

**TOWN OF HEATH  
COMMONWEALTH OF MASSACHUSETTS  
ANNUAL TOWN MEETING  
May 6, 2023 9:00 a.m.**

The meeting, held at the Jacobs Road Municipal Center at 18 Jacobs Road, Heath, was called to order at 9:07 a.m. by Moderator Eric Sumner with a quorum present. There were 86 registered voters, or 15 percent of the total 559 voters, present.

Before reviewing the articles, the Moderator reviewed town meeting protocol, the use of microphone for speaking, and the seating location for non-voters attending the meeting.

**Article 1:** The reports of the Town Officers as published in the 2022 Annual Report were unanimously approved as presented.

Brian DeVriese noted the dedications in the 2022 Annual Report for Jack Gougeon, and Bob and Del Viarengo. A round of applause in appreciation for Bob Viarengo, who was in attendance of the meeting, was given.

**Article 2:** The Town Clerk read the results of the Annual Town Election held on May 5th. Elections of officers not elected by ballot was taken up. The following offices were elected on the Town Meeting floor for the ensuing year:

Fence Viewers	Board of Assessors Michael Cucchiarra Karen Brooks
Tree Warden	Steven Thane
Measurers of Wood & Bark	Nathan Clark Daniel Clark
Field Drivers	Michelle Howe Jonathan Diamond Karen Brooks Nina Marshall Brian DeVriese Michael Freeman Jeff Peck Luke Inman
Sexton	Matthew Lively

A motion was made, seconded and approved by majority to move up articles 7 and 8 and to act on them in that order. Russ Kaubris, Business Manager of the Franklin County Technical School spoke to Articles 7 and 8.

**Article 7:** The Town voted unanimously to raise and appropriate the sum of **\$75,200.00** to be used for payment of the Franklin County Technical School Operating Assessment.

**Article 8:** The Town voted unanimously to raise and appropriate the sum of **\$2,325.36** to be used for payment of the Franklin County Technical School Capital Assessment.

A motion was made, seconded and approved unanimously to move up articles 4, 5, 6, 13, 18, 19 and 20 and to act on them in that order. Sheryl Stanton, Superintendent of the Mohawk Trail School District and Budge Litchfield, School Committee Representative, spoke to the articles.

**Article 4:** The Town voted unanimously to raise and appropriate the sum of **\$1,001,276.00** to be used for payment of the Mohawk Trail Regional School District Operating Assessment.

**Article 5:** A motion was made and seconded to see if the Town will vote to raise and appropriate the sum of \$17,005.00 for payment of the Mohawk Trail Regional School District Capital Assessment. An amendment to the motion, made by Budge Litchfield, was passed unanimously; and the amended motion, which follows, was also passed unanimously:

The Town voted unanimously to raise and appropriate the sum of **\$12,436.00** for payment of the Mohawk Trail Regional School District Capital Assessment.

**Article 6:** The Town voted unanimously to raise and appropriate the sum of \$4,569.00 to be used for payment of the Colrain Central School Capital Assessment.

As the next article required a four-fifths vote for passage the Moderator appointed and swore in Gloria Fisher and Bill Fontes as counters.

**Article 13:** The Town voted by four-fifths majority to transfer the sum of **\$20,000.00** from Free Cash to the MTRSD FY22 Operating Assessment Error Account. Hand count vote count: 73 Ayes, 4 Nays

**Article 18:** A motion was made and seconded to see if the Town would vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT **Section IV Apportionment of Expenses among Member Towns, Subsections (A) through (J)** as specified in the warrant article.

The article failed.

Sheryl Stanton and Budge Litchfield spoke to the updating of wording in the regional agreement to better reflect the student population by using foundation enrollment; school choice, nor charter schools, were in effect when the original regional agreement was written. Tom Lively (Finance Committee) and Susan Lively (Select Board) spoke to the article having come in late so time was not available to study all the financial impacts this wording change may have for Heath.

**Article 19:** A motion was made and seconded to see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT **Section VI – Budget** as specified in the warrant article.

The article failed unanimously.

**Article 20:** A motion was made and seconded to see if the Town will vote to amend the MOHAWK TRAIL REGIONAL SCHOOL DISTRICT – REGIONAL DISTRICT AGREEMENT by **striking** the following language contained in **Section XV Effective Date**:

This amended Agreement shall take full effect in accordance with its terms on July 1, 2018 and shall supersede the prior District Agreement, including any prior amendments.

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**and** replacing said language with the following:

**This amended Agreement shall take full effect in accordance with its terms, following approval by all member towns and by the Commissioner of Elementary and Secondary Education, on July 1, 2023, and shall supersede the prior District Agreement, including any prior amendments. Nothing in this amended Agreement shall affect the apportionment of assessments to member towns prior to Fiscal Year 2025**

The article failed.

**Article 3:** The Town voted by a majority declared by the Moderator to raise and appropriate, or otherwise provide, a sum or sums in accordance with the proposed budget to defray the operating expenses of the Town for the fiscal year ending June 30, 2024 as outlined in the Article 3 FY24 handout attached at the end of these minutes All of the line items passed as requested with the exception of Line 19 Legal Fees. A member of the Select Board motioned that the requested amount be \$15,000.00; this was seconded; the amended amount passed.

**Article 9:** The Town voted unanimously to raise and appropriate the sum of **\$15,000.00** for the Special Projects Account.

Selectboard noted special projects they hope to address include painting at Sawyer Hall and Community Hall, door and step work at Community Hall.

**Article 10:** The Town voted by majority to raise and appropriate the sum of **\$4,600.00** for the Landfill Expenses Account.

**Article 11:** The Town voted unanimously to transfer during FY2023 the sum of **\$5,668.38** from Free Cash to the Smith Vocational and Agricultural High School Tuition account.

Note: Tuition was for student enrolled for 2 months.

**Article 12:** The Town voted unanimously to transfer during FY2023 the sum of **\$2,053.66** from Free Cash to the Smith Vocational and Agricultural High School Transportation account

Note: Transportation for student enrolled for 2 months.

**Article 14:** The Town voted unanimously to transfer the sum of **\$34,329.98** from the Flagg Hill Improvements FY22 account to the Avery Brook Road Tree Removal account



**Article 15:** A motion was made and seconded to see if the Town would vote to appropriate the sum of **\$195,000.00** for the purchase and equipping of a new or used highway cab and chassis including any incidental and related costs, and to meet this appropriation that the sum of \$104,000.00 be transferred from the Equipment/Vehicle Stabilization account, \$37,432.96 be transferred from Free Cash account, and that the Treasurer, with the approval of the Select Board, be authorized to borrow the sum of \$53,145.00 under and pursuant to the provisions of M.G.L. c. 44, §7 or any other enabling authority, and to issue bonds or notes of the Town therefor.

As the article required a two-thirds majority vote for passage the Moderator appointed Gloria Fisher and Bill Fontes as counters.

Ayes- 26 Nays-14

The motion did not achieve two-thirds majority, therefor the motion failed.

**Article 16:** The Town voted unanimously to transfer the sum of **\$5,000.00** from the Tax Collector Software Stabilization Account to the Accountant Software Stabilization Account

**Article 17:** The Town voted unanimously to transfer the sum of **\$5,602.94** from the Tax Collector Software Stabilization Account to the IT Stabilization Account.

**Article 21:** The Town voted unanimously to accept a sum of money under the provisions of M.G.L. c. 90 to be expended for roadway improvements and to authorize the Board of Selectmen to enter into a contract with Massachusetts Highway Department for such purposes.

**Article 22:** The Town voted unanimously to authorize all Town departments, boards, and committees to apply for any new state or federal grants without prior permission from the Board of Selectmen, and to authorize the Board of Selectmen to accept such grant awards providing no matching funds or other costs are required by the Town.

**Article 23:** The Town voted unanimously to transfer during FY23 the sum of **\$822.01** from the Revolving Fund for Animal Control Officer for the use of the Heath Free Public Library.

**Article 24:** A motion was made and seconded 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 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.

An amendment to the motion was made by the Selectboard inserting the amount of \$521.32 after the words 'sum of money', the amendment passed; the amended motion passed unanimously.



Creation of this account is the recommended means for depositing monies that have been received as part of the Opioid Settlement. Over the course of the next 15 years of payment, the Town is scheduled to receive \$4,464.70. Amount received to date is \$521.32.

**Article 25:** The Town voted unanimously pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish a new revolving fund, to be known as the Community Hall Use Revolving Fund; and further, to amend the Heath General Bylaws, Section 7, 7.3 Revolving Funds by inserting a new row at the end of the Table of authorized revolving funds as follows:

REVOLVING FUND PROGRAM OR PURPOSE	DEPARTMENT RECEIPTS TO BE CREDITED TO FUND	REPRESENTATIVE OR BOARD ENTITY AUTHORIZED TO SPEND
<i>Community Hall Use Revolving Fund costs associated with building maintenance and use</i>	Payments related to Community Hall use	Select Board

**Article 26:** The Town voted unanimously to transfer **\$2,956.63** from the Community Hall Committee Functions account to the Community Hall Use Revolving Fund account.

**Article 27:** The Town voted unanimously pursuant to the provisions of G.L. c. 44, §53E ½, as most recently amended, to establish FY24 spending limits as set forth below for the revolving funds established in Section 7, 7.3 of the General Bylaw entitled, “Revolving Funds”, with such limits to be applicable from fiscal year to fiscal year until revised by Town Meeting prior to July 1 for the ensuing fiscal year:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
<i>Hearings Revolving Fund</i>	\$ 1,000
<i>Animal Control Revolving Fund</i>	\$ 2,000
<i>Board of Health Revolving Fund</i>	\$ 5,000
<i>Council on Aging Meals Revolving Fund</i>	\$ 3,000
<i>Board of Health Vaccine Program Revolving Fund</i>	\$ 3,000
<i>Recycling Program Revolving Fund</i>	\$10,000
<i>Jacobs Road Municipal Center Use Revolving Fund</i>	\$30,000
<i>Senior Center Revolving Fund</i>	\$ 1,000
<i>Community Hall Use Revolving Fund</i>	\$ 3,000
<i>Treasurer Tax Taking Revolving Fund</i>	\$15,000

**Article 28:** The Town voted unanimously to amend the General Bylaws of the Town of Heath Section 1, Conduct of Town Election, Subsection 1.2, Preparation and Posting of the Town Election Warrant, to read as follows, with bolded text to be inserted and strike-through text to be deleted:

1.2 Preparation and Posting of the Town Election Warrant: The warrant for the Annual Town Election and any Special Town Election will be prepared by either the Board of Selectmen or the Town Clerk and posted by the Constables at least seven days prior to the election date. Posting of all elections in the Town shall be done at Sawyer Hall and **at the Jacobs Road Municipal Center**, ~~on the Town of Heath website, at minimum, and at another public location such as the Heath Elementary School,~~ **with posting on the Town website, if possible.**

And further, to amend Section 2, Conduct of Town Meetings, Subsection 2.2, Preparation and Posting of the Town Meeting warrant, to read as follows, with bolded text to be inserted and strike-through text to be deleted:

2.2 Preparation and Posting of the Town Meeting warrant:

The warrant for any Town Meeting shall be prepared by the Board of Selectmen, in accordance with M.G.L. Chapter 39, Section 10. The warrant shall state the date, time and place of the meeting, as well as all of the articles to be considered. The warrant shall be signed by a majority of the members of the Board of Selectmen and posted by the Constables at least seven days prior to the date set for the Annual Town Meeting and at least fourteen days prior to the date set for a Special Town Meeting. Posting of all town meetings in the Town shall be done at Sawyer Hall and **at the Jacobs Road Municipal Center, with posting on the Town website, if possible.** ~~at the Heath Elementary School.~~

Note: Articles 29 & 30 were necessary in preparation for the Route 8A bridge replacement. This project is funded by federal money under which the Town must have a legally defined and registered right of way to the roadway on either side of the bridge

**Article 29:** The Town voted unanimously to: (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including, without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, bridges, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, wetlands replication, and other appurtenances and/or facilities, to enable the Town to undertake the Jacksonville Stage Road Bridge Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Jacksonville Stage Road and approximately shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of State Route 8A (Jacksonville Stage Road) Over West Branch Brook No. H-14-007 (0FB) in the Town of Heath Franklin County," prepared by Steere Engineering Inc., on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; and, further, (c) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.



**Article 30:** The Town voted unanimously to accept as a public way the roadway known as Jacksonville Stage Road (Portion), being that portion of the road between Station 6+25 and Station 11+20, as heretofore laid out by the Select Board and shown on a plan of land entitled “Plan of Road in the Town of Heath, State Route 8A (Jacksonville Stage Road) over West Branch Brook (Bridge No. H-14-007 (OFB)),” dated November 30, 2022, prepared by Steere Engineering, and on file with the Town Clerk, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in Jacksonville Stage Road (Portion) for all purposes for which public ways are used in the Town of Heath and any drainage, utility and/or other easements related thereto.

**Article 31:** The moderator asked to see if there was any other business for discussion to come before the Town Meeting:

The Town Clerk asked newly elected individuals to come forward after the meeting to be sworn in. She also reminded residents to license their dogs.

The upcoming Route 8A closure in North Heath was reviewed.

Seeing no other business, a motion was made, and seconded and passed unanimously to adjourn the meeting at 2:54 pm.

Attest: A True Record

Mary Sumner  
Town Clerk

<b>Article 3 ATM 5.6.2023</b>			
<b>Operating Budget</b>			
*** Salary 4% COLA increase			
<b>Approved</b>			
	<b>Approved--Final</b>	<b>Approved FY24</b>	
<b>Account</b>	<b>FY23</b>	<b>Operating Budget</b>	<b>Misc. Notes</b>
<b>General Government</b>			
1 Moderator Stipend	100.00	100.00	
2 Select Board Stipends	3,500.00	3,500.00	
3 Selectmen Oper. Expense	3,000.00	3,000.00	
4 Office Supplies & Printing	4,100.00	4,100.00	
5 Salary Town Coordinator ***	72,072.00	74,955.00	
6 Salary Office Assistant ***	2,273.00	2,364.00	
7 Finance Committee Expense	150.00	150.00	
8 Reserve Fund	4,000.00	4,000.00	
9 Town Accountant Expense	21,000.00	26,100.00	
10 Accountant's Support	500.00	500.00	
11 Assessors Stipends	3,500.00	3,500.00	
12 Salary Assistant Assessor ***	17,436.00	18,134.00	
13 Assessors Expense	16,000.00	16,800.00	
14 Salary Treasurer ***	14,171.00	14,735.00	
15 Treasurer's Expense	3,500.00	3,500.00	
16 Salary Tax Collector ***	19,539.00	20,319.00	
17 Tax Collector Expense	5,975.00	5,975.00	
18 Tax Taking/Liens	1,900.00	1,900.00	
19 Legal Fees	20,000.00	15,000.00	
20 Salary Post Office Manager ***	26,630.00	27,696.00	
21 Salary Post Office Substitute	2,500.00	2,460.00	
22 Salary Town Clerk ***	17,363.00	18,058.00	
23 Town Clerk's Expense	2,500.00	2,500.00	
24 Election Workers Stipend	1,500.00	1,500.00	
25 Conserv. Comm. Expense	2,350.00	2,350.00	
26 Planning Board Expense	500.00	500.00	
27 Planning Board Stipends	1,375.00	1,375.00	
28 Boards Clerk***	8,320.00	8,653.00	
29 Technical Support Town Buildings	12,000.00	20,000.00	incr. monthly fees & insurance
30 Municipal Light Board Stipends	2,750.00	2,750.00	
31 Salary-Building Maint. Coord. ***	35,580.00	37,005.00	
32 Sawyer Hall-Maint./Utilities	18,000.00	18,000.00	
33 Town Garages-Maint./Utilities	17,114.00	20,000.00	
34 Jacobs Muni Blding- Maint./Utilities	40,000.00	40,000.00	
35 Comm. Hall-Maint./Utilities	13,000.00	13,000.00	
36 Lawn Mowing, Ctr. & Cemeteries	6,300.00	7,000.00	
37 Ins/Prop/Casualty/Workman's Comp	57,800.00	58,000.00	
38 FRCOG Assessment	20,399.00	20,540.00	
<b>Subtotal General Government</b>	<b>498,697.00</b>	<b>520,019.00</b>	
<b>Protect, Persons &amp; Property</b>			
39 Salaries-Police Department ***	28,684.00	29,832.00	
40 Constables Stipend	300.00	300.00	
41 Police Expenses	5,250.00	5,250.00	
42 Fire Chief Stipend	6,120.00	6,120.00	
43 Firemen's Incentive Awards	12,000.00	12,500.00	



	Account	Approved--Final FY23	Approved FY24 Operating Budget	Misc. Notes
44	Fire Department Expenses	31,000.00	31,500.00	
45	Emergency Medical Services	2,500.00	2,500.00	
46	Emergency Personnel Stipends	1,350.00	1,350.00	
47	Emer. Mgmnt. Expense	350.00	350.00	
48	Animal Control Officer's Assessment	3,201.00	2,938.00	
49	Animal Inspector's Stipend	250.00	1,000.00	
50	Animal Inspector's Expense	100.00	250.00	
51	Regional Dog Kennel Assessment	350.00	350.00	
52	Tree Removal Expense	8,000.00	5,000.00	
	<b>Subtotal Protect, Persons &amp; Proper</b>	<b>99,632.00</b>	<b>99,240.00</b>	
	<b>Education</b>			
53	School Committee Stipend	3,000.00	3,000.00	
	<b>Subtotal Education</b>	<b>3,000.00</b>	<b>3,000.00</b>	
	<b>Public Works and Facilities</b>			
54	Salary Highway Dept. ***	206,149.00	166,588.00	3-employee department
55	Highway Materials, Supplies & Repairs	86,970.00	86,000.00	
56	Vehicle Gas & Oil	40,000.00	40,000.00	
57	Hired Equipment/Services	4,000.00	4,000.00	
58	Salary Winter Hwy. Wages ***	25,167.00	20,425.00	
59	Winter Equip. Maint./Repair	8,000.00	8,000.00	
60	Winter Salt/Sand & Other	100,000.00	100,000.00	
61	Winter Temp. Help	4,000.00	5,000.00	
62	Salary Summer Temporary Help	2,000.00	2,000.00	
63	Street Lights	1,300.00	1,300.00	
64	Franklin Cty. Solid Waste	2,897.00	3,098.00	
65	Salary Transfer Station Attendant ***	13,860.00	14,412.00	
66	Dump Transportation/Tipping/Disposal	35,193.00	30,000.00	
67	Hazardous Waste Disposal Day	1,200.00	1,200.00	
68	Wildlife Damage Control	1,500.00	800.00	
	<b>Subtotal Public Works and Facilitie</b>	<b>532,236.00</b>	<b>482,823.00</b>	
	<b>Human Services</b>			
69	Board of Health Stipends	1,375.00	1,375.00	
70	Board of Health Expense	2,550.00	1,500.00	
71	CodeRED	2,000.00	2,000.00	
72	Salary Town Nurse ***	11,245.00	11,694.00	
73	Town Nurse's Expense	1,000.00	1,000.00	
74	Senior Center Operating Acct.	500.00	500.00	
75	Senior Center-COA Stipends	1,250.00	1,250.00	
76	Foot Care Clinic	1,200.00	1,200.00	
77	Council on Aging Expense	250.00	250.00	
78	Veterans Service Center	1,795.00	1,870.00	
79	Veterans Benefit	6,120.00	6,120.00	
80	Heath Veteran's Memorial Comm. Exp.	25.00	25.00	
	<b>Subtotal Human Services</b>	<b>29,310.00</b>	<b>28,784.00</b>	
	<b>Culture and Recreation</b>			
81	Salary Library Personnel ***	39,240.00	40,600.00	
82	Library Trustees Stipends	875.00	875.00	
83	Library Operating Expense	10,326.00	10,415.00	
84	CW Mars Library Annual	1,784.00	1,709.00	
85	Parks & Recreation Commission Exper	250.00	250.00	

	Account	Approved--Final FY23	Approved FY24 Operating Budget	Misc. Notes
86	Historical Comm. Expense	250.00	250.00	
	<b>Subtotal Culture and Recreation</b>	<b>52,725.00</b>	<b>54,099.00</b>	
	<b>Debt Service</b>			
87	Tractor Note	11,600.00	11,600.00	Final year: FY2025
88	Tractor Note Interest	866.52	578.00	
89	Hwy Cab and Chassis principal	10,400.00	10,400.00	
90	Hwy Cab and Chassis interest	500.00	500.00	
91	Broadband Note	69,444.00	104,059.00	(18-yr. repayment schedule)
92	Broadband Note Interest	4,978.00	45,995.00	
93	Interest on Temp. Loans/Revenue Anti	1,000.00	1,000.00	
	<b>Subtotal Debt Service</b>	<b>98,788.52</b>	<b>174,132.00</b>	
	<b>Misc Exp</b>			
94	Personnel Retirement		87,829.00	
95	Unemployment Compensation		470.00	
96	Health Insurance		60,534.00	
97	Life Insurance		300.00	
98	FICA/Medicare Empl. Mass.		18,000.00	
	<b>Subtotal Misc Exp</b>	<b>169,289.00</b>	<b>167,133.00</b>	
	<b>Total</b>	<b>1,523,334.02</b>	<b>1,529,230.00</b>	