

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF CONWAY
ANNUAL TOWN MEETING WARRANT
11 April, 2011**

FRANKLIN, SS To either of the Constables of the Town of Conway in said county, **GREETINGS.**

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 in said Town of Conway, Monday, the Eleventh day of April, 2011 next at 7:30 p.m. in the evening to act on the following:

ARTICLE 1: To hear the report of the Selectmen, 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 raise and appropriate only, by taxation, such sums of money as may be deemed necessary to defray the Town charges for the year ensuing. Said amounts may be contingent upon a general override of Proposition 2 ½ to fund a deficit in the operating budget.

DEPT #	DEPARTMENT NAME	FISCAL 2011	REQUESTED FISCAL 2012	FINANCE COMMITTEE RECOMMEND
114	MODERATOR	\$350.00	\$350.00	\$350.00
122	SELECTMEN	\$9,500.00	\$24,300.00	\$24,300.00
130	FINANCE COMMITTEE	\$500.00	\$300.00	\$300.00
132	RESERVE FUND	\$30,000.00	\$40,000.00	\$40,000.00
134	TOWN AUDIT	\$13,000.00	\$0.00	\$0.00
135	TOWN ACCOUNTANT	\$16,849.00	\$17,025.00	\$17,025.00
141	ASSESSORS	\$41,153.00	\$48,294.00	\$48,294.00
145	TREASURER/COLLECTOR	\$62,899.00	\$64,547.00	\$64,547.00
151	LEGAL DEPARTMENT	\$7,500.00	\$8,500.00	\$8,500.00
152	PERSONNEL COMMITTEE	\$200.00	\$2,000.00	\$2,000.00
155	TECHNOLOGY SERVICES	\$5,000.00	\$5,000.00	\$5,000.00
159	TOWN OFFICE	\$37,980.00	\$37,592.00	\$37,592.00
161	TOWN CLERK	\$19,220.00	\$20,565.00	\$20,565.00
162	ELECTIONS & REGISTRATIONS	\$6,895.00	\$5,050.00	\$5,050.00
163	BOARD OF REGISTRARS	\$1,250.00	\$1,250.00	\$1,250.00
171	CONSERVATION COMMISSION	\$1,400.00	1,310.00	1,310.00
175	PLANNING BOARD	\$550.00	\$550.00	\$550.00
176	ZONING BOARD OF APPEALS	\$175.00	\$175.00	\$175.00
192	TOWN HALL	\$24,925.00	\$28,106.00	\$28,106.00
194	TOWN OFFICE BUILDING	\$16,225.00	\$17,506.00	\$17,506.00
195	TOWN REPORT	\$2,600.00	\$2,600.00	\$2,600.00
210	POLICE DEPARTMENT	\$102,018.00	\$107,842.00	\$107,842.00
220	FIRE DEPARTMENT	\$41,287.00	\$46,513.00	\$46,513.00
221	FIREMEN'S BLDG HEATING	\$3,000.00	\$3,750.00	\$3,750.00
231	AMBULANCE	\$15,000.00	\$50,592.00	\$50,592.00
291	EMERGENCY MANAGEMENT	\$3,500.00	\$3,500.00	\$3,500.00
292	DOG WARDEN	\$650.00	\$650.00	\$650.00
294	TREE WARDEN	\$2,375.00	\$2375.00	\$2,375.00
296	RIGHT-TO-KNOW	\$50.00	\$50.00	\$50.00
300A	GRAM SCH OPERATING BUDGET	\$1,485,464.00	\$1,473,694.00	\$1,473,694.00
300B	GRAM SCH TRANSPORTATION	\$57,080.00	\$87,080.00	\$87,080.00
300C	GRAM SCH FIXED ASSETS	\$0.00	\$0.00	\$0.00
400	HIGHWAY DEPARTMENT	\$317,305.00	\$341,069.00	\$341,069.00
423	WINTER ROADS – HIGHWAY	\$170,203.00	\$187,223.00	\$187,223.00
424	STREET LIGHTS	\$6,000.00	\$6,000.00	\$6,000.00
510	BOARD OF HEALTH	\$158,369.00	\$160,679.00	\$160,679.00
541	COUNCIL ON AGING	\$500.00	\$500.00	\$500.00
542	HISTORICAL COMMISSION	\$200.00	\$200.00	\$200.00
543	VETERANS SERVICE	\$5,141.00	\$15,741.00	\$15,741.00
630	PARKS, RECREATION AND TRAILS COM	\$2,500.00	\$2,500.00	\$2,500.00
650	REC FIELD COMMONS MOWING	\$5,000.00	\$5,000.00	\$5,000.00
692	FESTIVAL OF THE HILLS	\$800.00	\$800.00	\$800.00
693	HOLIDAY TREE LIGHTING	\$250.00	\$250.00	\$250.00
710	RETIREMENT OF DEBT	\$180,000.00	\$0.00	\$0.00
750	DEBT SERVICE INTEREST	\$3,240.00	\$40,000.00	\$40,000.00
751	FRONTIER CAP. IMPROVE BOND	\$49,508.00	\$40,555.00	\$40,555.00
820	FRANKLIN COUNTY RETIREMENT	\$119,340.00	\$124,129.00	\$124,129.00
830	FRANKLIN REG. COUNCIL OF GOV.	\$57,184.00	\$59,602.00	\$59,602.00
891	TECHNICAL SCHOOLS	\$153,193.00	\$181,074.00	\$181,074.00
892A	FRONTIER REGIONAL SCHOOL OPER.	\$807,831.00	\$874,025.00	\$874,025.00
892B	FRONTIER REGIONAL SCHOOL TRANS.	\$20,895.00	\$16,406.00	\$16,406.00
913	UNEMPLOYMENT COMPENSATION	\$9,570.00	\$8,800.00	\$8,800.00
914	INSURANCE GROUP HEALTH	\$297,824.00	\$325,000.00	\$325,000.00
915	INSURANCE GROUP LIFE	\$1,800.00	\$1,900.00	\$1,900.00
916	MEDICARE HOSPITAL INSURANCE	\$25,000.00	\$27,500.00	\$27,500.00
920	INSURANCE GENERAL LIABILITY	\$72,428.00	\$66,870.00	\$66,870.00
	Grand Totals:	\$4,472,676.00	\$4,586,889.00	\$4,586,889.00

ARTICLE 3: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, take from stabilization, or otherwise provide the sum of \$6,000.00 as the first installment to pay for the triennial FY2014 **Property Revaluation** budget, or take any action relative thereto.

FC Recommend

ARTICLE 4: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$1,652.00, to provide funding for **Local Library** operations and expenses, or take any action relative thereto.

FC Recommend

ARTICLE 5: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$15,000.00 for the purpose of pursuing **Tax Lien Foreclosures** in land court and any expenses incurred thereafter, or take any action thereto.

FC Recommend

ARTICLE 6: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$100,000.00 for the Town **General Stabilization Fund** account to make available for future capital expenditures, or take any action relative thereto.

FC Recommend

ARTICLE 7: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$100,000.00 for the Town **Capital Stabilization Fund** account to make available for future capital expenditures, or take any action relative thereto.

FC Recommend

ARTICLE 8: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$100,000.00 for the Town **Garage Stabilization Fund** account to develop assets for the design and construction of a new Town Garage, or take any action relative thereto.

FC Recommend

ARTICLE 9: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$25,000.00 for the Town **Ambulance Stabilization Fund** account to make available for the future purchase of a new ambulance, or take any action relative thereto.

FC Recommend

ARTICLE 10: To see if the Town will vote to transfer from Receipts Reserved for Appropriation in the amount of \$35,683.00 to defray the operating costs associated with the **Ambulance Department**, or take any action relative thereto.

FC Recommend

ARTICLE 11: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$9,500.00 for the purpose of replacing the hot water **Heating Boiler** and any associated costs, such as materials and labor, in the Town Office Building, or take any action thereto.

FC Recommend

ARTICLE 12: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$6,000.00 for the purchase of **Fire-Resistant** vertical file cabinets for the following Town departments: Treasurer(2), Board of Health(1), Personnel Committee(1), Ambulance(1).

FC Recommend

ARTICLE 13: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of \$5,000.00 for the purpose of a preliminary engineering study to improve drainage for the **Town Recreation Area** located on Academy Hill Road, or take any action relative thereto.

FC Recommend

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

(Cont.)

(Cont.)

Appropriations

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

To provide Reserves from FY2012 Annual Revenues

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

FC Recommend

ARTICLE 15: To see if the Town will vote to enter into discussions with other Western Massachusetts municipalities with the intent of forming an inter-municipal agreement, by and through the Selectboard, that will establish a universal, open access, financially self-sustaining communication system, capable of providing **High-Speed Broadband** internet, telephone and cable service for all locations in Conway, pursuant to M.G.L. Chapter 40, Section 4A, or take any action relative thereto.

FC Recommend

ARTICLE 16: To see if the Town will vote to raise and appropriate, take from free cash, transfer from available funds, or otherwise provide the sum of not more than \$1,000.00 to become a founding member of the **WiredWest** municipal cooperative, or take any other action thereto.

FC Recommend

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

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

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

FC Recommend

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

FC Recommend

ARTICLE 19: To see if the Town will vote to approve the expansion of the size of the **Board of Selectmen** from three (3) members to five (5) members, pursuant to M.G.L. Chapter 41, Section 2, that increases or decreases the number of officers or Board members, and to allow for a vote of such new members at Town election, and for terms for the first new member shall run for two (2) years, and three (3) years for the second additional member, with each subsequent term lasting for three (3) years each thereafter, or take any action thereto. (Petitioned)

FC N/A

Articles pertaining to Bylaws:
 new text is ***in bold and in italics***
 deleted text is ~~struck through~~.

ARTICLE 20: To see if the Town will vote to **Amend Section 8** in the Town of Conway (“Conway”) General Bylaws, Form and Conduct of Town Government, Town Officers, Boards and Committees the text as follows:

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

- 1) The committee shall be composed of the following persons:
 - a) three (3) Conway residents appointed by the Town Moderator as voting members for a term of three (3) years;
 - b) one (1) Conway resident, appointed by the Selectboard as a voting member for a term of two (2) years;

- c) one (1) **Conway** resident, serving on or appointed by the Finance Committee as a voting member for a term of one (1) year;
 - d) ~~one (1) Town Employee as a non-voting member for a term of one (1) year, as determined by all voting members of the committee;~~
 - e) A majority of the voting members of the committee shall constitute a quorum;
 - f) Members shall serve without compensation and shall serve until their successors are appointed and sworn in;
 - g) Appointments will begin July 1 of each year;
 - h) The Personnel Committee will meet a minimum of one time per quarter;
 - i) All voting members appointed must not be a current employee or elected official for a period of three (3) years prior to serving on the personnel committee.
- 2) The purpose of the Personnel Committee Bylaw is to establish a permanent Personnel Committee (“Committee”) to serve in an advisory capacity to the Selectboard (Board) and other appropriate Town committees and personnel.
 - 3) The roles and responsibilities of the Personnel Committee will be in the areas of personnel matters and personnel policy for the Town of Conway, which will include the following for all Town employees:
 - a) ~~compilation~~ **reconstruction** and revision of **Conway** personnel handbook outlining policies including, but not limited to, attendance, benefits, classification, compensation, discrimination, employee discipline, employee safety, grievances, harassment, privacy policies, substance abuse, termination, worker compensation, working hours, workplace civility;
 - b) ~~creation, revision and periodic update of all job descriptions, with the addition of specific~~ **Development of and periodical updates to** salary ranges and individual job requirements **to be given to the Selectboard;**
 - c) ~~establishment of~~ **Work with the Selectboard to develop** a uniform system of performance evaluations and salary levels for each department;
 - d) create procedure booklet for documenting processes including, but not limited to, new and replacement hiring process, termination process;
 - e) review and recommend employee training and professional development to Selectboard.
 - 4) Ongoing tasks of the Personnel Committee will include the following, **in consultation and cooperation with the Selectboard;**
 - a) ~~administer~~ **Assist in administering** and interpretation of the personnel handbook;
 - b) ~~review~~ **Assist in administering and interpreting** various personnel requests from Town department heads, including but not limited to new or revised position descriptions, promotional and special salary increases, leaves of absence, existing policy revisions, review compensation and benefits annually, ~~administer~~ **assist in administering and interpreting** procedures, write/revise job descriptions as needed, review and requests for extraordinary salary changes;
 - c) ~~hear employees’ complaints/grievances and submit recommended resolution(s) to the Selectboard for final resolution,~~ **Serve as a resource to the Selectboard for the resolution of complaints and grievances,** with the exception of school personnel as per M.G.L. Chapter 40, Section 21B;
 - d) ~~conduct all initial screening of job candidates.~~
 - 5) All hiring and firing decisions, as well as updates to any policy changes will be made by the Conway Selectboard, ~~with the assistance of~~ **after reviewing** recommendations made by the Personnel Committee.
 - 6) The Committee shall act in an advisory capacity to the Town Meeting and shall prepare a written report on all warrant articles involving personnel matters as approved by the Board.
 - 7) The Committee shall make an annual report, in writing, to the Board on or before January 15 of each year to be included in the town report.

FC Recommend

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

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

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

FC Recommend

ARTICLE 22: To see if the Town will vote to **Add Section 9** in the Town of Conway General Bylaws, Form and Conduct of Town Government, Town Officers, Boards and Committees the text as follows:

Section 9: *All persons elected to any position within Town government shall be legal residents of the Town of Conway.*

FC N/A

ARTICLE 23: To see if the Town will vote to amend the Frontier Regional **School District Agreement** as follows or take any other vote or votes in relation thereto:

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

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

A. Composition

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

B. Appointed Members

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

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

C. Elected Members

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

Delete paragraph D. Interim Committee

Change E to D. Vacancies and add final sentence

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

Change F. Organization to E. Organization

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

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

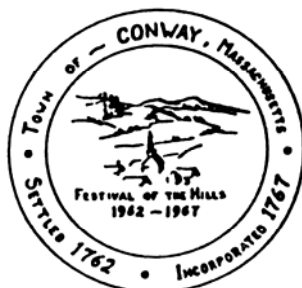
G. Quorum: A quorum for the transaction of business shall be a majority of the committee and greater than 50% of the weighted vote membership, but a number less than a majority may adjourn any meeting. Passage of any measure shall require a majority of the committee and greater than 50% of the weighted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

FC N/A

ARTICLE 24: A resolution to seek lower electric rates in a competitive market: Whereas, the Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry; and Whereas, the citizens of the Town of Conway in Franklin County have substantial economic, environmental, and social interests at stake; and Whereas, Conway’s residential and business consumers are interested in reducing their electricity rates;

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

FC N/A



The meeting will then adjourn until Thursday, April 14, 2011 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m., to bring in their votes for one Selectboard member for three years, one Assessor for three years, two members of the Board of Health for three years, two members of the local School Committee for three years, one member of the Planning Board for three years, one Moderator for one year, and one Tree Warden for three years.

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.

THERE OF 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 28th day of March in the year of our Lord, two thousand eleven.

Maureen Chase, Chairperson

Ronald D. Hawkes, Constable
March , 2011

Victor C. Trombley

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

Jim Moore