



Commonwealth of Massachusetts  
**Town of Conway, Massachusetts**

**Annual Town Meeting**  
**09 May 2016**

**A**T A LEGAL TOWN MEETING of the inhabitants of the Town of Conway qualified to vote in town affairs, convened at the time and place and for the purpose specified in the warrant, 169 voters were checked at the door and issued yellow cards for the purpose of voting. Linda Baker, Aina Barten, Lorraine Boyden, and Winona Corse served as checkers. The meeting was called to order by Moderator J. Nicholas Filler, and the meeting unanimously voted to dispense with the formality of having the warrant read by the Town Clerk. The following action was taken by those persons in attendance:

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

**ARTICLE 2:** Voted to hear the report of the Finance Committee and raise and appropriate only, by taxation, \$5,315,991 as indicated below:

DEPT #	DEPARTMENT NAME	APPROPRIATED FY 2017	VOTE
114	MODERATOR	\$ 350	Passed
122	SELECTMEN	6,500	Passed
131	FINANCE COMMITTEE	200	Passed
132	RESERVE FUND	40,000	Passed
135	TOWN AUDIT	13,000	Passed
141	ASSESSORS	54,359	Passed
145	TREASURER	53,138	Passed
146	COLLECTOR	17,203	Passed
150	TOWN ADMIN	89,074	Passed
151	LEGAL	10,000	Passed
159	INFORMATION TECHNOLOGY	20,000	Passed
161	TOWN CLERK	29,855	Passed
162	REGISTRARS	1,250	Passed
163	ELECTIONS	8,415	Passed
171	CONSERVATION COM.	1,050	Passed
175	PLANNING BOARD	3,160	Passed
176	ZONING BOARD OF APPEALS	100	Passed
190	PERSONNEL COMMITTEE	100	Passed
192	BUILDING MAINTENANCE	72,659	Passed
193	TOWN INSURANCE	77,850	Passed
210	POLICE DEPARTMENT	121,200	Passed
220	FIRE DEPARTMENT	52,263	Passed
231	AMBULANCE	15,000	Passed
291	EMERGENCY MANAGEMENT	4,250	Passed
292	DOG WARDEN	2,000	Passed
294	TREE WARDEN	375	Passed
300A	GRAM SCH OPERATING	1,714,868	Passed
300B	GRAM SCH TRANSPORT	77,762	Passed
320	TECHNICAL SCHOOLS	204,094	Passed
422	HIGHWAY DEPARTMENT	456,150	Passed
423	WINTER ROADS	121,414	Passed
512	BOARD OF HEALTH	168,729	Passed
541	COUNCIL ON AGING	400	Passed
543	VETERANS SERVICES	9,766	Passed
630	PARKS, RECREATION, TRAILS	7,755	Passed
691	HISTORICAL COMMISSION	400	Passed
692	FESTIVAL OF THE HILLS	0	Passed
710	FRONTIER CAP BOND	0	Passed
751	DEBT SERVICE	63,710	Passed
752	SHORT TERM INTEREST	1	Passed
830	FRCOG	55,585	Passed
892A	FRONTIER REG OPERATING	1,147,753	Passed
892B	FRONTIER TRANSPORTATION	13,067	Passed
900	EMPLOYEE COSTS	581,186	Passed
	<b>Grand Totals:</b>	<b>\$ 5,315,991</b>	

*Motion made and passed to consider Article 7 following article 2*

**ARTICLE 7:** Unanimously voted that the Town transfer \$50,000 from free cash for the **Conway Grammar School Capital Stabilization Account.**

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

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*The meeting then returned to the articles in order.*

**ARTICLE 3:** Voted to appropriate \$151,000 **to pay a portion of the costs of purchasing a pumper truck for the Fire Department**, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to *either lease or* borrow said amount under and pursuant to Chapter 44, Section 7 (subsection 9) of the General Laws or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that any bonds issued pursuant to this vote shall mature in not more than 5 years from their date of issue, excluding the term of any notes that may be issued in anticipation of the issuance of any such bonds, said borrowing to be contingent upon the passage of a proposition 2½ debt exclusion ballot question.

NOTE: Motion was made, seconded, and voted to add the words "*either lease or*" to the wording of the article *(The Moderator declared the article passed by a two-thirds majority on a voice vote.)*

**ARTICLE 4:** Voted that the Town transfer \$285,000 from the Capital Stabilization Fund **to pay a portion of the costs of purchasing or leasing a pumper truck for the Fire Department**.

NOTE: Motion was made, seconded, and voted to add the words "*or leasing*" to the wording of the article. *(The Moderator declared the article passed by a two-thirds majority on a voice vote.)*

**ARTICLE 5:** Voted that the Town raise and appropriate \$125,000 for the **Capital Stabilization Account**.  
*(The Moderator declared a two-thirds majority on a voice vote.)*

**ARTICLE 6:** Voted that the Town transfer \$100,000 from free cash for the **Highway Garage Stabilization Account**.  
*(The Moderator declared a two-thirds majority on a voice vote.)*

**ARTICLE 7:** (Voted following Article 2)

**ARTICLE 8:** Unanimously voted that the Town transfer \$42,000 from the Fiscal Year 2016 Winter Roads account to a special account for **engineering work on Delabarre Avenue**.

**ARTICLE 9:** Unanimously voted that the Town raise and appropriate \$30,000 for the **250<sup>th</sup> Anniversary Committee**.

**ARTICLE 10:** Unanimously voted that the Town raise and appropriate \$20,000 for the **General Stabilization Fund**.  
*(The Moderator declared a two-thirds majority on a voice vote.)*

**ARTICLE 11:** Unanimously voted that the Town transfer \$24,131 from ambulance receipts for the **Ambulance Stabilization Fund**.  
*(The Moderator declared a two-thirds majority on a voice vote.)*

**ARTICLE 12:** Unanimously voted that the Town transfer \$22,499 from ambulance receipts reserved for **operating expenses for the Ambulance Department**.

**ARTICLE 13:** Unanimously voted that the Town transfer \$10,000 from the overlay surplus account for the **triennial revaluation of property**.

**ARTICLE 14:** Voted to table the article regarding **\$3,000 to promote financial transparency through the web-based VisualGov budget presentation program**.  
*(The Moderator declared the article tabled by a two-thirds majority on a voice vote.)*

**ARTICLE 15:** Unanimously voted that the Town raise and appropriate \$2,125 to make funding available for **local library operations and expenses**.

**ARTICLE 16:** Unanimously voted that the Town raise and appropriate **\$400 for the Open Space Committee**.

**ARTICLE 17:** Unanimously voted that the Town raise and appropriate **\$250 for the Agricultural Commission**.

**ARTICLE 18:** Voted that the Town raise and appropriate **\$200 for the U. S. Flag Fund**.

**ARTICLE 19:** Voted that the Town appropriate or to reserve for later appropriation monies from the **Community Preservation Fund** as recommended by the Community Preservation Committee as set forth herein, the following amounts for community preservation purposes with each item considered a separate appropriation.

**Appropriations**

- A. To appropriate \$7,604 from Annual Revenues (FY16) for Administration of the Community Preservation Committee

**To provide Reserves from FY 2016 Annual Reserves**

- B. \$15,209 to the Community Preservation Historical Resources Reserve  
\$15,209 to the Community Preservation Community Housing Reserve  
\$15,209 to the Community Preservation Open Space Reserve  
\$98,866 to the Community Preservation Budgeted Reserve

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**ARTICLE 20:** Voted that the town raise and appropriate \$19,400 to **conduct private well water and air quality testing** for a predetermined baseline sample of occupied residences potentially impacted by the proposed NED pipeline route through Conway, Massachusetts, provided there is reasonable assurance the pipeline will be constructed.

**ARTICLE 21:** Voted that the Town allow the use of \$5,000 of the total amount raised and appropriated under Article 12 of the May 11, 2015 annual Town Meeting for legal fees to grant to the Town of Montague to **help pay the legal expenses of Montague's intervention** in Massachusetts Dept. of Public Utilities docket 15-178 (or any subsequent assigned number), the DPU's review of a proposed contract by Berkshire Gas to purchase gas transportation on the "supply path" of the proposed Northeast Energy Direct (NED) pipeline, including any regulatory or court appeals, contingent on the continuance of the application of Berkshire Gas for natural gas from the Northeast Direct pipeline.

**ARTICLE 22:** Voted that the Town will establish a **Conway Sports Revolving Account** as per M.G.L. Chapter 44, Section 53E½, for the support of community sports programs. Funds deposited into this account shall be 1) those generated through fees charged to individuals participating; and 2) any donations earmarked for said programs; and 3) any private sponsorship of said programs, and to authorize the Sports Director and the Parks, Recreation, and Trails Committee to expend from this fund for the stated purpose without future appropriation subject to the restrictions contained in M. G. L., Chapter 44, Section 53E½ an amount not to exceed \$20,000 per year; expenditures not to be made, or liabilities incurred, in excess of the balance of the fund at any given time.

NOTE: IN **ARTICLES 23 AND 24** REGARDING CHANGES TO EXISTING TOWN BYLAWS – DELETIONS ARE INDICATED IN ~~STRIKEOUT~~ AND ADDITIONS IN *ITALICS*.

**ARTICLE 23:** Voted to **amend the General By-laws by adopting the following as Section 2 under "Town Officers, Boards, and Committees"**, and re-numbering the subsequent sections:

*Section 2: Only Conway residents shall be allowed to serve as voting members of Boards, Committees, and Commissions.*

**ARTICLE 24:** Voted to **amend the General By-laws by adding a sentence to Section 1 under "Financial"**, to read:

*An audit of the accounts of the Town shall be made annually (or biannually) under the supervision of the State Division of Accounts as the Director of Accounts shall arrange, and provided by Section 25 of Chapter 44 of the General Laws. The Selectmen may enter into contracts for this purpose for up to and including five years.*

**ARTICLE 25:** Voted to **authorize the Select Board to close individual Town roads** in case of dangerous driving conditions. (*Motion made, seconded and successfully voted to add the word **individual** to the text*)

**ARTICLE 26:** Unanimously voted that the Town accept General Laws Chapter 44, Section 53F¾, regarding public access to Public, Educational, and Government (PEG) cable content, which **establishes a special revenue fund known as the PEG Access and Cable Related Fund**, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, and to have the accounting officer transfer any balance in the existing PEG Access account to the accepted fund at the beginning of fiscal year 2017, or take any other action relative thereto, and additionally, **authorize the Board of Selectmen to enter into contracts of up to ten years with a PEG Access provider.**

NOTE: IN **ARTICLES 27 AND 28** REGARDING CHANGES TO EXISTING TOWN BYLAWS – DELETIONS ARE INDICATED IN ~~STRIKEOUT~~ AND ADDITIONS IN *ITALICS*.

**ARTICLE 27:** Voted to **amend the General Bylaws under "Unregistered Motor Vehicles"** by Striking Sections One through Four, renaming the original Section Five as Section One and adding a new Section Two as shown below:

**Section 1:** Whoever violates any provisions of Section 32.5 of the Protective Bylaws of the Town of Conway, Unregistered Motor Vehicles, shall be liable to a penalty of five dollars (\$5.00) per day for each day of violation, commencing ten days following the receipt of written notice from the Board of Selectmen or their designees.

**Section 2:** *Applicants seeking to be licensed by the Selectboard to do business under Massachusetts General Laws Chapter 140, Section 58, Classes 1 – 3 and intending to keep more than one unregistered motor vehicle on the premises and not in an enclosed building must obtain a Special Permit from the Planning Board in accordance with section 32.5 of the Protective Bylaws of the Town of Conway prior to issuance of said license. This regulation shall be in effect for new applicants and for transfers of ownership initiated after the effective date of this regulation.*

ARTICLE 28: Voted to amend the Protective By-laws, Section 32.5 Unregistered Motor Vehicles as shown below.

**32.5: Unregistered Motor Vehicles**

The keeping of more than one unregistered motor vehicle, of any kind, on any premises, assembled or disassembled, shall not be permitted, with the following exceptions;

32.5-1: Said motor vehicles are stored within an enclosed building and in keeping with State Fire laws and Regulations.

32.5-2: A special permit is granted by the Planning Board. Such a Special Permit may be granted after a duly called public hearing to which all abutters to the premises have received notice, and if the Planning Board finds that such keeping: (1) is in harmony with the general purpose and intent of this Bylaw; (2) will not adversely affect the neighborhood; and (3) will not be a nuisance.

32.5-3: All such special permits granted shall specifically limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time.

32.5-4: This article shall not apply to motor vehicles which are designed and used for farming purposes or to contractor's equipment, nor shall this article apply to land owners or tenants who store motor vehicles out of sight of abutters and public ways.

32.5-5 Applicants seeking to be licensed by the Selectboard to do business under Massachusetts General Laws Chapter 140, Section 58, Classes 1 – 3 and intending to keep more than one unregistered motor vehicle on the premises and not in an enclosed building must obtain a Special Permit prior to issuance of said license.

The Moderator declared a two-thirds majority vote on the basis of a hand-count: YES = 93 and NO = 18

ARTICLE 29: Voted to table the article regarding the addition of **parcel 8.2 and parcel 8.3 from Assessor's Map 411 to the Solar Overlay District.**

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

ARTICLE 30: Voted that the Town **dissolve the Festival of the Hills Committee and the Festival of the Hills Scholarship Board.**

ARTICLE 31: Voted to **hear the report of the Downtown Wastewater Feasibility study committee.**

At 10:35 p.m. the meeting adjourned until Thursday, May 12, 2016 to the Town Hall between the hours of 11:00 a.m. and 7:00 p.m. to bring in votes for the following:

- One Selectman for three years;
- One Assessor for three years;
- One member of the Board of Health for three years;
- One member of the local School Committee for three years;
- One member of the local School Committee for two years;
- One member of the Frontier Regional School District School Committee for three years;
- One member of the Planning Board for three years;
- One member of the Planning Board for one years;
- One Town Clerk for three years;
- Three constables for three years; and
- One Moderator for one year;

And to vote on the following questions:

**QUESTION 1:** Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town? Yes \_\_\_ No \_\_\_.

**QUESTION 2:** Shall the Town be allowed to exempt from the provisions of Proposition 2½, so-called, the amounts required to pay for the bond issued in order to purchase a pumper truck for the Fire Department? Yes \_\_\_ No \_\_\_.

A true record of the Meeting,  
Attest:

\_\_\_\_\_  
Virginia A. Knowlton, Town Clerk