

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 presented under article 2 in the warrant.

DEPT #	DEPARTMENT NAME	APPROPRIATED FISCAL YEAR 2014	VOTE	FY2015 REQUESTED
114	MODERATOR	350	Passed Unanimously	350
122	SELECTMEN	6,500	Passed Unanimously	6,500
131	FINANCE COMMITTEE	200	Passed Unanimously	200
132	RESERVE FUND	40,000	Passed Unanimously	40,000
135	TOWN AUDIT	13,000	Passed Unanimously	13,000
141	ASSESSORS	44,400	Passed Unanimously	44,400
145	TREASURER	53,379	Passed Unanimously	53,379
146	COLLECTOR	15,697	Passed Unanimously	15,697
150	TOWN ADMIN	78,810	Passed Unanimously	78,810
151	LEGAL	10,000	Passed Unanimously	10,000
161	TOWN CLERK	21,375	Passed Unanimously	21,375
162	REGISTRARS	1,250	Passed Unanimously	1,250
163	ELECTIONS	7,920	Passed Unanimously	7,920
171	CONSERVATION COMMISSION	1,229	Passed Unanimously	1,229
175	PLANNING BOARD	2,500	Passed Unanimously	2,500
176	ZONING BOARD OF APPEALS	175	Passed Unanimously	175
190	PERSONNEL COMMITTEE	100	Passed Unanimously	100
192	BUILDING MAINTENANCE	66,638	Passed Unanimously	66,638
193	TOWN INSURANCE	66,305	Passed Unanimously	66,305
210	POLICE DEPARTMENT	115,650	Passed Unanimously	115,650
220	FIRE DEPARTMENT	51,811	Passed Unanimously	51,811
231	AMBULANCE	15,000	Passed Unanimously	15,000
291	EMERGENCY MANAGEMENT	4,250	Passed Unanimously	4,250
292	DOG WARDEN	1,950	Passed Unanimously	1,950
294	TREE WARDEN	375	Passed Unanimously	375
300A	GRAM SCH OPERATING	1,614,614	Passed	1,612,939
300B	GRAM SCH TRANSPORTATION	95,580	Passed	95,580
320	TECHNICAL SCHOOLS	124,529	Passed	124,529
422	HIGHWAY DEPARTMENT	441,351	Passed Unanimously	441,351
423	WINTER ROADS	120,662	Passed Unanimously	120,662
512	BOARD OF HEALTH	154,383	Passed Unanimously	154,383
541	COUNCIL ON AGING	400	Passed Unanimously	400
543	VETERANS SERVICES	9,720	Passed Unanimously	9,720
630	PARKS, RECREATION, TRAILS	3,700	Passed Unanimously	3,700
691	HISTORICAL COMMISSION	400	Passed Unanimously	400
692	FESTIVAL OF THE HILLS	1,250	Passed Unanimously	1,250
710	FRONTIER CAP BOND	15,769	Passed Unanimously	15,769
750	DEBT SERVICE	66,417	Passed Unanimously	66,417
752	SHORT TERM INTEREST	0	Passed Unanimously	0
830	FRCOG	56,979	Passed Unanimously	56,979
892A	FRONTIER REG OPERATING	1,054,521	Passed Unanimously	1,054,521
892B	FRONTIER TRANSPORTATION	16,001	Passed Unanimously	16,001
900	EMPLOYEE COSTS (insurance)	522,520	Passed Unanimously	522,520
	Grand Totals:	\$4,917,660.00		\$4,915,985

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: 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 Articles 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 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 (by law re unlawful to deposit snow on any Town roadway)

ARTICLE 27: Voted to **accept a new general by-law**, 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 by-laws** 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