to **save for a new rescue pumper (2028)**
or take any action relative thereto.

SUBMITTED BY: Fire Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 0-0-4

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$7,400 for **capital improvements** as follows:

Police Department – \$7,400 for **two portable speed radar detectors**
or take any action relative thereto.

SUBMITTED BY: Police Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 10: To see if the Town will vote to transfer \$27,762 from the Ambulance Receipts fund for a **partial payment for Ambulance Department operational expenses**, or take any action relative thereto.

SUBMITTED BY: Ambulance Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 11: To see if the Town will vote to transfer \$60,000 from the Ambulance Receipts fund into the **Ambulance Stabilization Fund**, or take any action relative thereto.

SUBMITTED BY: Ambulance Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$5,000 to pay for **ongoing ambulance training** or take any action relative thereto.

SUBMITTED BY: Ambulance Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$3,600 for **Ambulance Department 800 MHz Emergency Pagers**, or take any action relative thereto.

SUBMITTED BY: Ambulance Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$18,000 for **Fire Department 800 MHz Emergency Pagers**, or take any action relative thereto.

SUBMITTED BY: Fire Department
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 15: To see if the Town will vote to transfer \$20,000 from free cash into the **OPEB Trust Fund**, to or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 16: To see if the Town will vote to transfer \$13,867 from free cash to the general fund for **partial debt service for the Highway Garage Facility**, or take any action relative thereto.

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 17: To see if the Town will vote to transfer \$10,000 from free cash to the tax title revolving account **to assist the treasurer in collecting delinquent taxes.**

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$10,000 **to cover compensated absences.**

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$5,000 **to provide testing for diseases in mosquitos.**

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$7,984 for **software development for data management modules** for use by the Town Clerk, Board of Registrars and the Election Division.

SUBMITTED BY: Town Clerk
SELECTBOARD RECOMMENDATION: 1-1-1
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$5,000 as a partial contribution for **future revaluation work**, or take any action relative thereto.

SUBMITTED BY: Board of Assessors
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$5,000 as a **partial contribution to replenish the Grant Match and Administration Account**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$2,775 to the **Field Library** to help ensure its accreditation, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 24: To see if the Town will vote to authorize the Treasurer to spend up to \$5,000 from the **Medicaid Revolving Fund** to pay related reimbursement fees, or take any other action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 25: To see if the Town will **vote to request special legislation allowing Ken Ouimette to serve on the Police Department after age 65** until the date of his retirement or until his non-reappointment, whichever first occurs; provided, however, that deductions from the regular compensation of Ken Ouimette shall not be made under chapter 32 of the General Laws for any service subsequent to his reaching age 65 in connection with his service to the town for retirement or pension purposes, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 26: To see if the Town will **vote 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, whichever first occurs; provided, however, that deductions from the regular compensation of Randall Williams shall not be made under chapter 32 of the General Laws for any service subsequent to his reaching age 65 in connection with his service to the town for retirement or pension purposes, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 27: To see if the Town will vote 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, or take any other action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0

ARTICLE 28: To see if the Town will vote to authorize the Select Board to acquire by purchase, deed, gift, eminent domain or otherwise **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, or take any other action relative thereto. (*Two-thirds vote*)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 29: To see if the Town will vote to 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. \$63,850 from the Community Preservation Fund, specifically from the Unbudgeted Reserve Account 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 or take any other action relative thereto.
- B. \$42,388 request from the Historical Society for the Archibald MacLeish Stone House renovation project [Historic Resources Reserve account].
- C. \$21,000 request from the Cemetery Trustees for Howland and Pine Grove for removal of hazardous trees from the Howland Cemetery [Budgeted Reserve account].
- D. From FY 2023 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 2021 Annual Revenues for Administration of the Community Preservation Committee (\$4,750, estimated); and
 - the remainder to the Community Preservation Budgeted Reserve (\$61,750, estimated).

SUBMITTED BY: Community Preservation Committee

ARTICLE 30. To see if the Town will vote to authorize the selectboard to forward the following citizen's petition to the local legislators, or take any action relative thereto.

CITIZEN'S PETITION ON THE FAIR SHARE AMENDMENT

WHEREAS, Massachusetts needed new investments in our transportation and public education systems even before the COVID-19 pandemic, and those investments are needed more than ever to lift our economy into an equitable and long-lasting recovery;

WHEREAS, the best way to help working families and rebuild a strong economy for us all is to make sure that we have quality public schools for our children, affordable public higher education, and a reliable transportation system; and

WHEREAS, for Massachusetts to compete against other regions around the nation and the globe, we need modern, reliable transportation: safer roads and bridges, public transportation that works, and safe ways to walk and bike around town¹; and

WHEREAS, **The Town of Conway** has 1 structurally deficient bridge and 25 miles of overdue road repair and replacement projects; and

WHEREAS, students need a well-rounded education, founded on a rich and varied curriculum that includes science, technology, engineering, and math (STEM), music, art, and athletics; and

WHEREAS, major investments in public education are needed to help students recover academically, socially, and emotionally from the COVID-19 pandemic; and

WHEREAS, tuitions and fees at our public colleges are among the highest in the country, forcing students to take on enormous debt just to receive a degree; and

WHEREAS, new state revenue is necessary to rebuild crumbling roads and bridges, improve our public schools from Pre-K through college, expand access to vocational and technical training invest in fast and reliable public transportation, make public higher education affordable again, and expand opportunities for healthy walking and bicycling; and

WHEREAS, wealthy Massachusetts residents saw their investments grow during the pandemic while working families struggled, and Massachusetts' wealthiest residents should pay their fair share to support our communities and grow our economy.

THEREFORE, let it be resolved that the **Town of Conway** supports the proposed Fair Share Amendment that would create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for the repair and maintenance of roads, bridges, and public transportation.

SUBMITTED BY: Pixie Holbrook
SELECTBOARD RECOMMENDATION: 3-0

PLEASE NOTE: FOR CHANGES SHOWN TO *EXISTING* GENERAL BYLAWS, DELETIONS ARE IN ~~STRIKEOUT~~ AND ADDITIONS ARE UNDERLINED.

ARITCLE 31. To see if the Town will vote to amend its General Bylaws as follows:

Form and Conduct of Town Government **THE TOWN MEETING**

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 May after Annual Town Meeting in~~ each year.

(Amended – Special Meeting – 17 Oct 2011)

Section 2: All business of the ANNUAL TOWN MEETING to be held on the first Saturday ~~afternoon in~~ June ~~at 1:00 p.m.~~

– (Amended – Annual Meeting – 5 June 2021)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARITCLE 32. To see if the Town will vote to amend its General Bylaws as follows:

Legal

Section 4: The Selectboard may annually ~~in April, after final adjournment of the annual Town Meeting,~~ appoint a member of the Bar who is in good standing, to serve as Town Coun~~see~~il for the term of one year from the first day of ~~May~~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 coun~~see~~il to assist said Town Coun~~see~~il whenever, in their judgment necessity therefor arises.

(Amended – February 1974)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARITCLE 33. To see if the Town will vote to amend the general by-laws of the Town of Conway by adding a new section to establish and authorize revolving funds for use by certain Town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E1/2, or take any other action relative thereto.

Revolving Funds

1. **Purpose.** This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E1/2.
2. **Expenditure Limitations.** An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers.)
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law or Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.
3. **Interest.** Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. **Procedures and Reports .** Except as provided in Massachusetts General Laws Chapter 44, Section 53E1/2 and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. **Authorized Revolving Funds.** The Table establishes:
 - A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer.
 - B. The department or agency head, board, committee, or officer authorized to spend from each fund.
 - C. The fees, charges and other monies charged and received by the department, board committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
 - D. The expenses of the program or activity for which each fund may be used.
 - E. Any restrictions or conditions on expenditures from each fund.
 - F. Any reporting or other requirements that apply to each fund, and
 - G. The fiscal years each fund shall operate under this by-law.

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
Medicaid Reimbursement	Town Treasurer	Medicaid Reimbursements from the Federal Government for School Special Education Expenses Paid	Expenses Related to the Administration and Fees for Medicaid Reimbursement	Limit of \$5,000.00 Per Fiscal Year	Any Balance in Excess of the Annual Spending Limit on June 30th of each Fiscal Year shall be Transferred to the General fund	Fiscal Year 2023 and Subsequent Years
Dog Licenses	Town Clerk	Fees Received from Dog Licenses	Animal control expenses & services, dog shelter & tags, and related computer software	Limit of \$6,000.00 per Fiscal Year	None	Fiscal Year 2023 and Subsequent Years
Conway Currents Town Newsletter	Conway Currents Newsletter Committee	Fees received for advertising and subscription from the Conway Currents Newsletter	Supplies and services for the production and distribution of the Conway Currents Newsletter	\$10,000.00 per Fiscal Year	None	Fiscal Year 2023 and Subsequent Years
Conway Youth Sports Program	Conway Youth Sports Director & Committee	Youth Sports Program Fees & Receipts and Private Sponsorships	Supplies, Equipment and Services to support the Youth Sports Programs	\$20,000.00 per Fiscal Year	None	Fiscal Year 2023 and Subsequent Years

SUBMITTED BY: Selectboard
 SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 34. To see if the Town will vote to amend its General Bylaws as follows: replace the word ‘**council**’ with the word ‘**counsel**’ as referenced in the bylaws.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

PLEASE NOTE: FOR CHANGES SHOWN TO EXISTING ZONING BYLAWS, DELETIONS ARE IN STRIKEOUT AND ADDITIONS ARE IN ITALICS.

ARTICLE 35: To see if the Town will vote to amend its existing 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 7.1-7.15 as set forth below or take any other action relative thereto. The complete text of the proposed Zoning Bylaw revisions is on file with the Town Clerk at the Conway Town Offices, 32 Main Street, Conway, MA and is available for inspection during the regular business hours of the Town Clerk and can also be found on-line <https://townofconway.com/wp-content/uploads/2021/10/Zoning-Bylaws-06-05-21.pdf>.

Article 7: FLOOD PLAIN DISTRICT

7.1: Purpose

The purpose of the Floodplain Overlay District is to:

- a) Reduce damage to public and private property resulting from flooding waters*
- b) Ensure public safety through reducing the threats to life and personal injury*
- c) Eliminate new hazards to emergency response officials*
- d) Prevent water quality contamination and pollution due to flooding.*
- e) Avoid the loss of utility services, which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.*
- f) Eliminate costs associated with the response and cleanup of flooding conditions*

7.2: Floodplain District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Conway’s Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated June 4, 1980. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1979. The effective FIRM, and FIS report are incorporated herein by reference and are on file with the Town Clerk and the Floodplain Administrator.

7.3: General information

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes. The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

7.4: Designation of Community Floodplain Administrator

The Town of Conway hereby designates the position of the Town Administrator to be the official floodplain administrator for the Town.

The duties of the Floodplain Administrator include but are not limited to:

- a) Applying the regulations for development in the floodplain overlay district*
- b) Ensuring that permits are applied for when development of any kind is proposed in the floodplain overlay district*
- c) Oversight of the permit process and/or permit application review for development in the floodplain overlay district*
- d) Coordinating with other local departments such as Building Inspector, Highway Department, Planning Board, Zoning Board of Appeals, and Conservation Commission.*
- e) Notifying adjacent communities prior to alteration of a watercourse*
- f) Dealing with compliance issues and enforcement actions such as activities to correct violations of the bylaw, and working with the appropriate local staff to coordinate such efforts*
- g) Maintaining records of floodplain development, and keeping FEMA current and historic maps available for public inspection*
- h) If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:*

*FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110*

And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

7.5: State Variances to Building Code Floodplain Standards

The Conway Floodplain Administrator will request from the State Building Code Appeals Board a written and/or audible copy of the portion of any state hearing related to a variance granted for a property in the town of Conway, and will maintain this record in the community's files.

The Conway Floodplain Administrator shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

7.6: Variances from the Conway Zoning Bylaw related to community compliance with the National Flood Insurance Program (NFIP)

An application for a variance from the requirements of the Floodplain Overlay District, requested from the Zoning Board of Appeals, must meet all the requirements set out by State law and the Zoning Bylaw Article 7. In addition to those requirements, a variance may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

7.7: Permits required for all proposed development in the Floodplain District

The Town of Conway requires a building permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. In addition to any Building Permit issued, the Conservation Commission must review and permit any proposed development in the Flood Plain District.

7.8: Other necessary permits.

The town's permit review process includes the requirement that the proponent obtain all local, state and other permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit a list demonstrating that all necessary permits have been acquired.

7.9: Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the Building Inspector will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

7.10: Floodway encroachment

In Zones A, AI-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.

In Zones AI-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Conway's FIRM Maps, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

7.11: Watercourse alterations or relocations in riverine areas

In a riverine situation, the Conway Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114

- NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

7.12: AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7.13: Recreational vehicles

In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

7.14: Local Enforcement

Local Enforcement. The Floodplain Administrator will be responsible for issuing a notice of non-compliance to the property owner for any non-compliant floodplain development in the Floodplain Overlay District. Such notice will identify the non-compliant development and will contain instructions regarding the actions that the property owner must take in order to come into compliance. Such actions may include, but are not limited to, removal of the structures or paving that might increase flooding or adversely impact flood risks to other properties. Any person violating the Floodplain Overlay District Bylaw shall be subject to a penalty of \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

7.15: Definitions not found in the State Building Code.

Note: National Flood Insurance Program (NFIP) definitions are found in Title 44 of the Code of Federal Regulations, section 59.1. The definitions below refer to their source; if the definition is from the MA building code, it is from the 9th Edition, which meets the minimum standards of the NFIP. In order for the bylaw or ordinance to be clearly understood, it is necessary to define technical terms or key words. An understanding of these terms is a prerequisite to effective administration of the floodplain management bylaw or ordinance. Per FEMA Region I, these additional definitions must be included in local bylaws or ordinances.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or VI-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance of a building permit for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

For the purposes of establishing the Start of Construction, permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, 2015 International Building Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

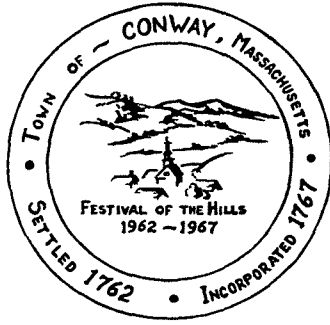
VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59] (**Two-thirds vote**)

SUBMITTED BY: Planning Board

PLANNING BOARD RECOMMENDATION:

The meeting will then adjourn 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.



And you are directed to serve this Warrant, by posting up attested copies thereof in two public places in said Town, seven days at least before the time of holding said meeting.

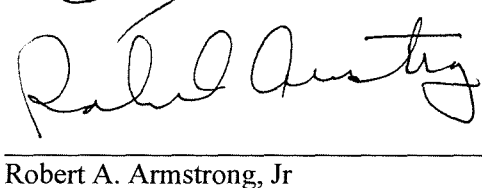
THEREOF FAIL NOT and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 3rd day of May, two thousand twenty-two.



Philip Kantor, Chair

Ronald D. Hawkes, Constable



Robert A. Armstrong, Jr

_____, 2022
(date)



Erica Goleman

Posted at:
Conway Post Office
Baker's Country Store
Town Hall
Town Office Building

TOWN OF CONWAY SELECTBOARD