



Town of Conway, Massachusetts

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General Bylaws of the Town of Conway, Massachusetts

General Bylaws as adopted on 7 May 1952 with Amendments and revisions current to 09 May 2016.

General

Section 1: The following provisions shall constitute the General Bylaws of the Town of Conway which shall be in lieu of all bylaws heretofore in force.

Section 2: The repeal of a bylaw shall not thereby have the effect of reviving any bylaw heretofore repealed.

Section 3: Words or phrases specifying or naming any officer, board or committee of the Town shall be construed as including the lawful successor or the person or persons having the powers and performing the duties of such officer, board or committee.

Section 4: Any or all of these articles may be repealed or amended or other bylaws may be adopted at any Town Meeting, an article or articles for that purpose having been inserted in the warrant for such meeting, by Selectmen.

Form and Conduct of Town Government

THE TOWN MEETING

Section 1: The ANNUAL TOWN MEETING for the election of Town Officers shall be considered the adjournment of the Town Meeting and shall be on the following Thursday of May in each year.

(Amended – Special Meeting – 17 Oct 2011)

Section 2: All business of the ANNUAL TOWN MEETING to be held on the second Monday evening in May at 7:30 p.m.

(Amended – Special Meeting – 17 Oct 2011)

Section 3: The polls shall be opened at eleven o'clock in the morning and shall remain open until seven o'clock in the evening.

Section 4: Notices for every Town Meeting shall be given by posting attested copies of the warrant therefor in at least two public places in the Town not less than seven days fixed for such meeting.

Section 5: Articles for the warrant will be received by the Selectmen not less than sixty days before the date set for the meeting. Articles from regional organizations, including regional school districts and the Franklin Regional Council of Governments, are exempt from warrant closing deadlines. If petitioned, each article must be signed by ten registered voters. This shall not be construed to prohibit the Board of Selectmen from re-opening the warrant if it so desires.

(Amended – Annual Meeting – 14 April 1986) (Amended – Annual Meeting – 12 April 2010)

(Amended – Special Town Meeting – 31 January 2011) (Amended – Annual Meeting – 11 May 2015)

Section 6: As soon as the Town Reports are received from the printer, the Selectmen shall cause to be mailed, or otherwise delivered, a copy to each head of family.

Section 7: At least three days before the date of any special Town Meeting the Selectmen shall cause to be mailed, or otherwise delivered, to each head of family of the Town, a notice of the business to be transacted.
(Amended –10 Feb 1969)

Section 8: As soon as practical after the adjournment of any Town Meeting, on a vote to adjourn to another day, the Town Clerk shall cause a brief statement of the day and hour to which adjournment was voted, to be posted in at least two public places and, if time permits, such notice to be given to the papers.

Section 9: The number of voters necessary to constitute a quorum shall be twenty-five provided, however, that a number less than a quorum may from time to time adjourn the same. This section does not apply to such parts of a meeting as is devoted exclusively to the election of Town officers.

Section 10: Articles of the warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.

Section 11: All motions shall be presented in writing if so directed by the Moderator.

Section 12: If a motion is susceptible of division, it shall be divided and the questions put separately upon each part thereof, if ten of the voters present so request.

Section 13: On proposed amendments involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote shall be a negative vote on any smaller amount.

Section 14: Any person who is employed as an attorney by another interested in any matter under consideration at a Town Meeting shall disclose the fact of his employment before speaking thereon.

Section 15: When a question is put, the sense of the meeting shall be determined by a show of hands, and the Moderator shall declare the vote as it appears to him. If the decision of the chair is doubted, or a division of the house is called for, the Moderator shall request all persons in the house to be seated, and may appoint tellers. The question shall then be distinctly stated and those voting in the affirmative and negative respectively, shall rise and stand in their places until they are counted by the Moderator or tellers, if any.

Section 16: The meeting may order that the vote on any motion shall be taken by a “yes or no” ballot.

Section 17: No person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice without first obtaining leave of the meeting, except in either case for the brief correction of an error in or misunderstanding of his previous statement.

Section 18: No person shall speak for more than ten minutes on any question unless his time shall be extended by vote of the meeting.

Section 19: No vote of the meeting shall be reconsidered unless notice of intention to ask for reconsideration shall have been given within one hour after the vote to which such notice relates has been passed.

Section 20: All committees shall report as directed by the Town. If no report is made within one year after its appointment, a committee shall be discharged, unless in the meantime, the Town shall have granted an extension of time.

Section 21: No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this shall not preclude the postponement of any article to an adjournment of the meeting to the stated time and place.

TOWN OFFICERS, BOARDS AND COMMITTEES

Section 1: The Selectmen shall have the general direction and management of the property and affairs of the Town. When deemed advisable, care and operation of certain properties and affairs may be delegated to other persons or committees.

Section 2: Only Conway residents shall be allowed to serve as voting members of Boards, Committees, and Commissions. *(Amended- Annual Meeting - 09 May 2016)*

Section 3: It shall be the duty of the Town Clerk immediately after every Town Meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committee; and also to notify all officers, boards and committees of all votes passed at such meetings in any way affecting them.

Section 4: There shall be a Finance Committee of six 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), (Amended – Annual Meeting – 11 April 2011)

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.

Section 5: Under Chapter 60, Section 2 of the General Laws, the Tax Collector, once in each week or oftener, pay over to the Treasurer all moneys received by him during the preceding week or lesser period on account of taxes and interest, including any sums received as interest on moneys received by him on account of taxes and interest and deposited in any bank. *(Amended – Annual Meeting – April 1980)*

Section 6: Removed 12 April 2010

Section 7: Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies and other similar documents owned by the Town, except that the bonds given by the Treasurer, the Collector of Taxes to the Town shall be in the custody of the Selectmen.

Section 8: The Board of Selectmen shall have the right to take any steps necessary to apply for any federal, state, or private grants without prior Town Meeting approval.

(Amended – Annual Meeting – April 1980)

Section 9: **Personnel Bylaw** - There shall be a five (5) 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) one (1) Conway residents appointed by the Town Moderator as voting members for a term of three (3) years; *(Amended- Annual Meeting - 11 May 2015)*
- 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) A majority of the voting members of the committee shall constitute a quorum;
- e) Members shall serve without compensation and shall serve until their successors are appointed and sworn in;
- f) Appointments will begin July 1 of each year;
- g) The Personnel Committee will meet a minimum of one time per quarter;
- h) 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) 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) Development of and periodical updates to salary ranges and individual job requirements to be given to the Selectboard;
 - c) 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) Assist in administering and interpretation of the personnel handbook;
 - b) 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, assist in administering and interpreting procedures, write/revise job descriptions as needed, review and requests for extraordinary salary changes;
 - c) 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;
- 5) All hiring and firing decisions, as well as updates to any policy changes will be made by the Conway Selectboard, 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. *(Adopted – Annual Meeting – 12 April 2010)*
(Amended – Annual Meeting – 11 April 2011)

Section 9: Community Preservation Committee

- A. There is hereby established a Community Preservation Committee, consisting of seven voting members pursuant to M.G.L Chapter 44B, Section 5. The composition of this Committee, the appointing authority, and the term of office for each Committee member shall be as follows:
 - (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
 - (2) One member of the Historical Commission as designated by the Commission for a term of three years.
 - (3) One member of the Planning Board as designated by the Board for an initial term of one year and thereafter for a term of three years.
 - (4) If a Board of Park Commissioners or Recreation Commission exists, then one member of that Commission as designated by them for an initial term of two years and thereafter for a term of three (3) years. Should said Board of Park Commissioners or Recreation Commission not exist, then this position shall be named by the town Recreation and Trails Committee or its successors, serving as described above in this section.
 - (5) If a Housing Authority exists, one member of the Housing Authority as designated by the Authority for an initial term of one year and thereafter for a term of three years. Should the Housing Authority not exist, then this position shall be appointed from the Housing Committee. If none of these groups exist, then the member shall be determined from and by the Council on Aging.
 - (6) Two at-large members to be appointed by the Selectboard, appointed for initial terms of two years and thereafter for terms of three years.
- B. The initial appointment will end on June 30th of the last year of the appointment. Thereafter, terms shall run from July 1st through June 30th of the last year of the term.
- C. If a person designated by one of the boards, commissions, or committees set forth above no longer serves on the appointing authority, the appointing authority shall name a new member to complete that term. If any of the commissions, boards or authorities listed in this section no longer exists for whatever reason, the Selectboard shall appoint a person with similar interests to serve in his or her place.
- D. Any member of the Committee may be removed for cause by his or her respective appointing authority after a hearing conducted by such appointing authority.

- E. Vacancies shall be filled by the appointing authority within 60 days by appointment for the unexpired term. (Adopted – Special Town Meeting – 31 January 2011)

Financial

Section 1: 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, as 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. (Amended- Annual Meeting - 09 May 2016)

Section 2: No records or equipment belonging to the Town are to be taken from the Town Office.

Section 3: THE RESERVE FUND, CHAPTER 40, SECTION 6 OF THE GENERAL LAWS: To provide for extraordinary or unforeseen expenditures, the Town may, at an annual Town Meeting, appropriate a sum, not exceeding five percent of the tax levy of the preceding year, to be known as the Reserve Fund. No direct drafts against this fund shall be made, but transfers from the fund may, from time to time, be voted by the Finance Committee of the Town; the Town Accountant or the officer of the Town performing his duties, shall make such transfers, accordingly.

(Adopted – Annual Meeting - 6 March 1961)

Section 4: Deleted 12 May 2014

Section 5: Deleted 12 May 2014

Section 6: RESALE OF OBSOLETE PERSONAL PROPERTY (Under Chapter 40, Section 21, clause 11 of the General Laws) Any board or officer in charge of a department of the Town may, with the approval of the Selectmen, sell any personal property of the Town within the possession or control of the Department, which has become obsolete or is not required for further use by the department and which does not, in the opinion of the Selectmen, exceed five-hundred (\$500.00) in value.

(Adopted – Annual Meeting – 6 March 1961)

Legal

Section 1: The Selectmen shall be agents of the Town to institute, prosecute and defend and all claims, actions and proceedings to which the Town is party, or in which the interests of the Town are or may be involved.

Section 2: The Selectmen may at their discretion, compromise or settle any claim or suit to which the Town is a party, which does not require the payment by the Town of an amount in excess of two thousand five-hundred dollars (\$2,500.00). No settlement of a claim or suit obligating the Town in an amount in excess of two thousand five-hundred dollars (\$2,500.00) shall be made except as authorized by law, without the consent of the Town Meeting. (Amended – Annual Meeting – 11 April 2005)

Section 3: The Selectmen in their annual report shall state what actions have been brought against the Town in behalf of the Town, what cases have been compromised or settled, and the current standing of all suits at law involving the Town or any of its interests.

Section 4: The Selectmen may annually in April, after final adjournment of the annual Town Meeting, appoint a member of the Bar who is in good standing, to serve as Town Council for the term of one year from the first day of May following, and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term, and may employ special council to assist said Town Council whenever, in their judgment necessity therefor arises. (Amended – February 1974)

Section 5: It shall be the duty of the Town Council to conduct the prosecution, defense and compromise of claims, actions and proceedings to which the Town is a party and the prosecution of actions or proceedings by or on behalf of the Town Officers, Boards or Committees, as such:

- ❑ to conduct the defense of any action or proceedings brought against the Town, Board or Committee as such, when the Selectmen, having determined that any right or interest of the Town are or may be involved therein, shall so request;
- ❑ to conduct proceedings brought by or against the Assessors before the Board of Tax Appeals;
- ❑ to assist in the prosecution of complaints for violation of any bylaw of the Town, when requested to do so by the Board or Officer enforcing same;
- ❑ to examine and report upon titles to all land to be acquired by the Town;
- ❑ to prepare or approve contracts, bonds, deeds and other legal instruments in which the Town is a party or in which any right or interest of the Town is involved;
- ❑ to appear at any and all hearings on behalf of the Town whenever his services may be required;
- ❑ and generally to advise and act for the Town Officers, Boards and Committees upon and in legal matters touching the duties of their respective offices.

Records

Section 1: All Officers, Boards and Committees of the town shall cause records of their doings and accounts to be kept in suitable books. Said books shall, unless otherwise provided by law, be open for public inspection at any reasonable time, but shall remain during such inspection, under supervision of the Officer, Board or Committee having custody thereof.

Section 2: All Officers, Boards, Standing Committees and Special Committees of the Town having charge of the expenditure of Town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the Town Accountant (Treasurer) for statements in detail of receipts and expenditures, and may make therein recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the annual Town Report. *(Amended—Annual Meeting—11 April 2005)*

Section 3: The annual Town Report shall contain in addition to the reports of the Officers, Boards and Committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the Town treasury in the financial year preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, of receipts, payments, and abatements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liabilities of the Town on bonds, notes, certification of indebtedness or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the Town since publication of the last annual report; and such other matters as the said report is by law required to contain, or may be inserted by the Selectmen, under the discretion granted them by law.

Section 4: The Selectmen of the Town may direct that the Assessors' valuation list, the bylaws and standing votes of the Town and the rules or regulations adopted by any Officer, Board or Committee be printed either separately or as part of the annual Town Report.

Condition and Development of Property

PUBLIC NUISANCE

Every owner of land within the limits of the Town of Conway, upon which is located an abandoned well, or well in use, shall forthwith either provide a covering for such well capable of sustaining a weight of three-hundred pounds or shall fill the same to the level of the ground.

The penalty for violation of this bylaw shall be a fine of not less than one-hundred dollars nor more than five-hundred dollars as authorized under Section 21 of Chapter 40, Paragraph 20, of the General Laws. *(Adopted – Special Meeting – 6 June 1960)*

**REGULATION OF THE BOARD OF HEALTH OF THE TOWN OF CONWAY
ADOPTED UNDER THE AUTHORITY OF SECTIONS 128A AND 31 OF CHAPTER 111**

It shall be the legal duty of every person, firm or corporation, owning the site of a demolished or removed building or structure, in the Town of Conway, to level the site to a uniform grade by sanitary fill, suitable to prevent rodent infestation and other sanitary and dangerous conditions.

The penalty for violation of this regulation shall be the imposition of a fine, not to exceed the sum of twenty dollars for each infraction. *(Adopted – 1966)*

Unregistered Motor Vehicles

(Adopted – Annual Meeting – 14 Feb 1966) (Amended- Annual Meeting - 09 May 2016)

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.

Recycling Requirements

Residents of every household shall separate waste material into the following categories before depositing same for disposal: (1) glass; (2) cans and containers; (3) paper; (4) other waste. If no separation takes place, waste materials shall not be accepted at the disposal location. Repeat offenders shall be liable of a fine per offense to be set by regulation of the Board of Health.

(Adopted – Annual Meeting – 10 April 1989)

Dogs

DOG LEASH LAW

This bylaw requires the restraint of any dog within the Town of Conway by a chain or leash not exceeding eight feet in length, unless such dog is on the premises of the owner or keeper, or upon the premises of another person with permission of such other person. *(Adopted – May 1974)* If any dog owner or keeper is found to be out of compliance with the dog leash law, a fine of no more than \$20.00 shall be assessed in accordance with this Bylaw for the first offense, and \$50.00 per offense thereafter.

(Amended 12 April 2010)

DOG LICENSING DEADLINE AND FINES

All dogs four (4) months of age and older owned or kept in the Town of Conway must be licensed by July 1 each year. A fine of ten dollars (\$10.00), in addition to the regular licensing fee, shall be assessed for every dog a dog-owner fails to properly license, in accordance with M.G.L. Chapter 140, by July 1 of any year. Such fine shall be increased to twenty-five dollars (\$25.00), in addition to the regular licensing fee, for every dog a dog-owner fails to properly license, in accordance with M.G.L. Chapter 140, and whose dog is still unlicensed at the time that a complaint is filed in Greenfield District Court against the dog-owner for keeping an unlicensed dog.

(Adopted – Annual Meeting – April 1996)

Town Infrastructure

(adopted – Special Town Meeting – 17 Oct 2011)

Section 1: **Stretch Energy Code**, for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115 AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, is on file with the Town Clerk.

Non-Criminal Disposition

(adopted – Annual Town Meeting – 12 May 2014)

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.

Winter Parking

(adopted – Annual Town Meeting – 12 May 2014)

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.