

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 Jacobs Road Municipal Center, 18 Jacobs Road, Heath, on Friday, the tenth day of May, 2024.**

TOWN OFFICIALS BALLOT

SELECTMAN	3 YEARS
TOWN CLERK	3 YEARS
ASSESSOR	3 YEARS
FINANCE COMMITTEE MEMBER	3 YEARS
FINANCE COMMITTEE MEMBER	3 YEARS
FINANCE COMMITTEE MEMBER	3 YEARS
PLANNING BOARD MEMBER	5 YEARS
LIBRARY TRUSTEE	3 YEARS
SCHOOL COMMITTEE MEMBER	1 YEAR
SCHOOL COMMITTEE MEMBER	3 YEARS
MUNICIPAL LIGHT BOARD	3 YEARS
MUNICIPAL LIGHT BOARD	3 YEARS
CONSTABLE	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 **Jacobs Road Municipal Center, 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, 2025, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 4: To see if the Town will vote to raise and appropriate the sum of **\$1,000,947.00** for payment of the Mohawk Trail Regional School District Operating Assessment, or take any action related thereto.

Recommended by the Select Board

Not Recommended by the Finance Committee (Vote: 1-4)

Article 5: To see if the Town will vote to raise and appropriate the sum of **\$17,138.00** for payment of the Mohawk Trail Regional School District Capital Assessment, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 6: To see if the Town will vote to raise and appropriate the sum of **\$4,605.00** for payment of the Colrain Central School Capital Assessment, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 7: To see if the town will vote to raise and appropriate or transfer from available funds the sum of **\$920.00** for capital projects at Colrain Central School, such funds to be used to upgrade telephone infrastructure to support enhanced 911 emergency communications at such school, including all costs incidental or related thereto, said sum is to be expended with the approval of the School Committee's Building Subcommittee, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 8: To see if the town will vote to raise and appropriate or transfer from available funds the sum of **\$2,141.00** for capital projects at Mohawk Trail Regional School, such funds to be used to upgrade telephone infrastructure to support enhanced 911 emergency communications at such school, including all costs incidental or related thereto, said sum is to be expended with the approval of the School Committee's Building Subcommittee, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 9: To see if the Town will vote to raise and appropriate the sum of **\$95,578.00** for payment of the Franklin County Technical School Operating Assessment, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 10: To see if the Town will vote to raise and appropriate the sum of **\$2,372.00** for payment of the Franklin County Technical School Capital Assessment, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 11: To see if the Town will vote to raise and appropriate the sum of **\$6667.00** to be paid to the Town of Rowe for the purpose of sharing in the expense of a bus to transport students from MTRSD to Town following after-school activities (commonly referred to as the Late Bus), or take any action related thereto.

Submitted by the Rowe School Committee

Not Recommended by the Finance Committee

Article 12: To see if the Town will vote to raise and appropriate the sum of **\$22,000.00** for the purpose of contracting medical emergency service with the Colrain Volunteer Ambulance Association for FY 2025, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 13: To see if the Town will vote to transfer the sum of **\$24,443.00** from Free Cash to the Mohawk Trail Regional School District FY22 Operating Assessment Error Account, or take any other action related thereto.

Recommended by the Select Board

Not Recommended by the Finance Committee (Vote: 2-3)

Four-fifths (4/5) majority vote required for passage.

Article 14: To see if the Town will vote to transfer the sum of **\$11,600.00** from Free Cash to the Tractor Note account, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 15: To see if the Town will vote to transfer the sum of **\$10,869.00** from Free Cash, with **\$10,400.00** to the Highway Cab and Chassis Note account, and **\$469.00** to the Highway Cab and Chassis Note Interest account, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 16: To see if the Town will vote to transfer the sum of **\$100,000.00** from Free Cash to a newly established Salt Shed Design & Construction account for payment of design, construction, and incidental and related costs and expenses, or take any action related thereto.

Recommended by the Select Board

Recommended by Finance Committee

Article 17: To see if the Town will vote to transfer the sum of **\$53,475.00** from Free Cash to the following accounts and with the designated amounts:

Audit Stabilization	\$5,500.00
General Stabilization	\$37,975.00
IT Stabilization	\$10,000.00

Or take any action related thereto.

Recommended by the Select Board

Recommended by Finance Committee

Article 18: To see if the Town will vote to transfer the sum of **\$2,500.00** from the Audit FY21 Art. 14 account to the Audit Stabilization account, or take any action related thereto.

Recommended by the Select Board

Recommended by Finance Committee

Article 19: To see if the Town will vote to transfer the sum of **\$6,369.98** from the Avery Brook Road Tree Removal account, **\$450.00** from the Install Ice Guards/FD/Highway account, and **\$530.00** from Free Cash, for a total of **\$7,349.98**, for the purchase and equipping of a roadside leaf blower, including all incidental and related costs and expenses, or take any other action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 20: To see if the Town will vote to transfer the sum of **\$100,000.00** from the Equipment/Vehicle Stabilization Fund for the purchase and equipping of a highway cab and chassis including any incidental and related costs and expenses, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Two-thirds (2/3) majority required.

Article 21: To see if the Town will vote to transfer the sums of **\$6,085.07** from the Insulation-Sawyer/Comm Hall account, **\$500.00** from the CH Cement Step Repair account, **\$2,731.00** from the SH Valve Issue account, **\$850.15** from the Remedy Inspection Items Comm. Hall account, and **\$687.71** from the Insurance Reimbursement Basement SH 2018 account, for a total of **\$10,853.93**, to a Community Hall/Sawyer Hall Building Needs account for payment of maintenance and repairs for the Community Hall and Sawyer Hall, including all incidental and related costs and expenses, or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 22: 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 Select Board to enter into a contract with Massachusetts Highway Department for such purposes, or take any action related thereto.

Recommended by the Select Board

Recommended by Finance Committee

Article 23: To see if the Town will vote to authorize all Town departments, boards, and committees to apply for any new state or federal grants without prior permission from the Select Board, and to authorize the Select Board to accept such grant awards providing no matching funds or other costs are required by the Town, or take any action related thereto.

Recommended by the Select Board

Recommended by Finance Committee

Article 24: To see if the Town will vote to approve the appointment by the Select Board of one of its members to a position under the supervision of the Select Board in accordance with the provisions of M.G.L. c. 268A, § 21A, with no additional compensation therefor, or take any action related thereto.

Recommended by the Select Board

Not within the purview of the Finance Committee

Article 25: To see if the Town will vote to transfer during FY24 the sum of **\$608.51** 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 Select Board

Recommended by Finance Committee

Article 26: To see if the Town will vote 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

Or take any action related thereto.

Recommended by the Select Board

Recommended by the Finance Committee

Article 27: To see if the Town will vote to amend the General Bylaws of the Town of Heath, Section 6: Town Ways and Properties, section 6.1.2, No. 38 Vincent Road, by striking the words “to Wheeler Road” with the final wording to read:

38. Vincent Road: from the intersection with Judd Road, 0.25 mi. (Statutory Private Way)

Or take any action related thereto.

Recommended by the Select Board

Not within the purview of the Finance Committee

Article 28: To see if the Town will vote to appropriate \$12,000 in acquisition costs and \$3,000 in legal and recording expenses, for a total appropriation of \$15,000, for the purpose of acquiring, accepting, operating and maintaining a perpetual recreational trail easement at 47 Vincent Road, Heath, to be under the care, custody and control of the Select Board; and that the Select Board be authorized to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs, Woodlands Partnership Implementation Grant program, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and/or any others in any

way connected with the scope of this Article; and to enter into all agreements and execute any and all documents or instruments as may be necessary to affect said purchase, or take any action related thereto.

Submitted by the Parks and Recreation Committee

Recommended by the Select Board

Recommended by Finance Committee

Article 29: 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 IV Apportionment of Expenses among Member Towns, Subsections (A) through (J):**

(A) Classification of Costs

For the purpose of apportioning assessments levied by the District upon the member towns, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance capital costs. Instructional capital expenditures which qualify under net school spending are not included under capital costs, and instead are included as an operating cost.

(C) Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV(B) but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Responsibility for Capital and Operating Costs

(1) Grades 7-12

Operating and capital costs, as defined above, associated with grades seven to twelve (7-12) inclusive of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

(2) Grades pre-K-6

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of this Agreement.

(b) All capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed capital costs of the District and the member towns shall be assessed their respective net shares thereof in accordance with the provisions of section IV(E) of this Agreement.

(c) If any member town or towns should construct an elementary school, the respective member town or towns will assume responsibility for all capital costs.

(E) Apportionment of Capital Costs Grades pre-K-6

(1) Ashfield, Plainfield

Capital costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at said school(s), resident in the Town of Ashfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years,

bears to the sum of the enrollment of pupils at the Ashfield Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1) + (2)), and dividing such sum by two.

To Plainfield: A portion of the whole expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2), computing the ratio which the sum of the enrollments of pupils at the Ashfield Plainfield district school(s), resident in the Town of Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years, bears to the sum of enrollment of pupils at the Ashfield and Plainfield district school(s), resident in the Towns of Ashfield and Plainfield, as determined by the census of pupils at said school(s) each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by summing both ratios ((1)+(2)), and dividing such sum by two.

(2) Buckland, Shelburne

Capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Buckland, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at the said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Buckland Shelburne Elementary School, resident in the Town of Shelburne, as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Buckland and Shelburne, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016); and by (2) expressing such ratio as a percentage.

(3) Colrain, Heath

Effective commencing with Fiscal Year 2023, new capital costs incurred by the committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Colrain Center School, resident in the Town of Colrain as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Heath and Colrain,

as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); and by (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all principal and interest on bonds, notes or other obligations as issued by the Committee on or after July 1, 2022 consistent with the above, expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: By (1), computing the ratio which the sum of the enrollments of pupils at the Colrain Center School, resident in the Town of Heath as determined by the census of pupils at said district school each October 1 for the five most recent years, bears to the sum of enrollments of pupils at said district school, resident in the Towns of Heath and Colrain, as determined by the census of pupils each October 1 for the five most recent years (note: pre-K enrollment will be included in the calculation); (2) expressing such ratio as a percentage. Until five years of data becomes available, the most recent years of data shall be used to determine said ratio.

- (4) The Heath Elementary School Building was returned to the Town of Heath on July 1, 2017, and the Lease between the parties terminated as of said date. In exchange for termination of the lease, the District paid to the Town of Heath a total sum of \$240,000.00. Any outstanding debt payments associated with the Heath Elementary School shall remain the responsibility of the Town of Heath, and the Town of Heath shall continue to be assessed for said debt in accordance with the terms of this Agreement.
- (5) Capital costs representing payments of principal and interest on bonds, notes or other obligations as issued by the Committee to finance expenses in the nature of capital outlay for the purpose of construction at the site of, or reconstruction to, the Colrain Central School or upon any premises as may be leased to the Mohawk Trail Regional School District by the Town of Colrain, shall be borne by the Towns of Colrain and Heath, as provided in Section E. (3), above.
- (6) Nothing in this section shall be construed to prevent the member towns from amending this Agreement and modifying and/or altering the above designated schedules of apportionment of capital costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

(F) Apportionment of Capital Costs Grades 7-12

Capital costs represented by debt service shall be apportioned as a capital cost of the year in which the debt service falls due.

Capital costs incurred July 1, 1993 and thereafter shall be apportioned to the member towns annually for the ensuing fiscal year as follow:

- (1) Each member town's share of capital costs associated with the District High School for each capital project shall be apportioned to the member towns on the basis of their respective pupil enrollments at said school. Each member town's share shall be determined by computing the ratio which that town's average pupil enrollment at said school on October 1 of each of the five years next preceding the first year for which the apportionment is determined bears to the total average pupil enrollment from all member towns at said school for the same five year period. In the event that enrollment at the District High School has not been accomplished by October 1, capital costs shall be determined on the basis of enrollment in grades seven through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.
- (2) Each member town's percentage share to the nearest one tenth of one percent will remain in effect for the term of the debt for each capital project.

(G) Apportionment of Operating Costs

Operating costs for the first fiscal year next following the effective date of Chapter 371 of the Acts of 1993 (See attachment) and for every fiscal year thereafter shall be apportioned to

the member towns on the basis of their respective pupil enrollments in the regional District schools. Each member town's share for each fiscal year shall be determined by computing the ratio which that town's average pupil enrollment in the District schools on October 1 of each of the five years next preceding the year for which the apportionment is to be determined bears to the total average pupil enrollment from all member towns in the regional District schools for the same five year period (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016), as more fully set forth in Subsection IV(H) below. In the event that enrollment in the regional District schools has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades pre-kindergarten through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of that year.

(H) The apportionment of operating costs shall be determined in accordance with the following procedure:

First: The Committee shall determine the proportion of the annual budget representing costs associated with the provisions of services to grades seven through twelve and the proportion representing costs associated with all other services including services to grades pre-kindergarten through six.

Second: The Committee shall determine the average enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, average enrollment share shall equal, for each member town, its five-year average proportionate share of total student enrollment in the district schools for grades seven through twelve, as of October 1 in each of the five years immediately preceding the year for which such allocation is to be made.

Third: The Committee shall apportion costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town's five-year average share of student enrollment in grades seven through twelve, inclusive.

Fourth: The total budget, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District's six remaining member towns on the basis of each member town's five-year average student enrollment share. For purposes of this calculation, average enrollment share, for each of the pre-K-12 Member Towns shall be based on its five year average proportionate share of total student enrollment in the district schools (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016).

(I) Times of Payment of Apportioned Costs

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1	16.25%
October 1	36.25%
December 1	50.00%
February 1	67.50%
April 1	87.50%
May 1	100.00%

(J) Special Funds

The District School Committee shall not interfere with a town's or Local Education Council's use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town's pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.

and replacing said language of Section IV with the following Subsections (A) through (I), as re-lettered so as to combine existing Subsections (G) and (H) and re-letter the following sections as (H) and (I):

(A) Classification of Costs

For the purpose of apportioning assessments to the member towns, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital Costs to be assessed to towns (hereafter “Capital Costs”) shall include all expenses in the nature of capital outlay such as the cost of:

- (1) acquiring land, constructing, reconstructing and adding to or remodeling buildings, including without limitations the cost of the original equipment and furnishings for such buildings or additions, plans, architects’ and consultants’ fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition;
- (2) remodeling, or making extraordinary repairs to, an existing school building or buildings;
- (3) purchasing buses and/or other necessary vehicles for District school use.

Capital Costs shall also include payments of principal and interest on bonds, notes or other obligations issued by the District to finance Capital Costs. Capital Costs represented by debt service shall be apportioned as a Capital Cost of the year in which the debt service falls due. Each member town’s percentage share of debt service, calculated to the nearest one hundredth of one percent at the time such debt is issued, will remain in effect for the term of the debt for each capital project.

Capital expenditures which qualify under net school spending are not included under Capital Costs, and instead are included as an operating cost.

(C) Operating Costs

Operating costs shall include all costs not included in Capital Costs as defined in Section IV(B), above, but including transportation costs (as per Section VIII of this Agreement) and interest on temporary notes issued by the District in anticipation of revenue.

(D) Responsibility for Capital and Operating Costs

(1) Grades 7-12

Operating costs and Capital Costs, as defined above, associated with grades seven to twelve (7-12), inclusive, of the District school or schools shall be deemed District costs and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Sections IV (F) and (G) of this Agreement.

(2) Grades pre-K-6

(a) Costs associated with the operation of grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed operating costs of the District and the member towns shall be assessed their respective shares thereof in accordance with the provisions of Section IV (G) of this Agreement.

(b) Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District schools shall be deemed Capital Costs of the District and shall be assessed to member towns based on their respective shares thereof in accordance with the provisions of Section IV (E) of this Agreement.

(E) Apportionment of Capital Costs Grades pre-K-6

(1) Capital Costs assessed to member towns prior to July 1, 2025 shall be assessed under Section IV (E) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as the “Prior Capital Assessment Grades pre-K to 6”). Capital Costs assessed to towns after July 1, 2025, shall be assessed to the member towns as described below in paragraphs (a) through (c) of this Section (E) (1), (referred to hereafter as “the New Capital Assessment Calculation – pre-K to 6”), subject to the Transition Period as provided in Paragraph (3) of this Section (E), below. Such assessments shall be made on

the basis of each town's proportionate share of District foundation enrollment for Grades pre-K to 6. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(a) Ashfield, Plainfield

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving pupils from the Towns of Ashfield and Plainfield shall be apportioned to the Towns of Ashfield and Plainfield as follows:

To Ashfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1) computing the ratio which the population of the Town of Ashfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Ashfield for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

To Plainfield: A portion of the all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one percent calculated as follows: by (1) computing the ratio which the population of the Town of Plainfield bears to the total of the population of the Towns of Ashfield and Plainfield, and by (2) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Plainfield for the five most recent years, bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Ashfield and Plainfield for the five most recent years; and (3) by summing both ratios ((1) + (2)) and dividing such sum by two.

(b) Buckland, Shelburne

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Buckland and Shelburne shall be apportioned to the Towns of Buckland and Shelburne as follows:

To Buckland: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Buckland for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.

To Shelburne: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of the District's pre-K-6 foundation enrollment of pupils resident in the Town of Shelburne for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Buckland and Shelburne for the five most recent years, and by (2) expressing such ratio as a percentage.

(c) Colrain, Heath

Capital Costs incurred by the Committee and associated with grades pre-Kindergarten to six, inclusive, of the District school or schools serving the pupils from the Towns of Colrain and Heath shall be apportioned to the Towns of Colrain and Heath as follows:

To Colrain: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Colrain for the five most recent years bears to the sum

of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

To Heath: A portion of the total of all such Capital Costs expressed as a percentage of the total to the nearest one-hundredth of one per-cent calculated as follows: by (1) computing the ratio which the sum of District's pre-K-6 foundation enrollment of pupils resident in the Town of Heath for the five most recent years bears to the sum of the District's pre-K-6 foundation enrollments of pupils resident in the Towns of Colrain and Heath for the five most recent years, and by (2) expressing such ratio as a percentage. Until five years of data for both towns becomes available, the most recent years of data shall be used to determine said ratio.

The Town of Colrain shall retain sole responsibility for all Capital Costs for which bonds were issued prior to November 2022.

(2) Nothing in this Paragraph (E) shall be construed to prevent the member towns from amending this Agreement in accordance with Section XI in order to modify and/or alter the above designated schedules of apportionment of Capital Costs in the event subsequent school construction or reconstruction results in a change of grade level or town assignments to the District schools.

(3) Transition Period

The transition to the New Capital Assessment Calculation – Grades pre-K to 6 shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

(a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year's enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades pre-K to 6.

(e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades pre-K to 6 as described in this Section IV (E).

(F) Apportionment of Capital Costs Grades 7-12

(1) Capital Costs assessed to member towns prior to July 1, 2025 shall be assessed under Section IV (F) of the Mohawk Trail Regional School District Regional Agreement adopted by member Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as "the Prior Capital Assessment Calculation – Grades 7-12"). Capital Costs

assessed to towns after July 1, 2025, shall be assessed to the member towns as described below in paragraph (2) of this Section (F) (referred to hereafter as “the New Capital Assessment Calculation – Grades 7-12”), subject to the Transition Period as provided in Paragraph (3) of this Section (F), below. Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment for Grades 7-12. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.

(2) Each member town’s share of Capital Costs associated with the District Middle School/High School as well as District-Wide Capital Costs shall be apportioned to the member towns on the basis of said town’s share of the District’s foundation enrollment for Grades 7-12. Each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.

(3) Transition Period

The transition to the New Capital Assessment Calculation – Grades 7-12 shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

(a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year’s enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the four years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the three years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the two years prior enrollments shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F), and the one year prior enrollment shall be calculated using the Prior Capital Assessment Calculation – Grades 7-12).

(e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis the New Capital Assessment Calculation – Grades 7-12 as described in this Section IV (F).

(G) Apportionment of Operating Costs

Each member town will contribute to the District no less than its minimum required local contribution as determined by the Commissioner pursuant to M.G.L. c. 70, Section 6. Any amounts in excess of the minimum required local contribution needed to support the District's budget will be assessed to the member towns in accordance with this Section IV (G.)

(1) Operating Costs assessed to member towns prior to July 1, 2025 will be assessed under Sections IV (G) and IV (H) of the Mohawk Trail Regional School District Regional Agreement adopted by MTRSD Towns May-June 2018 and approved by the Commissioner of Elementary and Secondary Education on August 1, 2018, with

amendments approved by the Commissioner of Elementary and Secondary Education, October 25, 2022 (referred to hereafter as “the Prior Operating Assessment Calculation”).

- (2) Operating Costs assessed to member towns after July 1, 2025, shall be assessed as described in paragraphs (a) through (d), below, (referred to hereafter as “the New Operating Assessment Calculation”), subject to the Transition Period as provided in Paragraph (3) of this Section IV (G). Such assessments shall be made on the basis of each town’s proportionate share of District foundation enrollment. District foundation enrollment, as defined in M.G.L. c. 70, Section 2, is determined by the Massachusetts Department of Elementary and Secondary Education (DESE) as of October 1 of each year.
 - (a) First, the Committee shall determine the proportion of the annual budget representing costs associated with the provision of services to grades seven through twelve and the proportion representing costs associated with all Central Office and District-Wide services, including such services to grades pre-kindergarten through six.
 - (b) Second, the Committee shall determine the average District foundation enrollment share of each member town in grades seven through twelve, inclusive. For this purpose, each member town’s share shall be determined by computing the ratio which Grade 7-12 students who reside in each town and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades 7-12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent.
 - (c) Third, the Committee shall apportion the costs of grades seven through twelve, inclusive, to the Towns of Hawley and Charlemont in direct proportion to each town’s five-year average share of District foundation enrollment in grades seven through twelve, inclusive.
 - (d) Fourth, the total amount in excess of the aggregate minimum required local contributions, less the shares allocated to the Towns of Hawley and Charlemont, shall be apportioned among the District’s six remaining member towns on the basis of each member town’s five-year average District foundation enrollment share. For purposes of this calculation, average District foundation enrollment share for each of the pre-K-12 Member Towns shall be based on its five-year average proportionate share of total District foundation enrollment.

(3) Transition Period

The transition to the New Operating Assessment Calculation shall take place over a period of five (5) years, beginning July 1, 2025 (for Fiscal Year 2026) and ending on June 30, 2030.

- (a) For Fiscal Year 2026 (commencing July 1, 2025 and ending on June 30, 2026), determination of the most recent year’s enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the four years prior enrollments shall be calculated using the “Prior Operating Assessment Calculation”).
- (b) For Fiscal Year 2027 (commencing July 1, 2026 and ending on June 30, 2027), determination of the most recent two years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the three years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.
- (c) For Fiscal Year 2028 (commencing July 1, 2027 and ending June 30, 2028), determination of the most recent three years of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G), and the two years prior enrollments shall be calculated using the Prior Operating Assessment Calculation.
- (d) For Fiscal Year 2029 (commencing July 1, 2028 and ending June 30, 2029), determination of the most recent four years of enrollment shall be calculated on the

basis of the New Operating Assessment Calculation as described in this Section IV (G), and the one year prior enrollment shall be calculated using the Prior Operating Assessment Calculation.

- (e) For Fiscal Year 2030 (commencing July 1, 2029) and all subsequent years, determination of enrollment shall be calculated on the basis of the New Operating Assessment Calculation as described in this Section IV (G).

(H) Times of Payment of Apportioned Costs

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection VI(B), of the capital and operating costs. Except as otherwise provided in subsection VI(A), the annual share of each member town shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

August 1	16.25%
October 1	36.25%
December 1	50.00%
February 1	67.50%
April 1	87.50%
May 1	100.00%

(I) Special Funds

The District School Committee shall not interfere with a town's or Local Education Council's use of trust funds or other special funds, including separate town meeting articles, intended for the enhancement of the educational opportunities for that town's pupils at the pre-K-6 grades only. The operations budget shall not be reduced by the receipt of such funds.,

Or take any action related thereto.

Submitted by the School Committee

Not Recommended by the Select Board

Not Recommended by the Finance Committee

Article 30: 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 VI – Budget**:

(A) Tentative Maintenance and Operating Budget

On or before February 8th, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be mailed to the chairperson of the board of selectmen and finance committee of such town.

(B) Final Maintenance and Operating Budget

The Committee shall on or before March 1 in each year adopt an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of sub-section IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within twenty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 10, be certified by the District treasurer to the treasurers of the member towns.

(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which the grades 7-12 average pupil enrollment in the regional district on October 1 of each of the five years next preceding the year for which the apportionment is determined bears to the total average pupil enrollment from all member towns in the Regional School District for the same five year period (note: pre-K enrollment will be included in the calculation beginning in FY18 and will include the data from October 1, 2015 and October 1, 2016). The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

(D) Vote on the Annual Budget

For purposes of voting on the annual budget by the member towns, the approval of the District's annual budget by the town meetings of each pre-K-12 Member Town shall constitute two "units" towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one "unit" each, with a total of ten units needed to approve the annual budget.

and replacing said language with the following:

(A) Tentative Maintenance and Operating Budget

On or before February 15th, the Committee shall annually prepare a tentative maintenance and operating budget for the next fiscal year, including therein provision for any installment of principal or interest to become due in such year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns in such year. The said budget shall be in reasonable detail, including the amounts payable under the following classifications of expenses and such other classifications as may be necessary:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools
10. Transportation

Copies of such tentative budget shall be delivered via mail or email to the chairperson of the board of selectmen and finance committee of each member town.

(B) Final Maintenance and Operating Budget

The Committee shall on or before March 1 in each year adopt by a two-thirds vote of the full Committee an annual maintenance and operating budget for the next fiscal year, said budget to include debt and interest charges and any other current capital costs as separate items, and shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV(E) and IV(F) and with the provisions of sub-section IV(G), provided however, that the Committee shall adopt said annual maintenance and operating budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 1, and further provided that said annual maintenance and operating budget need not be adopted prior to January 18. The amounts so apportioned for each member town shall, within thirty days from the date on which the annual budget is adopted by the regional school district committee, and not later than March 31, be certified by the District treasurer to the treasurers of the member towns.

(C) High School Operating and Maintenance Budget for the purpose of Determining Tuition

For the purposes of determining tuition, the High School Operating and Maintenance Budget is defined as that portion of the budget relating to expenditures for high school level pupils in grades seven through twelve, inclusive. Budget lines for shared high school and elementary school costs, including but not limited to Administration and Transportation, shall be apportioned by computing the ratio which Grade 7-12 students who reside in member towns and are included in the District’s foundation enrollment for each of the most recent five years bears to the District’s total foundation enrollment for Grades Pre-K to 12 for the same five-year period, expressed as a percentage of the total to the nearest one-hundredth of one percent. The High School Operating and Maintenance Budget shall not include any cost for capital debt retirement or debt service.

(D) Vote on the Annual Budget

Consistent with Chapter 31 of the Acts of 2017, for purposes of voting on the annual budget by the member towns, the approval of the District’s annual budget by the town meetings of each pre-K-12 Member Town shall constitute two “units” towards approval or disapproval of the annual District budget, while Hawley and Charlemont shall have one “unit” each, with a total of ten units needed to approve the annual budget.,

Or take any action related thereto.

Submitted by the School Committee

Not Recommended by the Select Board

Not Recommended by the Finance Committee (Vote: 4 Nay, 1 Abstention)

Article 31: 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.

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, 2024, 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 2026.,

Or take any action related thereto.

Submitted by the School Committee

Not Recommended by the Select Board

Not Recommended by the Finance Committee (Vote: 4 Nay, 1 Abstention)

Article 33: 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 Select Board

And you are directed to serve this Warrant by posting copies thereof at **Sawyer Hall** and **Jacobs Road Municipal Center 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 day, **30th** of **April**, in the year of our Lord **Two thousand twenty-four**.

Robyn Provost-Carlson

Susan Lively

Elissa Viarengo
Select Board of Heath

True copy: Attest:

_____, 2024
Mary Sumner, Town Clerk (month and day)

Warrant posted by Hand.

_____, 2024
Constable (month and day)

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 **Jacobs Road Municipal Center Kiosk** seven days before the date of the meeting, as within directed.

_____ *Constable of Heath*

_____ Date