

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONWAY
ANNUAL TOWN MEETING WARRANT
Saturday, June 3, 2023**

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, on Saturday, the 3rd day of June, 2023 at 10:00 a.m. in the morning, to act on the following:

ARTICLE 1: **To hear the reports** of the Selectboard, Capital Improvements Planning Committee, 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 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.

A.	DEPT #	DEPARTMENT NAME	FY 2022	FY 2023	FY 2024	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
	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
B.						
	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
C.		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	\$20,281	\$7,454
		TOTAL FRONTIER	\$1,518,797	\$1,571,659	\$1,621,429	\$49,770
	320A	FRANKLIN COUNTY TECHNICAL SCHOOL	\$68,814	\$169,670	\$159,930	-\$9,741
	320B	FCTS TRANSPORTATION	\$2,969	\$7,049	\$5,198	-\$1,851
D.	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
E.	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:	GRAND TOTAL for Operating Budget:	6,344,176	6,573,332	6,862,174	FY 23 to 24:
	\$229,155.62					\$288,842.14
	3.49%					4.21%

**Unanimously approved by the Selectboard and Finance Committee*

ARTICLE 3: 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, 2023 as presented in the budget or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 4: To see if the town will vote, pursuant to Massachusetts General Laws c. 71, §16 G ½ to approve the **Frontier Regional School District** establish a **Capital Stabilization Fund** or take any other action relative thereto.
(2/3rds majority vote)

SUBMITTED BY: Frontier Regional School District
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$10,000 to pay for a state **Fire Marshall approved stage curtain** for the **Conway Grammar School** stage.

SUBMITTED BY: Conway Grammar School
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 6: To see if the Town will vote to appropriate \$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, or take any action relative thereto.

SUBMITTED BY: Town Administrator/Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 7: To see if the Town will vote to transfer \$84,695.07 from the Sale of Real Estate special revenue fund #282 to the Public Safety Building Addition fund, or take any action relative thereto.

SUBMITTED BY: Town Administrator/Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$100,000 for the **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: 4-0 (1 absent)

ARTICLE 9: To see if the Town will vote to transfer \$70,000 from the **Capital Stabilization Fund** for the purchase of a **side entry/exit, rubber tire Compact Loader**, or take any action relative thereto:
(2/3rds majority vote)

SUBMITTED BY: Capital Improvements Planning Committee
SELECTBOARD RECOMMENDATION: 3-0
CAPITAL IMPROVEMENTS RECOMMENDATION: 5-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 10: To see if the Town will vote to transfer \$80,000 from the **Capital Stabilization Fund** for the purchase of a **Plow Truck (one ton four-door shortbed, 6 cylinder, diesel, with new V plow)**, or take any action relative thereto:
(2/3rds majority vote)

SUBMITTED BY: Capital Improvements Planning Committee
SELECTBOARD RECOMMENDATION: 3-0
CAPITAL IMPROVEMENTS RECOMMENDATION: 5-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 11: To see if the Town will vote to transfer \$40,000 from the **Highway Maintenance Building Special Article**, account number 001-422-5851 and authorize its use for the following Capital Items, or take any action relative thereto:

- \$40,000 for a **used 60-70' straight Boom Lift**

SUBMITTED BY: Capital Improvements Planning Committee
SELECTBOARD RECOMMENDATION: 3-0
CAPITAL IMPROVEMENTS RECOMMENDATION: 5-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 12: To see if the Town will vote to transfer \$99,000 from the **Highway Maintenance Building Special Article**, account number 001-422-5851 and authorize its use for the following Capital Items, or take any action relative thereto:

- \$92,000 for an **18" Chipper with winch**
- \$7,000 for a **Chipper box**

SUBMITTED BY: Capital Improvements Planning Committee
SELECTBOARD RECOMMENDATION: 2-1
CAPITAL IMPROVEMENTS RECOMMENDATION: 5-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 13: To see if the Town will vote to transfer \$31,138 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 (1 absent)

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$65,270 to pay for the paving note for **Shelburne Falls Road**, or take any action relative thereto.

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, 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**, or take any action relative thereto.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 16: To see if the Town will vote to authorize the following FY '24 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

or take any action relative thereto.

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 17: To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose stabilization fund, to be known as the **Opioid Settlement Stabilization Fund**, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, **to transfer from available funds a sum of money equal to that received or to be received by the Town from opioid litigation settlements** resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.
(2/3rds majority vote)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 18: To see if the Town will vote to transfer \$20,000 from free cash into the **OPEB Trust Fund**, or take any action relative thereto.

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 19: To see if the Town will vote to transfer \$12,811 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 (1 absent)

ARTICLE 20: To see if the Town will vote to authorize the **Treasurer and Collector to enter into compensating balance agreements** for Fiscal Year 2024 as permitted by M.G.L. c. 44, section 53F, or take any other action relative thereto.

SUBMITTED BY: Treasurer
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 3-0 (2 absent)

ARTICLE 21: 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 (1 absent)

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide up to \$24,000 for **conversion expenses for use by the Board of Assessors**, or take any action relative thereto.

SUBMITTED BY: Board of Assessors
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 23: 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 (1 absent)

ARTICLE 24: 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: Town Administrator
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide \$2,845 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 (1 absent)

ARTICLE 26: To see if the Town will vote to **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 or take any action relative thereto.

May 14, 2018 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.)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

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 (1 absent)

ARTICLE 28: To see if the Town will vote to 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 over 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, or take any other action relative thereto.

Both parties have stated in writing that this is their preferred method for transfer of property ownership to the Town.
(2/3rds majority vote)

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0
FINANCE COMMITTEE RECOMMENDATION: 4-0 (1 absent)

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. \$17,000 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]
- B. \$45,000 to the Town of Conway Selectboard to provide a match for a \$450,000 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)

SUBMITTED BY: Community Preservation Committee
SELECTBOARD RECOMMENDATION: 3-0

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

ARTICLE 30. To see if the Town will vote to amend its General Bylaws as follows; or to take any other action relative thereto:

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.~~
f) All voting members appointed must not be currently paid employees of the Town of Conway.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 31. To see if the Town will vote accept the provisions of its General Bylaws to adopt the following provision:

M.G.L. Chapter 39, Section 23D: for all adjudicatory hearings with the Town, which will allow members of local adjudicatory boards to miss one session of public hearing and still be able to vote on an application, provided that member has reviewed transcript, watched or listened to recording and certified they have done so, or to take any other action relative thereto.

M.G.L. c 39, Section 23D: Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

Section 23D. (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.
(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.

SUBMITTED BY: Selectboard
SELECTBOARD RECOMMENDATION: 3-0

ARTICLE 32: To see if the Town will vote to amend its General Bylaws by adding the following bylaw to the Town Bylaws pursuant to M.G.L. c.44, section 53G, or to take any other action relative thereto:

Expenses for advertising, notices, inspections and professional review will be borne by the applicant.

A. As provided by M.G.L. Ch. 44 §53G, any Town of Conway Board, Committee, Officer or Commission may impose reasonable fees for the employment of outside consultants, engaged by the Official, Board, Committee or Commission for specific expert services when in the opinion of the Official, Board, Committee or Commission the services are necessary for the Official, Board, Committee or Commission to come to a final decision on an application submitted to the Official, Board, Committee or Commission pursuant to the requirements of: The Town of Conway Zoning or General Bylaws, Town of Conway Subdivision Regulations, or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Official, Board, Committee or Commission may also impose fees for other consultant services for the review of the plans, surveys or inspections under any of the above-referenced laws or regulations.

B. Special Account. Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Official, Board, Commission or Committee without further appropriation as provided in G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant and only in connection with the Official, Board, Commission or Committee carrying out its responsibilities under the law.. Expenditures of accrued interest may also be made for these purposes. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest.

C. Reporting Requirements. The Town Accountant shall submit annually a report of said special account(s) to the Select Board and Town Administrator for their review. The report shall be published in the town annual report. The Town Account shall submit annually a copy of this report to the director or the bureau of accounts.

D. Consultant Services. In hiring outside consultants, the Official, Board, Committee or Commission may engage professional engineers, planners, landscape architects, wildlife scientists, lawyers, designers, or other appropriate professionals able to assist the Official, Board, Committee or Commission and to ensure compliance with all relevant laws, ordinances, bylaws and regulations. Specific consultant services may include but are not limited to analysis of applications, title searches, mapping of lot and/or municipal boundaries and/or right of way, and environmental or land use law. Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Official, Board, Committee or Commission. The consultant shall be chosen by, and report only to, the Official, Board, Committee or Commission and/or its administrator. Consultant's retained shall have an educational degree in or related to the field at issue or three or more years of practice in the filed at issue or a related field.

E. Appeals of Choice of Consultant. Applicants may appeal the selection of the consultant to the Select Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The required time limits for action upon an application by the Official, Board, Committee or Commission shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Select Board within one month following the filing of the appeal, the selection made by the Official, Board, Committee or Commission shall stand. Such an administrative appeal shall not preclude further judicial review if otherwise permitted by law, on grounds provided for in this section.

M.G.L. Chapter 44 Section 53G

Notwithstanding the provisions of section fifty-three, any city or town which accepts the provisions of this section may establish in the city or town treasury a revolving fund which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited the receipts received in connection with the conduct of self-supporting recreation and park services of said city or town. The principal and interest thereon shall be expended at the direction of the authority, commission, board or official of such city or town with said responsibility without further appropriation, but only with the written approval of the mayor in cities, or city manager in Plan E cities, or the selectmen in towns, or in towns which have adopted the town manager form of government the town manager and only for the purpose of operating self-supporting recreation and park services. The city auditor or town accountant shall submit annually a report of said revolving fund to the mayor, city council, city manager, board of selectmen or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts; provided, however, that funds in said revolving fund shall not be used for the purpose of paying any wages or salaries for full-time, as defined in the guidelines issued by the director of accounts, recreation and park employees; provided, further, that the unreserved fund balance shall not exceed ten thousand dollars at the close of each fiscal year and any such amount in excess of ten thousand dollars shall be paid into the city or town treasury as provided in section fifty-three.

A city or town which has accepted the provisions of this section may, in like manner, revoke its acceptance; provided, however, that any city or town may require by by-law or ordinance, that the provisions of this section may be subject to annual authorization by a vote of the annual town meeting or city council.

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 33: To see if the Town will vote to amend its existing Zoning Bylaws by amending Article 11, Adult Use Recreational Marijuana Establishments, section 11.5R as follows:

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 *amended or* renewed thereafter only in accordance with this Article 11 and Section 63 (Special Permit) and Section 64 (Site Plan Review) of these bylaws.

*(a) Exception to change of ownership requirements for a Craft Marijuana Cultivation Cooperative operated in accordance with 935 CMR 500.05: (3). The Cooperative shall annually, on or before December 31 of each calendar year provide the Conway Selectboard and Planning Board with the names and total number of all owners of the Cooperative.
(2/3rds majority vote)*

SUBMITTED BY: Planning Board
PLANNING BOARD RECOMMENDATION: 3-0 (2 absent)

ARTICLE 34: To see if the Town will vote to amend its existing Zoning Bylaws by amending Article 8 as follows:

ARTICLE 8: WIRELESS TELECOMMUNICATIONS FACILITIES *(added 23 October 2000)*

8.0 Purpose:

The purpose of this Wireless Telecommunications 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. *(Amended 11 April 2005)*

8.1 Definitions:

Wireless Communications Facility (“WCF”) refers to equipment (typically tower mounted) at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications; and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Monopole: a self-supporting structure consisting of a single pole of structurally suitable materials used to support antennas and related equipment. This includes a “monopine” or similar monopoles camouflaged to resemble trees or other objects.

Small Cell Wireless Communications Facilities: (“SCWCF”) are telecommunications facilities typically mounted on structures 50 feet or less in height including their antennas (as defined in FCC 47 CFR § 1.1320(d)); or

a) Are typically mounted on structures no more than 10 percent taller than other adjacent structures; or

b) Do not typically extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

And, where each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is typically no more than 3 cubic feet in volume;

And, where all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is typically no more than 28 cubic feet in volume.

And, where the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified by 47 CFR, section 1.1307(b).

This Bylaw does not apply to satellite dishes and antennas for residential use. *(Amended 11 April 2005)*

8.2 Wireless Communications Facility Requirements

The Conway Planning Board shall issue Special Permits to a Wireless Communications Facility (“WCF”) developer, or 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) Recognize the Conway Planning Board as the sole permit granting authority, for the town of Conway.

(b) Demonstrate that existing WCF cannot accommodate applicant’s needs.

~~e) Be responsible for the cost of designing the entire wireless communication infrastructure for the entire Town of Conway.~~

(c) Contact other wireless carriers, currently licensed in Massachusetts, and demonstrate having made sufficient provisions for their shared and cooperative use of WCF.

(d) Demonstrate that proposed new WCF will:

(1) Maximize use for all currently licensed carriers.

(2) Protect the town’s aesthetic concerns by addressing issues such as color, camouflage, and screening of the WCF, protection of ridge lines, preservation of on-site vegetation, and illumination — all to minimize visual impact. *(Amended 11 April 2005)*

(3) Use existing structures where possible. (i.e., high tension tower, inside steeples, disguised on water towers, on public buildings), and where free-standing antennae 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. *(Amended 11 April 2005)*

(5) If mounted to an existing structure, be allowed to extend above the height of that structure if the Planning Board finds that the mount is appropriately camouflaged and/or screened from view, or the mount is otherwise compatible with the context of the site on which it is located; provided that no such mount may extend more than 12 feet above the building or structure.

(6) If a free-standing monopole, not be sited: within a distance equal to the height of the tower from a structure, or private or public ways that are not part of the WCF; or from a property line.

(7) Minimize fragmentation of open space areas and permanently protected open space when feasible and shall not have a significant harmful impact on native plant and animal species in the vicinity protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A).

(8) Comply with existing building codes and the Conway Protective Bylaw.

(9) Not alter the character-defining features, distinctive construction methods, or original historic materials of any historic structure or of any building within a state, local or federal historic district. Any alteration made to a historic structure to accommodate a WCF shall be fully reversible.

(10) Be surrounded by a barrier sufficient to provide safety and security.

(11) Ensure equipment shelters and outdoor equipment for WCF shall, under normal operations, together not generate noise in excess of 50 decibels at the property line of any abutter — except for temporary emergencies.

- (e) Meet requests by the Town for access and antenna space to serve the needs of the Town's emergency service providers. *(Amended 11 April 2005)*
 - (f) 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 WCF. *(Amended 11 April 2005)*
 - (g) Not post any advertising on proposed facilities.
 - (h) 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.
 - (i) 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.
 - (j) Provide, if applicable, a written statement that the proposed WCF 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.
 - (k) *Ensure all equipment proposed for the WCF shall be authorized per the most recent revision of "FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation" or any other applicable FCC Guidelines and regulations, and 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.*
 - (l) *Provide access to the site by a roadway that respects the natural terrain, does not appear as a scar on the landscape, and is approved by the Fire Chief to assure emergency access at all times. Designs must minimize erosion, construction on unstable soils and steep slopes.*
 - (m) *Submit a plan for maintenance of access roads and stormwater controls, as well as general procedures for operational maintenance of the WCF, which plan will be binding on future owners.*
 - (n) *File an agreement by the town, property owner and applicant governing town access to the site in case of decommissioning.*
 - (o) *File an agreement signed by the town, property owner and applicant creating a no-cut zone around the WCF, per Planning Board order of conditions specific to the site.*
- All material modifications to a WCF made after issuance of the required building permit shall require approval by the Planning Board.*

8.3: Small Cell Wireless Communication Facility Requirements

Small cell wireless communication facilities ("SCWCF") are a type of broadband infrastructure that typically takes the form of small antennas that are placed on existing infrastructure (both indoors and outdoors) and poles along public rights of way. These facilities help to compliment or stretch longer distance WCF coverage and add capacity in high demand areas. SCWCF typically have a range that varies from a few hundred feet to upwards of 1,000 feet, and operate at lower power. SCWCF, typically intended for 4G and 5G equipment, are not a substitute for macrocell sites.

Siting of SCWCF facilities is subject to Planning Board special permit approval and shall seek to:

- (1) Prevent interference with the use of streets, sidewalks, alleys, roads, traffic light poles or other light poles, and other public ways and places;*
- (2) Prevent creation of visual and physical obstructions, or other conditions that are hazardous to vehicular and pedestrian traffic;*
- (3) Protect against environmental damage;*
- (4) Preserve the character of neighborhoods by preventing visual blight;*
- (5) Preserve the historical character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods that are in local historic districts or on the National or State Register of Historic Places.*
- (6) Minimize adverse visual and auditory impacts on abutters.*

8.4 Severability:

If any portion of this Bylaw is determined to be invalid, it shall not render the rest of the bylaw invalid.

Original adopted 23 October 2000; Approved by Attorney General 26 February 2001 Amended 11 April 2005 (2/3 majority vote)

SUBMITTED BY: Planning Board

PLANNING BOARD RECOMMENDATION: 5-0

ARTICLE 35: 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. **Resolution to Make Conway a Pollinator-Friendly Community**

Citizen Petition: To see if the town will vote to approve the attached non-binding resolution to designate Conway as a pollinator-friendly community (as a number of nearby towns have done) and to prioritize native plantings in municipal landscaping and restoration efforts. See attached article for details.

We, the undersigned, qualified voters of the Town of Conway, request that the article appearing below be placed in the warrant for the annual town meeting of June 3, 2023.

The purpose of this advisory, non-binding resolution is to encourage the appreciation and support of pollinators, including birds, bees, butterflies, moths and other beneficial insects, especially by prioritizing native plant species. It aims to support a resilient and diverse natural environment in Conway by joining in a commitment with other towns (including Ashfield, Plainfield, Cummington, Amherst, Great Barrington, North Adams, and Northampton). It also supports efforts initiated by Conway residents who developed The Conway Pollinator Action Plan as part of a larger plan for Franklin County.

WHEREAS, bees, moths, butterflies and other pollinators are an essential component of a healthy ecosystem and provide ecological services that support plant and animal life;

WHEREAS, locally grown fruits and vegetables, such as apples, blueberries, strawberries, squash, melons, and tomatoes depend on pollinators;

WHEREAS, most local bird species rely on vast quantities of caterpillars in order to thrive and reproduce;

WHEREAS, many native caterpillars and other beneficial insects have very specific feeding needs that can only be satisfied with the native plant species they have co-evolved with;

WHEREAS, considerable scientific research has documented the steep decline of many insect species;

WHEREAS, our local ecosystems that support pollinators are under tremendous threat from climate change, habitat loss and fragmentation, assaults by non-native invasive species, the expanded use of pesticides, light pollution, and the spread of pollutants, pathogens and parasites;

WHEREAS, the Town of Conway is cognizant of the need for safe and healthy landscapes for its residents and habitat for necessary pollinators.

NOW, THEREFORE, BE IT RESOLVED that the Town of Conway is hereby declared a Pollinator-Friendly

Community, and that the town urges Conway property owners, residents, town departments and committees, land trusts and business owners to adopt the following pollinator-friendly practices:

- Prioritize the planting of native species in landscaping, land management and restoration efforts;
- Avoid the use of insecticides, and minimize the use of other types of pesticides (including herbicides, fungicides and rodenticides);

3/27/2023

- Avoid the planting of flowering plants or seeds treated with neonicotinoids or other systemic insecticides;
- Adopt practices of organic or chemical-free lawn care and landscaping, and pollinator-friendly outdoor lighting;
- Plant diverse seed mixes for lawns that include low flowering ground covers, and reduce lawn mowing schedules so as to allow these flowering ground covers to bloom, thereby lowering overall maintenance costs and pollution;
- Consider replacement of excess turfgrass with native plants including low maintenance, flowering ground covers, wildflowers, shrubs and trees;
- Limit mowing of non-cultivated fields to 1/3 of the acreage, rotating the mowing area on an annual basis and, when possible, only mowing after the first hard frost;
- Allow fallen leaves, pine needles, plant stalks, and seed heads to remain, especially along property borders under trees and shrubs, as they provide overwintering sites and food for insects and birds.

AND BE IT FURTHER RESOLVED that the Town shall endeavor to sponsor or encourage educational programs and demonstration projects, such as pollinator gardens, to assist citizens and businesses in making Conway pollinator friendly.

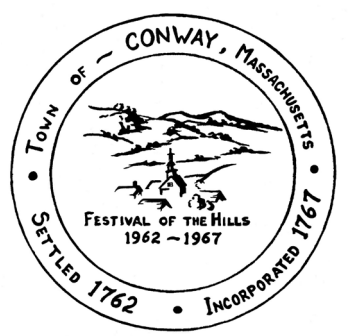
The Town Clerk is requested to send copies of this resolution to Governor Maura T. Healey, Massachusetts Department of Agricultural Resources Commissioner Ashley E. Randle, State Senator Paul W. Mark, and State Representative Natalie M. Blais, or to take any other action relative thereto.

SUBMITTED BY: Cayte McDonough

SELECTBOARD RECOMMENDATION: 3-0

The meeting will then adjourn 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:

- One member of the Selectboard for three years;
- One member of the Board of Assessors for three years;
- Two members of the Board of Health for three years;
- Two members of the Local School Committee for three years;
- Moderator for one year;
- Two members of the Planning Board for three years;
- Tree Warden for three years



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 2nd day of May, two thousand twenty-three.

Philip Kantor, Chair

Ronald D. Hawkes, Constable

_____, 2023
(date)

Erica Goleman

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

Christopher Waldo

TOWN OF CONWAY SELECTBOARD