

TOWN OF HEATH
COMMONWEALTH OF MASSACHUSETTS
Franklin, SS.

To either of the Constables of the Town of Heath in the County of Franklin, GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote in elections and in town affairs, to meet for the purpose of electing officials, by ballot, **the polls will be opened at twelve o'clock in the afternoon and may be closed at seven o'clock in the evening at Community Hall, 1 West Main Street, Heath, on Friday, the tenth day of May, 2019.**

TOWN OFFICIALS BALLOT

SELECTMAN	3 YEARS
ASSESSOR	3 YEARS
PLANNING BOARD MEMBER	5 YEARS
FINANCE COMMITTEE MEMBER	3 YEARS
SCHOOL COMMITTEE MEMBER	3 YEARS
LIBRARY TRUSTEE	3 YEARS

And you are further directed to notify and warn the inhabitants qualified to vote in town affairs to meet for the purpose of Annual Town Meeting at the **Heath Elementary School building, 18 Jacobs Road, Heath, on Saturday, the Eleventh day of May next, at 9:00 o'clock in the morning, then and there to act on the following articles:**

Article 1: To hear the reports of the Town Officers and to act thereon.

Article 2: To choose all necessary officers not elected by ballot for the ensuing year.

Article 3: To see if the Town will vote 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, 2020, or take any action related thereto.

Submitted by the Board of Selectmen

Recommended by the Finance Committee

Article 4: To see if the Town will vote to transfer during FY19 the sum of **\$21,540.34** from Free Cash to pay in FY19 what is owed for Three-Town Liability Waiver loan, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 5: To see if the Town will vote to transfer during FY19 the sum of **\$2,000** from Vehicle Gas & Oil account to the Highway Truck 2019 account (39-5-422-213), or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 6: To see if the Town will vote to transfer during FY19 the sum of **\$2,000** from Free Cash to the Finance Committee Reserve Fund, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 7: To see if the Town will vote to transfer during FY19 the sum of **\$5,000** from Free Cash to the Highway Health & Safety Compliance account, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 8: To see if the Town will vote to raise and appropriate the sum of **\$858,221** for payment of the Mohawk Trail Regional School District Operating Assessment, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 9: To see if the Town will vote to raise and appropriate the sum of **\$6,540.44** for payment of the Mohawk Trail Regional School District Capital Assessment, or take any other action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 10: To see if the Town will vote to raise and appropriate the sum of **\$101,801** for payment of the Franklin County Technical School Operating Assessment, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 11: To see if the Town will vote to raise and appropriate the sum of **\$2,813.31** for payment of the Franklin County Technical School Capital Assessment, or take any other action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 12: To see if the Town will vote 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, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 13: To see if the Town will vote to transfer **\$30,000** from Free Cash to reduce taxes in Fiscal Year 2020, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by Finance Committee

Article 14: To see if the Town will vote to authorize all Town departments, boards, and committees to apply for any new state or federal grants with 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, or take any action related thereto.

Submitted by the Board of Selectmen

Recommended by Finance Committee

Article 15: To see if the Town will vote to transfer from the Board of Selectmen, having care, custody, management and control, for the purpose for which it is currently held, to the Board of Selectmen for the purpose of disposition by sale, lease, or otherwise, the property and improvements thereon located at 18 Jacobs Road and shown on Assessor's Map 004.0-0018-0202.0, known as the Heath Elementary School; and further to authorize the Board of Selectmen to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of G.L. c. 30B, § 16, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, or take any other action related thereto.

Recommended by Board of Selectmen

Recommended by Finance Committee

Two-thirds vote required for passage

Article 16: To see if the Town will vote to accept M.G.L. c. 64N, §3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, and further that said tax shall take effect on the first day of the calendar quarter commencing at least thirty days after such vote at Town Meeting, or any other date determined by the Commissioner of Revenue, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 17: To see if the Town will vote to transfer from Free Cash, the sum of **\$2,000**, to be deposited in the Audit Stabilization account, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Majority vote required for passage

Article 18: To see if the Town will vote to transfer from Free Cash, the sum of **\$20,000** to be deposited in the General Stabilization account, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Majority vote required for passage

Article 19: To see if the Town will vote to establish an Accountant Software Stabilization Account, the purpose of which is to save funds for the purchase of updated accounting software; and further, to transfer from Free Cash, the sum of **\$1,000**, to be deposited in the Accountant Software Stabilization account, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Two-thirds majority vote required for passage

Article 20: To see if the Town will vote to accept the provisions of M.G.L. c.40, §22F, which grants municipal boards and committees the authority to fix reasonable fees for all such licenses, permits, or certificates issued and to fix reasonable charges to be paid for any services rendered, or take any action thereto.

Submitted by Town Clerk

Recommended by Board of Selectmen

Article 21: To see if the Town will vote to appropriate the sum of **\$107,000** for the purchase of a new highway cab and chassis (for 2004 International 7400 Series) including any incidental and related costs, and to meet this appropriation that the sum of \$55,000 be transferred from Free Cash account, and that the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of \$52,000 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; provided that any premium received by the Town 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 hereunder in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Two-thirds majority vote required for passage

Article 22: To see if the Town will vote to transfer from Equipment/Vehicle Stabilization Fund the sum of **\$59,000** to fund the cost of transferring the existing body of the 2004 International 7400 to a new cab/chassis, or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Two-thirds majority vote required for passage

Article 23: To see if the Town will vote to appropriate the sum of **\$58,000** for the purchase and equipping of a new highway tractor including any incidental and related costs, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of \$58,000 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; provided that any premium received by the Town 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 hereunder in accordance with G.L. c. 44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Two-thirds majority vote required for passage

Article 24: To see if the Town will vote to accept the provisions of M.G.L., c. 41, §19K and 108P, which allow for the Town Clerk, the Town Collector, and the Town Treasurer, upon attaining certification as provided therein, to receive additional compensation equal to 10 percent of their regular compensation, but not more than \$1,000 per year, such additional compensation to be discontinued when certification is discontinued or withdrawn, or take any action thereto.

Recommended by Board of Selectmen

Recommend by the Finance Committee

Article 25: To see if the Town will vote to raise and appropriate the sum of **\$3,000** for the purpose of initial set-up of Lifeline service program associated with CAF II eligibility requirements for the Heath Broadband Network, or take any action related thereto.

Recommended by Board of Selectmen

Recommended by the Finance Committee

Article 26: To see if the Town will vote to authorize the Board of Selectmen to enter into a ten (10) year contract with the option for a five (5) year extension, for a total term of fifteen (15) years, commencing on July 1, 2020, with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services, subject to the Board of Selectmen's determination that the contract is in the best interests of the Town and subject to Town Meeting approval of funding for such contract; or take any action related thereto.

Recommended by the Board of Selectmen

Recommended by the Finance Committee

Article 27: To see if the Town will vote pursuant to the provisions of G.L. c. 44, §53E ½, as most recently amended, to establish FY20 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>Senior Center Revolving Fund</i>	\$ 1,000
<i>Treasurer Tax Taking Revolving Fund</i>	\$15,000

or take any action related thereto.

Recommended by the Board of Selectmen
Recommended by the Finance Committee

Article 28: To see if the Town will vote to amend the General Bylaws of the Town of Heath to change the title of the “Board of Selectmen” to the “Select Board” as follows:

1. Amend Section 3.1, Elected Officers, Section 3.1.4 to read as follows, with bolded text to be inserted and strike-through text to be deleted: A ~~Board of Selectmen~~ **Select Board** of three members for overlapping three-year terms. **Such Select Board shall have all the powers and duties of a Board of Selectmen for purposes of any and all federal, state and local laws referring to Board of Selectmen or Selectmen, including but not limited to the Massachusetts General Laws, Code of Massachusetts Regulations and any bylaws and special acts applicable to the Town of Heath;** and
2. Delete the words “Board of Selectmen” and “Selectmen” in each place in the General Bylaws in which they appear and insert in their place the words “Select Board”

or take any other action related thereto.

Submitted by the Board of Selectmen
Not within the purview of the Finance Committee

Article 29: To see if the Town will vote to amend the General Bylaws of the Town of Heath Sections 1.2 and 2.2 as follows with bolded text to be inserted and strike-through text to be deleted:

1.2 Posting of all elections in the Town shall be done at Sawyer Hall and on the Town of Heath website, at minimum, and at another public location such as the Heath ~~Elementary School~~ **Transfer Station Kiosk.**

2.1 Preparation and Posting of the Town Meeting warrant:

Posting of all town meetings in the Town shall be done at Sawyer Hall and **on the Town of Heath website, at minimum, and at another public location such as at** the Heath ~~Elementary School~~ **Transfer Station Kiosk.**

or take any other action related thereto.

Submitted by the Town Clerk
Recommended by the Board of Selectmen
Not within the purview of the Finance Committee

Article 30: To see if the Town will vote to transfer during FY19 the sum of **\$690.81** from the Revolving Fund for Animal Control Officer for the use of the Heath Free Public Library, or take any action related thereto.

Submitted by the Board of Selectmen

Recommended by Finance Committee

Article 31: To see if the Town will vote to amend the General Bylaws of the Town of Heath Section 11: Rules for Cemeteries of the Town, Section 11.4, Lots and Lot Owners, as set forth below, with bolded text to be inserted and strike-through text to be deleted:

11.4.1 Residents **and/or property owners** of Heath are entitled to select and reserve a lot **for their burial** in a Town cemetery. A person desiring to reserve a lot should contact the Cemetery Commissioner of that cemetery or the Sexton. The Commissioner will issue a deed of ownership upon payment of the ~~marker~~ fee to the Town of Heath. ~~The procedure for the North Cemetery is different because the Town portion of the North Cemetery is full. Lots may be purchased from the North Cemetery Corporation.~~

(1) A fee of **one hundred fifty (150)** dollars ~~for the placement of markers~~ will be assessed at the time of issuance of the deed for residents and/or property owners of the Town of Heath. The fee may be waived in the event of hardship at the discretion of the Cemetery Commissioners.

(2) A fee of **four hundred (400)** dollars will be expected from non-residents at the time of issuance of the deed in accordance with Section 11.5.5. ~~This fee is for both the marker and the lot.~~

(3) Donations are gratefully accepted to help maintain cemeteries.

11.8.13 Green burials, which are understood to be burial without embalming (the use of preservatives such as formaldehyde or other chemicals) and burial without a vault, will be allowed in Town cemeteries. If no vault is used, a ~~leak-proof~~ shroud or casket that will collapse when grade is filled will be required to maintain a level soil surface and prevent accidental punctures of graves.

(1) The legal representative of the deceased, if there is no funeral director, is responsible for providing transport and lowering the body into the grave.

or take any action related thereto.

Submitted by Cemetery Commission

Recommended by the Board of Selectmen

Article 32: To see if the Town will vote to amend the General Bylaws of the Town of Heath Section 8: General Regulations Regarding Town Living, Section 8.5.3, and Section 8.5.4 (1) and (2), as follows with bolded text to be inserted and strike-through text to be deleted:

8.5.3 A special permit to keep more than two (2) unregistered vehicles, on any premises, may be granted by the ~~Board of Health~~ **Planning Board**. All such permits granted shall not run with the land or be granted in perpetuity.

8.5.4 Enforcement:

(1) This bylaw may be enforced by any Town police officer ~~or agents of the Town's Board of Health~~.

(2) Whoever violates any provision of this bylaw may be penalized by a non-criminal disposition process as provided in M.G.L. c. 40, § 21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this bylaw shall be subject to a penalty in the amount of ten dollars (\$10.00) per day for each violation, commencing thirty (30) days following date of receipt of written notice from the ~~Board of Health~~ **Planning Board or a Town Police officer**. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

or take any action related thereto.

Submitted by Board of Health

Recommended by the Board of Selectmen

Article 33: To see if the Town will vote to accept and approve the petitioned article to acknowledge the following Declaration:

WHEREAS, the unregulated influence of money has degraded the fairness and efficacy of our elections at every governmental level; and

WHEREAS, free and fair elections are essential to the health of our democracy and demand our efforts to protect them; and

WHEREAS, in an effort to counter this threat to our democracy, a non-partisan grassroots movement known as "Represent.US" is working for legislative reforms through local chapters including Represent Western Mass

NOW, THEREFORE, BE IT RESOLVED by the citizens of the Town of Heath, Massachusetts that we support legislation that will forestall the influence of money in our elections through measures such as limiting the access of lobbyists, mandating full transparency in campaign financing, adopting public campaign financing, instituting automatic voter registration, ending gerrymandering, and instituting ranked choice voting, to encourage civic participation and ensure fair representation in this most vital of our democratic institutions.

BE IT FURTHER RESOLVED that the citizens of the Town of Heath implores our elected representatives in Boston, State Senator Adam Hinds and Rep. Paul Mark and in Washington, Sen. Edward Markey and Sen. Elizabeth Warren and Rep. Richard Neal (or their successors) to lead this effort to enact these initiatives in Massachusetts and in the U.S. Congress.

BE IT FURTHER RESOLVED that the Clerk of the Town of Heath is hereby directed to give notice to the above representatives by sending a certified copy of this resolution to each of them.

Submitted by Citizen Petition

Article 34: To see if the Town will vote to accept and approve the petitioned article to acknowledge the following Declaration:

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean

Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the land area now known as the Town of Heath shares a rich Native history with modern tribal Nations like the Mohican and the Abenaki, who frequented this area for thousands of years before the first colonial settlers arrived; in 1765;

Now, therefore, BE IT RESOLVED that the Town of Heath hereby adopts this resolution in support of H.2776 and S.1877, a “Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,” and requests that Representative Paul Mark and Senator Adam Hinds continue their strong advocacy and support for the aforementioned Resolve (H.2776 and S.1877) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

Submitted by Citizen Petition

Article 35: To see if the Town will vote to accept and approve the following petitioned article:

To see if the Town will vote to transfer from the Board of Selectmen, having care, custody, management and control, for the purpose for which it is currently held, to the Board of Selectmen for the purpose for which it is currently held, to the board of Selectmen for the purpose of disposition by sale, lease, or otherwise, the property and improvements thereon located on Bray Road and shown on Assessor’s Parcel ID# 004.0-0006-0501.0 also recognized as Parcel #2 of 6.40 acres on Plan Book 140, Page 21 and recorded at the Franklin County Registry of Deeds; and further to authorize the Board of Selectmen to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of G.L. c. 30B, § 16, on such terms and conditions as the Board of Selectmen deems to be in the best interest of the Town; and further to authorize the Board of Selectmen to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article, or take any other action related thereto.

Submitted by Citizen Petition

Article 36: To see if there is any other business for discussion to come before the Town Meeting, or take any action related thereto.

Submitted by the Board of Selectmen

And you are directed to serve this Warrant by posting copies thereof at **Sawyer Hall** and **Heath Transfer Station Kiosk** in said Town, seven days at least before the time of holding said meeting. Hereof fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of meeting as aforesaid. Given under our hands this the **30th** day of **April** in the year of our Lord **Two thousand nineteen**.

Brian DeVriese

Robyn Provost-Carlson

Gloria Cronin Fisher
Selectmen of Heath

A true copy: Attest:

Constable, Franklin SS

Date Posted

Franklin, SS.

Pursuant to the within Warrant, I have notified and warned the inhabitants of the **Town of Heath** by posting up attested copies of the same at **Sawyer Hall** and **Heath Transfer Station Kiosk** seven days before the date of the meeting, as within directed.

Constable of Heath

Date