



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 1

To see if the Town will hear the Annual Report of the Board of Selectmen for the year preceding this Annual Meeting. Printed copies of this report shall be made available to the inhabitants of the town pursuant to Massachusetts General Laws chapter 40, Section 49.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen**

**May 1, 2013 Voted:** That the Town hear the Annual Report of the Board of Selectmen for the year preceding this Annual Meeting and accept the printed copies of this report that have been made available to the inhabitants of the town pursuant to Massachusetts General Laws, Chapter 40, Section 49.

Further, after this report is given, that this article is disposed.



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## ARTICLE 2

To see if the town will vote to hear reports from various Departments, Boards, Committees and Commissions listed in this warrant article unless said report has been made in writing and placed on the table at Town Meeting for Town Meeting Members. Reports made in writing shall be posted on the town website for this town meeting. The requested reports are listed in the background materials of the warrant.

And after all reports are given, Town Meeting shall vote to dispose of this article.

Pass any vote or take any action relative thereto.

### **Sponsor: Standing Committee on Rules**

**May 1, 2013 Voted:** That the Town reports from various Departments, Boards, Committees and Commissions listed in the background material in the updated warrant book on the web and attached unless said report has been made in writing and placed on the table at Town Meeting for Town Meeting Members. Reports made in writing shall be posted on the town website for this town meeting.

Further, after all reports are given, that this article be disposed.

The requested reports are:

1. Report by the Town Clerk on the status of Bylaw changes approved by Town Meeting and sent to the Attorney General in 2012. (Bylaws Article III Section 1.13.5.a)
2. Report by the Board of Selectmen on petitions to the legislature approved by Town Meeting in 2012, if any. (Bylaws Article III Section 1.13.5.c)
3. Report by the Planning Board on the status of Zoning Bylaw changes approved by Town Meeting and sent to the Attorney General in 2012. (Bylaws Article III Section 1.13.5.b)
4. Report from the Planning Board on the status of the Master Plan, and on plans for development in the Town. (MGL, Chapter 41, Section 71 and Bylaws Article III Section 1.13.4)
5. Report from the Police Chief regarding the Sex Offender Bylaw; number of complaints received, number of enforcement actions, number of offenders found guilty of safety zone infractions, and overall effectiveness of the bylaw. (ATM resolution April 24, 2012 by George Dixon)
6. Report by the Director of Public Works on the following (Bylaws Article III Section 1.13.2):
  - a. Wastewater capital improvements in Technology Park
  - b. Birch Road well project
  - c. Other projects in progress



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## ARTICLE 2 (CONTINUED)

7. Report by the Board of Selectmen on the following:
  - a. Eastleigh Farm water/sewer billings (FTM October 18, 2012 Article 11)
  - b. Report on all aspects of Economic Development including an evaluation of the Town's economic development mission, structure and organization. (ATM May 16, 2012 Resolution by Funk)
  - c. Reports used by the Assessor to determine assessment values (STM Article 44, May 22, 2012)
8. Report from the Chief Financial Officer on the following:
  - a. Potential to reduce property taxes with un-appropriated, unanticipated state aid. (ATM May 15, 2012 Resolution by Funk)
  - b. Land acquisition costs for purchase of easement approved at a Town Meeting in 2012. (Bylaw Article III, Section 1.13.6b)
  - c. Use of mitigation funds received during the previous fiscal year and the status of unexpended mitigation funds. (Bylaw Article III, Section 1.13.6c)
  - d. Status of authorized but not completed Capital Budget projects. (Bylaws Article III, Section 1.13.6d)
9. Report from the Town Moderator on Moderator appointments that will expire on July 1. (Bylaws Article 1, Section 5.14)
10. Report from the Board of Selectmen on Selectmen Appointments that will expire on July 1. (Bylaws Article 1, Section 5.14)
11. Hoops and Homework



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## ARTICLE 3

To see if the Town will vote to amend the previously approved FY13 Community Development Block Grant (CDBG) to authorize the Board of Selectmen to provide funds to implement projects and/or delete funds previously set aside in FY13, as detailed in a background material handout to be provided at the Annual Town Meeting, if necessary.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 1, 2013 Voted:** That this article be referred back to Sponsor with the concurrence of the Sponsor.



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## ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to accept and expend funds in accordance with the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and regulations promulgated thereunder by the U. S. Department of Housing and Urban Development.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen**

**May 1, 2013 Voted:** That the Board of Selectmen be authorized to accept and expend fund in accordance with the provisions of Title I of the Housing and Community Development Act of 1974, as amended, and regulations promulgated thereunder by the U.S. Department of Housing and Urban Development, and in accordance with the "Proposed Statement of Community Development Objectives and Projected Use of Funds" approved by the Board of Selectmen on February 5, 2013 with the amounts of funding increased or decreased proportionately to the percentage change in actual Entitlement Grant funding available versus estimated Entitlement Grant funding available. Said projected use of funds is shown on the attached background pages.



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## ARTICLE 4 - ATTACHMENT

I am pleased to submit the attached Recommended Budget for the Community Development Block Grant (CDBG) Program for Fiscal 2014, together with background information. The Town has yet to receive the final level of funding for the CDBG Program, but our best estimates at this stage are:

### Fiscal 2014 CDBG Funds

CDBG Allocation:	\$434,317	(No change from FY13)
CDBG Program Income:	\$40,000	(Projected, no change from FY13)
Unspent Prior-Year CDBG Funds:	\$0	(No change from FY13)
Projected Total Available	\$474,317	(No change anticipated from FY13)

Consistent with standard procedure, the Community Development (CD) Department distributed Requests for Proposals to potential applicants for CDBG funding in December of 2012. Upon receipt of responses, the CD Department convened a public hearing conducted by the Community Development Committee on January 31, 2013 and used the input received to develop a Recommended Fiscal 2014 CDBG budget that was approved by the Board of Selectmen on February 5, 2013 for consideration by Town Meeting.

### RECOMMENDED USES OF FISCAL 2014 CDBG FUNDS

<b>1.0 ADMINISTRATION/PLANNING</b>	<b>\$ 94,300*</b>
<b>2.0 HOUSING REHABILITATION</b>	<b>\$185,265</b>
2.1 HOUSING REHABILITATION	\$ 80,265
SPONSOR: COMMUNITY DEVELOPMENT DEPT.	
2.2 CODE ENFORCEMENT	\$ 60,000
SPONSOR: BUILDING & INSPECTIONAL SERVICES	
2.3 PUBLIC HOUSING IMPROVEMENTS – ROSE KENNEDY LANE	\$45,000
SPONSOR: FRAMINGHAM HOUSING AUTHORITY	
<b>3.0 PUBLIC FACILITIES IMPROVEMENTS</b>	<b>\$ 82,700</b>
3.1 BOWDITCH BASEBALL FIELD – ADA ACCESSIBLE BLEACHERS	\$ 82,700
SPONSOR: FRAMINGHAM PARKS AND RECREATION DEPT.	
<b>4.0 PUBLIC SERVICES</b>	<b>\$ 70,950**</b>
4.1 LITERACY UNLIMITED	\$ 11,500
SPONSOR: FRAMINGHAM PUBLIC LIBRARY	
4.2 FRAMINGHAM ADULT ESL PLUS	\$ 20,500
SPONSOR: FRAMINGHAM ADULT ESL PROGRAM	
4.3 COMMUNITY CONNECTIONS SUMMER WORK PROGRAM	\$ 23,000



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	<i>SPONSOR: FRAMINGHAM COALITION COMMUNITY CONNECTIONS</i>	
4.4	<b>RESILIENCY FOR LIFE PROGRAM</b>	<b>\$ 7,950</b>
	<i>SPONSOR: RESILIENCY FOR LIFE ADVISORY BOARD</i>	
4.5	<b>HEALTHY OPTIONS FOR PROGRESS THROUGH EDUCATION (HOPE)</b>	<b>\$ 8,000</b>
	<i>SPONSOR: PELHAM APARTMENTS RESIDENTIAL SERVICES</i>	
<b>5.0 DOWNTOWN IMPROVEMENTS</b>		<b>\$ 40,800</b>
5.1	<b>SOUTH FRAMINGHAM MAIN STREETS PROGRAM</b>	<b>\$ 30,000</b>
	<i>SPONSOR: FRAMINGHAM DOWNTOWN RENAISSANCE</i>	
5.2	<b>COMMERCIAL FAÇADE IMPROVEMENT PROGRAM</b>	<b>\$ 10,800</b>
	<i>SPONSOR: COMMUNITY DEVELOPMENT DEPARTMENT</i>	
<b>TOTALS</b>		<b>\$474,015</b>

\*Administration: The maximum amount of funds that may be budgeted to Administration is \$94,863, 20% of the sum of the Entitlement Grant plus Program Income realized in the program year.

\*\*Public Services: The maximum amount of funds that may be budgeted to Public Services is \$71,148, 15% of the sum of the Entitlement Grant plus Program Income realized in the program year.

#### **FISCAL 2014 RECOMMENDED CDBG PROJECT BACKGROUND**

##### **1.0 ADMINISTRATION AND PLANNING**

**GOAL:** TO ADMINISTER THE CDBG PROGRAM EFFECTIVELY AND EQUITABLY AND TO ENSURE THAT ALL MEMBERS OF THE COMMUNITY CAN PARTICIPATE IN OR BENEFIT FROM PROGRAM ACTIVITIES.

1.1	<b>CDBG PROGRAM ADMINISTRATION</b>	<b>\$ 94,300</b>
	<i>SPONSOR: COMMUNITY DEVELOPMENT DEPARTMENT</i>	
	<b>SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT</b>	<b>\$ 94,300</b>
	<b>PROGRAM INCOME:</b>	<b>\$ 0</b>

##### **2.0 HOUSING REHABILITATION**

**GOAL:** TO ARREST DETERIORATION IN THE EXISTING HOUSING STOCK AND TO STABILIZE NEIGHBORHOODS THROUGH ONGOING FINANCIAL AND TECHNICAL HOUSING REHABILITATION ASSISTANCE TO PROPERTY OWNERS.

2.1	<b>HOUSING REHABILITATION ASSISTANCE (HRAP) PROGRAM</b>	<b>\$ 80,265</b>
	<i>SPONSOR: FRAMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT</i>	
	<b>SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT</b>	<b>\$ 40,265</b>



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**PROGRAM INCOME: \$ 40,000**

In Fiscal 2014, HRAP will provide deferred, no-interest loans to repair code violations, improve energy efficiency and enhance ADA-accessibility in 2-4 owner-occupied homes with lower-income owners, and, if possible, 1 to 2 rental units occupied by lower-income tenants. Loans will be made in specified target neighborhoods where possible, and will address emergency repairs, such as heating system and roof repairs as well as code violations, energy efficiency improvements and ADA access upgrades. In addition to loans, CD staff will provide technical assistance on financial and rehabilitation matters to interested applicants. CDBG monies will also pay administrative costs associated with HRAP. Funding HRAP permits the Town to receive assistance from the Mass Housing Home Improvement Loan Program.

Performance Target: 2-5 Dwelling Units; very low, low & moderate- income clientele

**2.2 CODE ENFORCEMENT \$ 60,000**  
*SPONSOR: TOWN OF FRAMINGHAM INSPECTIONAL SERVICES*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 60,000**  
**PROGRAM INCOME: \$ 0**

The Board of Selectmen has placed a priority on stronger code enforcement to address substandard and overcrowded housing conditions, particularly in poorer neighborhoods. CDBG funds will continue to be used to reimburse personnel costs incurred by Building Inspectors in performance of housing inspections in low/moderate-income (LM) neighborhoods. Building/sanitation code violations discovered must be corrected by property owners with assistance provided, where possible, from the Housing Rehabilitation Assistance Program (HRAP).

Performance Target: 400 Inspections in LM areas (6,237 residents)

**2.3 PUBLIC HOUSING \$ 45,000**  
*SPONSOR: FRAMINGHAM HOUSING AUTHORITY*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 45,000**  
**PROGRAM INCOME: \$ 0**

Design and construction of a new, ADA-accessible entry into the Community Room of the Rose Kennedy Lane public housing development; CDBG funds will pay for design and construction costs.

Performance Target: 80 residents of the Rose Kennedy Lane public housing complex

### 3.0 PUBLIC IMPROVEMENTS

**GOAL: TO IMPROVE INFRASTRUCTURE THAT WILL PROLONG THE USEFUL LIFE OF PUBLIC FACILITIES.**



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**3.1 BOWDITCH BASEBALL FIELD – ADA ACCESSIBLE BLEACHERS \$ 82,700**  
*SPONSOR: TOWN OF FRAMINGHAM-PARKS & RECREATION DIVISION*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 82,700**  
**PROGRAM INCOME: \$ 0**

CDBG funding will be used to install ADA-accessible bleachers at the baseball field at the Bowditch Recreation Complex. CDBG funds will assist with design, site preparation and installation.

Performance Target: 1 public facility serving residents with impaired mobility.

#### 4.0 PUBLIC SERVICES

**GOAL: TO IMPROVE THE QUALITY OF LIFE FOR LOW AND VERY LOW INCOME RESIDENTS OF THE TOWN THROUGH THE PROVISION OF PUBLIC SERVICES.**

**4.1 LITERACY UNLIMITED PROGRAM \$ 11,500**  
*SPONSOR: FRAMINGHAM PUBLIC LIBRARY*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 11,500**  
**PROGRAM INCOME: \$ 0**

Partial funding is sought to continue the work of an adult literacy training program that features training of volunteer tutors to teach basic reading, writing, and computational skills, to illiterate and learning disabled adults on a one-to-one basis. The range of activities includes classroom training of tutors, one-to-one tutoring, tutoring in conversational English to limited English speakers, counseling, job development, General Equivalency Diploma (GED) preparation and materials, and maintenance of student and tutor support networks. On-site tutoring will also be increased. CDBG funds support the administrative staff to recruit and train hundreds of volunteer tutors. The programs will enhance basic literacy instruction by hiring a reading consultant to evaluate students initially and on an on-going basis, develop a learning plan for each low level literacy student, and provide guidance to tutors as they work with these students.

Performance Target: Up to 100 very low, low & moderate-income clients

**4.2 FRAMNIGHAM ADULT ESL PLUS PROJECT \$ 20,500**  
*SPONSOR: FRAMINGHAM ADULT ESL PROGRAM*

**SOURCES OF FUNDS: ENTITLEMENT GRANT \$ 20,500**  
**PROGRAM INCOME: \$ 0**

Partial funding is sought to provide free English-as-a-Second Language classes, training, and development to adult (ages 18-85) limited-English speakers to facilitate their



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integration into the community by helping them prepare for their GED, Citizenship Preparation classes; and classes relating to the job market, customs, culture and the law. Funds will meet the cost of instructors, and counseling support for three classes for two semesters operated during the evening hours.

Performance Target: Up to 40 very low, low & moderate-income clients

**4.3 COMMUNITY CONNECTIONS SUMMER WORK PROGRAM \$ 23,000**  
*SPONSOR: COMMUNITY CONNECTIONS ACTION TEAM/FRAM. COALITION*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 23,000**  
**PROGRAM INCOME: \$ 0**

Funding is being requested to provide a youth summer work program to employ a total of 30 teens (ages 14 to 17) that live in low-income Framingham neighborhoods. The program will operate during the summer months for two, two and a half week sessions in which teens will learn the importance of responsibility and investing in their community while developing landscaping, general clean up, painting, and maintenance skills; and learn to work together as a team by completing projects assigned to them. Because this will be a first job for most, teens will also learn the interview process and how to complete a job application. These sessions are supervised (on-site) by two adults who have numerous years of experience working with youth in both a school and community setting. The programs will involve orientation and, in later phase, participation in enrichment sessions on safety and health issues.

Performance Target: Up to 40 very low, low & moderate-income clients

**4.4 RESILIENCY FOR LIFE \$ 7,950**  
*SPONSOR: RESILIENCY FOR LIFE (RFL)*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 7,950**  
**PROGRAM INCOME: \$ 0**

Funding is requested to help staff the Resiliency for Life Math/English Institute, a summer school program offering math and literacy skills and semester-long MCAS and SAT prep classes to under-achieving students at Framingham High School. The program's mission is to take students most at risk of academic failure, truancy, and delinquency and help them develop the skills and confidence they need to turn around their education and lives. Incoming RFL freshmen who need math and writing support will be referred into the program. Responsibilities for the position currently include monitoring of classroom expectations and homework, assembling progress reports, dealing with disciplinary situations, and provide individual tutoring, and counseling services. Students will attend the Summer Institute for four weeks in July 2013, from 9:00am to 3:00pm. Incoming freshmen who need math and writing support will be referred into the program. Math programs will focus on important elements of Algebra I to facilitate a smooth transition to 9<sup>th</sup> grade math. Students will learn the essential tools of algebra, linear systems, functions and equations, matrices, and polynomial functions. English skills will focus on developing an analytical essay, reading and discussing 2 required summer reading selections, grammar, and vocabulary decoding skills. The MCAS and SAT prep classes, which meet in the spring, will prepare sophomores and



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juniors for these standardized tests.

Performance Target: Up to 40 very low, low & moderate-income clients

**4.5 H.O.P.E. (HEALTHY OPTIONS FOR PROGRESS THROUGH EDUCATION) \$ 8,000**  
*SPONSOR: PELHAM II CORPORATION*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 8,000**  
**PROGRAM INCOME: \$ 0**

H.O.P.E. is requesting funding for their on-site community-based program, which is geared toward 15-21 year old youth residing at the Pelham Apartments. H.O.P.E. provides these youth with access to computer technology that allows them to achieve academic success and obtain better jobs. H.O.P.E. provides one-on-one mentoring, community engagement, healthcare information, and other social services that improve the quality of life for themselves and their families. Students may earn a monthly stipend through their documented work in a community agency related to their coursework. Monthly field trips to educational, cultural, and science institutions will be determined by the student's interests. The proposed program will be conducted during the evening hours of 6:00 – 9:00pm., eliminating potential transportation barriers and incorporating familial support to the student. Concerted outreach efforts will be made to Hispanic and black youth to ensure participation. A family night will be offered once per month where student progress will be reported to the parent or legal guardian. The funds will directly pay the part-time program coordinator, program supplies, and costs associated with weekly programs and instructions and related materials.

Performance Target: Up to 30 very low, low & moderate-income clients

**5.0 DOWNTOWN IMPROVEMENTS**

**GOAL: TO IMPROVE THE QUALITY OF LIFE FOR LOW AND MODERATE-INCOME PEOPLE BY IMPROVING ECONOMIC CONDITIONS FOR SMALL BUSINESSES IN SOUTH FRAMINGHAM THAT SERVE LOCAL RESIDENTS.**

**5.1 SOUTH FRAMINGHAM MAIN STREETS PROGRAM \$ 30,000**  
*SPONSOR: FRAMINGHAM DOWNTOWN RENAISSANCE (FDR)*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 30,000**  
**PROGRAM INCOME: \$ 0**

FDR seeks partial funding to start a South Framingham Main Streets program for the Town's historic business district and surrounding residential neighborhoods in which 66% of residents have low or moderate-incomes. Funds will contribute to the salary of the Executive Director who provides marketing and other technical assistance to firms that serve neighborhood residents as well as small businesses owned by low or moderate-income people.

Performance Target: Up to 5 small, local businesses that serve clientele from low-moderate income areas and two marketing events.



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**5.2 COMMERCIAL FAÇADE RENOVATION LOAN PROGRAM \$ 10,800**  
*SPONSOR: FRAMINGHAM COMMUNITY DEVELOPMENT DEPARTMENT*

**SOURCES OF FUNDS: CDBG ENTITLEMENT GRANT \$ 10,800**  
**PROGRAM INCOME: \$ 0**

Funding is requested to capitalize loans to help small businesses located in the Town's Commercial Revitalization District to eradicate dilapidation and blight by installing new signage and improving storefronts and building facades.

Performance Target: Up to 2-3 local blighted commercial properties in the Commercial Revitalization District.

**CDBG GRAND TOTAL, Fiscal 2013: \$474,015**



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## ARTICLE 4 ADDITIONAL MOTIONS/AMENDMENTS

**May 1, 2013 Failed:** I move the following changes be made under 4.0:

1. 4.4 Resiliency For Life: To change from \$7950 to \$3500.
2. 4.6 Hoops For Homework: From not listed to restoring \$4450 reflecting the original and final vote of the CDBG Committee at the 1/31/2013.

**Lloyd Kaye, Precinct 10**



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## **ARTICLE 4 RESOLUTION A**

**May 1, 2013 Passed:** CDBG funds include funding for an Adult ESL course which is in very high demand. Such demand has led to a significant waiting list to get into the course. The registration form asks the applicant if they are a U.S. citizen and if they are a legal resident alien. However, no proof of such is requested nor is a signature testifying that the information provided is true.

Be it resolved that the SCW&M requests that the town administration set a policy which would require verification of legal status with appropriate documentation at the time of enrollment in this program.

**Audrey Hall, Precinct 3 Chair**



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## **ARTICLE 4 RESOLUTION B**

**May 1, 2013 Failed:** Town Meeting recommends that the Town Manager and Selectmen take appropriate steps to reinvigorate the CDBG citizens committee per HUD guidelines and requirements.

Also, it is recommended that the committee has input into all aspects of available federal funds to Framingham and that the administration works closely with the committee. This was the tradition in the past.

Further, resolved that the Community Services Standing Committee will help to find interested people to serve with enthusiasm on the CDBG citizens committee.

**Herb Chasan, Precinct 4  
Standing Committee on Community Services Chair**



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## ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the purpose of paying unpaid bills of prior years of the Town.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That Town Meeting authorize payment of the following unpaid bills of prior years of the Town. These bills are to be paid from the FY2013 departmental budget in which they were incurred.

Facilities Management	
Verizon	\$57.79
Treasurer/Collector	
Invoice Cloud	\$221.20
School Department	
NCS Pearson	\$540.92
School Department	
Town of Framingham (Police Detail)	\$172.00



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 6

To see if the Town will vote to authorize or re-authorize several revolving funds as defined by General Laws Chapter 44, Section 53 E ½ for Fiscal Year 2014 beginning July 1, 2013.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That Town Meeting authorize or re-authorize several revolving funds as defined by MGL, Ch. 44, Section 53E ½ for FY14 beginning July 1, 2013, including, but not limited to the following:

<u>Fund</u>	<u>Manager</u>	<u>Purpose</u>	<u>FY14 Spending Ceiling</u>	<u>Disposition of FY13 Fund Balance</u>
Town Owned Building/Civic Use Fund - Maynard Building	Facilities Management Department of the General Government Division	To receive funds from rental fees and other similar charges for the use of the Jonathan Maynard Building and to authorize the Facilities Management Department to spend these funds for direct expenses associated with the general maintenance of this building such as custodial costs, utilities, maintenance supplies and other similar expenses.	\$50,000	Balance available for expenditure
Town Owned Building/Civic Use Fund - Danforth and Memorial Buildings	Facilities Management Department of the General Government Division	To receive funds from rental fees and other similar charges for the use of the Danforth and Memorial Buildings and to authorize the Facilities Management Department to spend these funds for direct expenses associated with the general maintenance of these buildings such as custodial costs, utilities, maintenance supplies and other similar expenses.	\$90,000	Balance available for expenditure
Town Owned Building/Civic Use Fund - Cushing Chapel	Facilities Management Department of the General Government Division	To receive funds from rental fees and other similar charges for the use of Cushing Chapel and to authorize the Facilities Management Department to spend these funds for direct expenses associated with the general maintenance of these buildings such as custodial costs, utilities, maintenance supplies and other similar expenses.	\$20,000	Balance available for expenditure



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## ARTICLE 6 (CONTINUED)

<u>Fund</u>	<u>Manager</u>	<u>Purpose</u>	<u>FY14 Spending Ceiling</u>	<u>Disposition of FY13 Fund Balance</u>
Town Owned Building/Civic Use Fund - Concerts on the Common	Park and Recreation Department of the Parks Division	To receive funds from the sale of food and other similar charges during Concerts on the Common and to authorize the Park and Recreation Department to spend these funds for direct expenses associated with the sale of food and other concert-related charges such as staff costs, utilities, maintenance supplies and other similar expenses.	<b>\$4,000</b>	Balance available for expenditure
School Bus Fees	Framingham School Committee - School Department	To receive and spend funds for direct expenses associated with the transportation of students to and from school.	<b>\$380,000</b>	Balance available for expenditure
Town Wetland Protection Fund	Conservation Commission of the Public Works Division	To receive fees and spend funds to pay for services associated with processing Permits and Requests for Determination.	<b>\$28,000</b>	Balance available for expenditure
Excavation Management Fund	Public Works Division	To account for revenue from fees collected for Street Opening Permits and the Excavation Management program for the administrative and operational costs associated with the management of this program.	<b>\$75,000</b>	Balance available for expenditure
Vaccine Administration Fund	Board of Health of the Inspectional Services Division	To use funds secured from reimbursements for vaccine administration to citizens. The funds will be used to buy additional vaccines and supplies to expand the program including but not limited to the purchase of flu vaccine for town employees.	<b>\$27,000</b>	Balance available for expenditure
Fluorescent Lamp/Mercury Recycling Fund	Public Works Division	To use revenue secured from fees collected for the disposal of Fluorescent lamps, compact fluorescents and other mercury containing items like thermometers, thermostats and button-cell batteries to offset the costs of disposal.	<b>\$5,000</b>	Balance available for expenditure
Town Records Preservation Fund	Town Clerk of the Elected Boards Division	To use funds secured from vital records charges to preserve deteriorating records of the Town of Framingham. A specific charge of \$2 per record is collected and will be deposited in this fund to be used for any costs related to record preservation.	<b>\$34,000</b>	Balance available for expenditure



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## ARTICLE 6 (CONTINUED)

<u>Fund</u>	<u>Manager</u>	<u>Purpose</u>	<u>FY14 Spending Ceiling</u>	<u>Disposition of FY13 Fund Balance</u>
Callahan Senior Center Fund	Council on Aging of the Parks Division	To use fees and revenues received from building rental, programming, and general services. The funds will be expended to cover associated costs and expenses of those services and for the advancement of Council on Aging's established mission statement.	<b>\$25,000</b>	Balance available for expenditure
Emergency Management Equipment Fund	Framingham Emergency Management Agency of the Police Division	To collect and expend fees assessed to NERAC (Northeast Regional Advisory Council for Homeland Security) communities for the use of centrally housed equipment for emergent situations and provide upkeep and maintenance on the equipment in the cache.	<b>\$3,500</b>	Balance available for expenditure
Animal Control Fund	Animal Control Department of the Police Division	To use fees collected from boarding and kennel rentals for the purpose of offsetting kennel operating costs.	<b>\$4,500</b>	Balance available for expenditure
Blighted Property Fund	Building Inspection Department of the Inspectional Services Division	To account for revenue from fees generated by the foreclosed property registration bylaw and municipal lien bylaw. Expenditures may be made for the administrative and operational costs associated with making distressed properties safe by demolishing, boarding-up, cleaning up, or securing from unauthorized intruders.	<b>\$10,000</b>	



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## ARTICLE 7

To see if the Town will vote to appropriate a sum or sums of money for off-site mitigation improvements or as otherwise agreed upon by the Town of Framingham Planning Board and Project Applicant(s) pursuant to recorded Planning Board decision(s) to be managed by the Town Manager or designee in consultation with the Planning Board and consistent with said decision(s).

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That this article be referred back to the Sponsor with the concurrence of the Sponsor.



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## ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer funds received for legal defense and expert costs to restore the capital project funds from which they were paid.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That the Town appropriate a sum of \$116,593 to the account associated with the 2006 Annual Town Meeting Article 30MM Water Street Sewer appropriation, to be transferred from the Insurance Proceeds greater than \$20,000 Fund; and further, to transfer \$130,696 to the account associated with the 2010 Annual Town Meeting Article 26B Technology Park Sewer, \$51,128 to be transferred from Sewer Retained Earnings and \$79,568 to be transferred from the Insurance Proceeds greater than \$20,000 Fund; being the amounts reimbursed by Kleinfelder/SEA Consultants, Inc. to the Town for legal fees originally expended from Sewer Department project funds in connection with pending litigation.

<u>Transfer</u>	<u>To</u>	<u>From</u>
4/06 ATM A30MM Water Street Sewer	\$116,593	
5/10 ATM A26B Tech Park Acquisition	\$130,696	
Insurance Proceeds greater than \$20,000		\$116,593
Insurance Proceeds greater than \$20,000		\$79,568
Sewer Retained Earnings		\$51,128
<b>TOTAL</b>	<b>\$247,289</b>	<b>\$247,289</b>



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 9

To see if the Town will vote to determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operations of the Town of Framingham, including debt and interest for Fiscal Year 2013 (July 1, 2012 – June 30, 2013) and to see what budgets for Fiscal Year 2013 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That the following FY2013 budget adjustments be made:

<u>Transfer</u>	<u>To</u>	<u>From</u>
10/12 STM A9 Lexington St Garage		\$240,000
Salary Reserve Fund		\$2,365
Reserve Fund		\$278,200
Keefe Technical School Assessment		\$80,803
Snow & Ice	\$303,282	
Fire Division	\$167,153	
Police Division	\$5,892	
Public Works Division	\$44,882	
Elected Boards Division	\$6,718	
General Government Division	\$7,453	
Parks Division	\$19,180	
Finance Division	\$16,466	
Inspectional Services Division	\$15,879	
Economic Development Division	\$4,904	
Technology Services Division	\$6,263	
Human Resources Division	\$3,295	
<b>TOTAL</b>	<b>\$601,368</b>	<b>\$601,368</b>



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 10

To see if the Town will vote to determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operations of the Water Department, including debt and interest for Fiscal Year 2013 (July 1, 2012 – June 30, 2013) and to see what budgets for Fiscal Year 2013 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That this article be referred back to the Sponsor with the concurrence of the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 11

To see if the Town will vote to determine what sum or sums of money the Town will appropriate and raise, or transfer from available funds, for the operations of the Sewer Department, including debt and interest for Fiscal Year 2013 (July 1, 2012 – June 30, 2013) and to see what budgets for Fiscal Year 2013 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That this article be referred back to the Sponsor with the concurrence of the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 12

To see if the Town will vote to fund any collective bargaining agreements that have been settled, and adopt any necessary changes to the Compensation Schedules.

Pass any vote or take any action relative thereto.

**Sponsor: Human Resources/Town Manager**

**May 2, 2013 Voted:** That the Town approve the following Collective Bargaining Agreements that have been settled with Town employees:

Framingham Professional Union SEIU, Local 888 (new union)

Public Employee Local Union 1116 – Public Works Supervisors

Public Employee Local Union 1116 – Parks Supervisors

And adopted the proposed salary schedules as follows and provided in the background material:

SEIU – Professional Administrative Union (new union)

1% COLA Effective October 3, 2011

1% COLA Effective July 1, 2012

1% COLA Effective July 1, 2013

Public Works Employee Local Union 1116 – Public Works Supervisors

1% COLA Effective July 1, 2011

1% COLA Effective March 1, 2013

1% COLA Effective June 30, 2013

Parks Employee Local Union 1116 – Parks Supervisors

1% COLA Effective July 1, 2011

1% COLA Effective March 1, 2013

1% COLA Effective June 30, 2013



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 13

To see if the Town will vote to amend the Personnel Bylaw of the town by striking Schedule A thereof and by adopting, in the place thereof, the new Schedule A.

Pass any vote or take any action relative thereto.

**Sponsor: Human Resources/Town Manager**

**May 2, 2013 Voted:** That the Town amend the Personnel Bylaw of the Town by striking Schedule A thereof and by adopting, in its place thereof, the new Schedule A as provided in the background material.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 14

To see if the Town will vote to approve 1% FY13 COLA for non-union municipal employees and adopt any necessary changes to the compensation schedules for non-union personnel (M) and Division Head (DH).

Pass any vote or take any action relative thereto.

**Sponsor: Human Resources/Town Manager**

**May 2, 2013 Voted:** That the Town amend the Personnel Bylaw of the Town by striking Schedules B, so called M scale and DH scale, and by adopting in the place thereof the new FY13 Schedules B, so called M scale and DH scale as provided in the background material.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 15

To see if the Town will vote to approve 1% FY14 COLA for non-union municipal employees and adopt any necessary changes to the compensation schedules for non-union personnel (M), Director (D), Deputy Director (DD) and Division Head (DH).

Pass any vote or take any action relative thereto.

**Sponsor: Human Resources/Town Manager**

**May 2, 2013 Voted:** That the Town amend the Personnel Bylaw of the Town by adopting the new FY14 Schedules B, so called M scale and DH scale as provided in the background material.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 16

To see if the Town will vote to adopt for Fiscal Year 2014, the salary schedules as listed:

Schedule T – Temporary Employees  
Schedule PSM – Public Safety Management  
Schedule LO – Library Pages  
Schedule DPS – Dispatchers  
Schedule FF – Firefighters  
Schedule FDC – Deputy Fire Chiefs  
Schedule L – Library  
Schedule PS – Police Superiors  
Schedule PD – Police Officers  
Schedule V – Crossing Guards  
Schedule W – General Local 1156

Pass any vote or take any action relative thereto.

**Sponsor: Human Resources/Town Manager**

**May 2, 2013 Voted:** That the Town adopt the following Salary Schedules of the Town effective for FY14 (July 1, 2013 – June 30, 2014)

Schedule T	Temporary Seasonal
Schedule PSM	Public Safety Management
Schedule LO	Library Pages
Schedule DPS	Dispatchers Public Safety
Schedule FF	Firefighters
Schedule FDC	Fire Deputy Chiefs
Schedule L	Library
Schedule PS	Police Superior Officers
Schedule PD	Police Local 474
Schedule V	Crossing Guards
Schedule W	General Local 1156 (Public Works)
Schedule W	General Local 1156 (Parks & Recreation)



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 17

To see if the Town will vote to rescind various authorized, but unissued borrowing votes of the Town.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2013 Voted:** That the following authorized, but unissued balances of Town borrowing votes be rescinded:

<u>Town Meeting</u>	<u>Article</u>	<u>Amount to be Rescinded</u>
4/08 ATM	A44K Roadway Improvements 2009	\$328
4/09 ATM	A39H Cushing Memorial Park	\$248,000
4/09 ATM	A39R McAdams Drainage Improvements	\$105,000
5/10 STM	A8 Recycling Bins	\$500
5/10 ATM	A24F Playground Handicap Accessible Equipment	\$1,087
1/11 STM	A2 Stapleton School Windows & Doors	\$588,438
5/11 ATM	A31C Multi Hazard Gas Meters	\$473
5/11 ATM	A31D Library Garage Repair	\$40,000
5/11 ATM	A31H F250 4 x 4 Truck	\$377
5/11 ATM	A31J Beach Dock Replacement	\$1,057
5/11 ATM	A32E 40K GVW Dump Truck W/Plow #631	\$36



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 18

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for various capital projects including purchase of equipment, purchase of land, repair, rehabilitation, design or construction of buildings and infrastructure, including any related engineering, personnel and legal services, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 9, 2013 Voted:** That the Town raise and appropriate, transfer from available funds or borrow the sum of \$12,265,722 for the projects listed below, to be spent under the direction of the Town Manager or his designee, with the exception of items proposed by the School Department, which will be spent under the direction of the School Superintendent or his designee, and further, that the Town Manager or School Superintendent shall be allowed to exceed the appropriation for individual capital projects to be spent under his direction as long as the total amount to be spent does not exceed the total amount appropriated and that such adjustments are in compliance with M.G.L., Chapter 44 for the purpose of the design and construction, including any related engineering, personnel and legal services as provided in the supplemental background material and attached;

Item #	Description	Department	Amount	Date Voted	Amount Voted	Vote
A18 A	Energy Management Software Upgrade, Phase 2	Facilities Management	\$28,975	5/8/13	\$28,975	95-0-10
A18 B	Downtown Parking Meter Implementation Project	Facilities Management	\$89,877	5/7/13	\$89,877	134-6-6
A18 C	Pearl Street Garage Repairs	Facilities Management	\$218,000	5/7/13	\$218,000	123-29-0
A18 D	Replace Aerial Bucket Truck	Fire	\$198,553	5/7/13	\$198,553	126-9-4
A18 E	Phase 1 - Protective Clothing Replacement	Fire	\$113,360	5/7/13	\$113,360	142-1-0
A18 F	Replace Facilities Pick-Up Truck	Fire	\$49,590	5/7/13	\$49,590	122-14-7
A18 G	Zamboni	Loring Arena	\$124,609	5/8/13	\$124,609	95-0-10
A18 H	Design Development - Arena Renovations	Loring Arena	\$35,117	5/7/13	\$35,117	119-8-5
A18 I	Toro Groundmaster 580-D 4x4	Parks and Recreation	\$101,223	5/8/13	\$101,223	95-0-10



# Town of Framingham

## Annual Town Meeting

### May 1, 2013

A18 J	F350 4x4 Crew Cab Pickup 10,000 GVW	Parks and Recreation	\$42,640	5/8/13	\$42,640	95-0-10
A18 K	F250 4x4 Ext Cab Pickup 8,800 GVW	Parks and Recreation	\$40,632	5/8/13	\$40,632	95-0-10
A18 L	Cushing Memorial Park Phase 5-Childrens Grove Play Area	Parks and Recreation	\$665,000	5/8/13	\$665,000	102-23-7
A18 M	Water Street Retaining Wall Construction Project	Public Works - Engineering	\$610,000	5/8/13	\$610,000	118-10-4
A18 N	Saxonville Levee Pump Station Improvements - Design	Public Works - Engineering	\$150,000	5/8/13	\$150,000	95-0-10
A18 O	Campello Road Drain Relief System and Cherry Street Headwall Repair	Public Works - Engineering	\$360,000	5/8/13	\$360,000	95-0-10
A18 P	NPDES Permit - Planning/Preparation	Public Works - Engineering	\$50,000	5/8/13	\$50,000	95-0-10
A18 Q	Repair Shop Make-Up Air Unit	Public Works - Garage	\$26,000	5/8/13	\$26,000	128-2-2
A18 R	Transfer Station Demolition Conceptual Design	Public Works - Garage	\$80,000	5/8/13	\$80,000	130-5-2
A18 S	Replacement of a Log Loader Attachment	Public Works - Highway	\$68,000	5/8/13	\$68,000	95-0-10
A18T	Replacement of a Sidewalk Tractor with Snow Plow #463	Public Works - Highway	\$156,100	5/8/13	\$156,100	122-13-4
A18 U	Replacement of a Front End Loader 3CY with Snow Plow # 453	Public Works - Highway	\$86,900	5/8/13	\$86,900	95-0-10
A18 V	Sander Body with Compuspread and Calcium Controls #421a	Public Works - Highway	\$40,480	5/8/13	\$40,480	95-0-10
A18 W	Roadway Improvements 2014	Public Works - Highway	\$3,200,000	5/8/13	\$3,200,000	126-5-3
A18 X	Sidewalk/Accessibility Improvements 2014	Public Works - Highway	\$200,000	5/8/13	\$200,000	95-0-10
A18 Y	Beaver Dam Brook/High Risk Structures Phase 2	Public Works - Highway	\$300,000	5/8/13	\$300,000	95-0-10
A18 Z	Replacement 68,000 GVW Cab & Chassis w/Rolloff Frame #519	Public Works - Sanitation	\$201,300	5/8/13	\$201,300	95-0-10
A18 AA	Replacement 2005 72,000 GVW Cab & Chassis w/31 CY Refuse Packer & Snow Plow #514	Public Works - Sanitation	\$321,500	5/8/13	\$321,500	95-0-10
A18 BB	MSBA Feasibility Study	School Department	\$400,000	5/8/13	\$400,000	123-3-3
A18 CC	Technology Upgrades Throughout District - Phased Project	School Department	\$500,000	5/8/13	\$500,000	127-10-2
A18 DD	DDC Energy Conservation Program - Phased Project	School Department	\$225,000	5/8/13	\$225,000	95-0-10
A18 EE	ADA Upgrades to Curbs, Sidewalks, Handicap Ramps, Railings, Door Hardware, Signage - Multiple Schools - Phased Project	School Department	\$300,000	5/8/13	\$300,000	95-0-10
A18 FF	Paving Replacement/Storm Water All Schools - Phased Project	School Department	\$740,000	5/8/13	\$740,000	95-0-10



# Town of Framingham

## Annual Town Meeting

### May 1, 2013

A18 GG	Heating Ventilation Air Conditioning (HVAC) - Replace Rooftop Air Handling Units (AHU's) and Ventilation Equipment - Multiple Schools	School Department	\$340,000	5/8/13	\$340,000	95-0-10
A18 HH	Mechanical, Electrical, Plumbing Upgrades - All Schools - Multiple Systems - Phased Project	School Department	\$150,000	5/8/13	\$150,000	95-0-10
A18 II	Grounds Equipment Replacement - Mower	School Department	\$96,000	5/8/13	\$96,000	95-0-10
A18 JJ	Dump Truck With Plow - Vehicle Replacement	School Department	\$59,300	5/8/13	\$59,300	95-0-10
A18 KK	Replace Deteriorated Floor Tile in Main Areas and in Corridors - Multiple Schools	School Department	\$745,000	5/8/13	\$745,000	95-0-10
A18 LL	Generator Replacement	School Department	\$50,000	5/8/13	\$50,000	95-0-10
A18 MM	Sealer of Weights and Measures Vehicle	Sealer Weights & Measures	\$33,579	5/8/13	\$33,579	109-8-6
A18 NN	Traffic Calming Program	Selectmen / Town Manager	\$200,000	5/8/13	\$200,000	95-26-5
A18 OO	Public Safety Server Replacement	Technology Services	\$88,900	5/8/13	\$88,900	120-1-1
A18 PP	Network Data Storage and Connectivity	Technology Services	\$117,949	5/8/13	\$117,949	95-0-10
A18 QQ	Archived Document Scanning - 2nd Phase	Technology Services	\$237,138	5/8/13	\$237,138	95-0-10
A18 RR	Service Delivery & Space Utilization Study - Memorial Bldg	Town Owned Buildings	\$45,000	5/8/13	\$45,000	95-0-10
A18 SS	Renovate Athenaeum Hall - Concord St. - Phase 1	Town Owned Buildings	\$270,000	5/8/13	\$180,000	(as amended) 103-11-2
A18 TT	Village Hall Base Building Improvements	Town Owned Buildings	\$200,000	5/9/13	\$200,000	130-5-4

and provided further that the total appropriation for Phase 5 renovations at Cushing Memorial Park be conditional on receiving a grant from the Commonwealth of Massachusetts' Division of Conservation Services, and that the Phase 5 renovations be for Parks and Recreation purposes, on dedicated parkland as identified by M.G.L. c.45 s.14, under the care and control of the Park Commission, and that the Parks Commission be authorized to seek any reimbursement from the Commonwealth's Division of Conservation Services' Parkland Acquisitions and Renovations for Communities (PARC) grant program or any other applicable state agency or program for costs associated with said amount and to file on behalf of the Town any and all applications and to enter into any contracts necessary thereto, and that should any additional funds become available in connection with this project, including, but not limited to, mitigation, grant funds, and private donations, said sums shall be used to offset and/or defray the amounts to be borrowed to finance this project



# Town of Framingham Annual Town Meeting May 1, 2013

And, further, that the Board of Selectmen be authorized to acquire by gift, purchase or eminent domain, permanent easements and temporary construction easements or other interests in land for said projects, and further to authorize the Board of Selectmen to take all actions necessary to carry out the purposes of this article.

And to meet said appropriation transfer \$170,181 as follows:

Transfer		Town Meeting	Article
\$3,781	From	4/09 ATM	A39R McAdams Drainage Improvements
\$130,416	From	5/00 ATM	A25Q Park Street Drainage
\$1,183	From	5/11 ATM	A31D Library Garage Repairs
	To Fund	5/13 ATM	A18M Water Street Retaining Wall Construction Project
\$34,801	From	1/11 STM	A3 Stapleton Windows & Doors
	To Fund	5/13 ATM	A18EE ADA Upgrades to Curbs, Sidewalks, Handicap Ramps, Railings, Door Hardware, Signage - Multiple Schools - Phased Project

and further, that the Treasurer be authorized, with the approval of the Board of Selectmen, to issue from time to time bonds or notes in the amount of \$12,095,541 pursuant to the provisions of M.G.L., Chapter 44, Section 7 and 8 or any other enabling authority.

**128 voting in favor, 2 opposed, 3 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 18 ADDITIONAL MOTIONS/AMENDMENTS**

**May 8, 2013 Passed:** On behalf of the Standing Committee on Ways and Means and with the concurrence of the administration and the Friends of Saxonville, I move to reduce the capital budget line item for the Athenaeum design to \$180,000.

**Audrey Hall, Precinct 3 Chair  
Standing Committee on Ways and Means Chair**

**88 voting in favor, 23 opposed, 6 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 18 RESOLUTION A

**May 7, 2013 Failed:** Be it resolved that for purpose of equitable sharing of the costs of operating Loring Arena, the Town of Framingham will charge a rate that is at least 50% higher than the resident rate for arena rentals to groups where fewer than half of the participants are town residents. For this purpose, dormitory room address will not be considered establishment of residency.

Be it further resolved that the Park and Recreation Department will review use of the Arena with the goal of allowing the general public ice skating time mid-week during late afternoon (after 5pm) and evening hours, as well as providing skating instruction for the population older than the current 10-year-old age limit. Thought should be given to keeping the arena open beyond hockey season during the months of April and May, with the possibility of offering skating lessons during April school vacation.

**Yael Steinsaltz, Precinct 11**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 18 RESOLUTION B**

**May 8, 2013 Passed:** The Standing Committee on Ways and Means requests that the Director of Dept. of Parks and Recreation meet with the School Superintendent and the Town Manager to discuss synergies in managing town and school playgrounds and report back at the Fall 2013 town meeting.

**Audrey Hall, Precinct 3 Chair  
Standing Committee on Ways and Means Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 19

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for various water department capital projects including purchase of equipment, purchase of land, repair, rehabilitation, design or construction of buildings and infrastructure, including any related engineering, personnel and legal services, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 9, 2013 Voted:** That the Town raise and appropriate, transfer from available funds, or borrow the sum of \$4,529,630 for the projects listed below, to be spent under the direction of the Town Manager or his designee, and further, that the Town Manager shall be allowed to exceed the appropriation for individual capital projects to be spent under his direction as long as the total amount to be spent does not exceed the total amount appropriated and that such adjustments are in compliance with M.G.L., Chapter 44, for the purpose of design and construction, including any related engineering, personnel and legal services of the following Water Department projects as provided in the supplemental background material and attached:

A19 A	Repair Shop Make-Up Air Unit	Water	\$26,000
A19 B	Replacement of a 15,000 GVW Two-Wheel Drive with Utility Body #607	Water	\$48,630
A19 C	Bethany Road and Winthrop/Waverly Intersection Improvements	Water	\$855,000
A19 D	Warren Road and Prindiville Water Main	Water	\$2,990,000
A19 E	Central Street Bridge Water Main Installation	Water	\$110,000
A19 F	Water Main Replacement Various Locations 2014	Water	\$300,000
A19 G	Water Hydrant and Gate Valve Replacements 2014	Water	\$200,000



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 19 (CONTINUED)**

And further, that the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain, permanent easements and temporary construction easements or other interests in land for said projects, and further that the Board of Selectmen be authorized to take all actions necessary to carry out the purposes of this article; and further that the Treasurer is authorized, with the approval of the Board of Selectmen, to issue from time to time bonds or notes in the amount of \$4,529,630 pursuant to the provisions of M.G.L., Chapter 44, Section 7 and 8 or any other enabling authority.

**136 voting in favor, 0 opposed, 2 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 20

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for various sewer department capital projects including purchase of equipment, purchase of land, repair, rehabilitation, design or construction of buildings and infrastructure, including any related engineering, personnel and legal services, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 9, 2013 Voted:** That the Town raise and appropriate, transfer from available funds, or borrow the sum of \$25,630,000 for the projects listed below, to be spent under the direction of the Town Manager or his designee, and further, that the Town Manager shall be allowed to exceed the appropriation for individual capital projects to be spent under his direction as long as the total amount to be spent does not exceed the total amount appropriated and that such adjustments are in compliance with M.G.L., Chapter 44, for the purpose of the design and construction, including any related engineering, personnel and legal services of the Sewer Department projects as provided in the supplemental background material and attached:

A20 A	Repair Shop Make-Up Air Unit	Sewer	\$26,000
A20 B	Trailer Mounted Generators	Sewer	\$131,000
A20 C	Worcester Road Pumping Station Elimination Project - Construction	Sewer	\$17,220,000
A20 D	Baiting Brook Sewer Improvements	Sewer	\$6,563,000
A20 E	Bethany Road and Winthrop/Waverly Intersection Sewer Improvements	Sewer	\$1,240,000
A20 F	Sewer Main Replacement Various Locations 2014	Sewer	\$300,000
A20 G	Speen Street Force Main Decommissioning Project – Design	Sewer	\$150,000



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 20 (CONTINUED)**

And further, that the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain, permanent easements and temporary construction easements or other interests in land for said projects, and further, that the Board of Selectmen be authorized to take all actions necessary to carry out the purposes of this article;

And to meet said appropriation \$46,788 will be transferred from 4/05 ATM A26 FF Swift Road Sewer Main Project to fund the Sewer Main Replacement Various Locations Project; and further, that the Treasurer be authorized, with the approval of the Board of Selectmen, to issue from time to time bonds or notes in the amount of \$25,583,212 pursuant to the provisions of M.G.L., Chapter 44, Section 7 and 8 or any other enabling authority.

**143 voting in favor, 0 opposed, 1 abstention.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 21

To see if the Town will vote to act on reports and recommendations of the Selectmen and other officers and committees of the Town and Boards of Trustees and to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the support of the operations of the Town, for a Reserve Fund, for any other purposes included in said reports, for the payments of notes and bonds of the Town, if any, which mature before the next annual meeting, for the payment of pensions and for all other necessary expenses of the Town for the Fiscal Year 2014 (July 1, 2013 – June 30, 2014).

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 15, 2013 Voted:** That the Town hear and act on reports and recommendations of the Selectmen and other officers and committees of the Town and Boards of Trustees and to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the support of the operations of the Town, for a Reserve Fund, for any other purposes included in said reports, for the payment of notes and bonds of the Town, if any, which mature before the next annual meeting, for the payment of pensions and for all other necessary expenses of the Town for the Fiscal Year 2014 (July 1, 2013 – June 30, 2014).

Unclassified Appropriation	\$38,777,553
Retirement Appropriation	\$13,612,175
Debt Service Appropriation	\$10,892,044
Fire Division	\$13,502,494
Police Division	\$13,150,149
Public Works Division	\$9,276,700
Framingham Public Library	\$2,801,499
Planning Board	\$210,624
Town Clerk Stipend	\$90,540
Town Clerk/Elections Division	\$328,976
General Government Division	\$3,019,352
Parks & Recreation/Cultural Affairs Division	\$3,519,541
Finance Division	\$2,183,182
Inspectional Services Division	\$1,834,470



# Town of Framingham Annual Town Meeting May 1, 2013

Community & Economic Development Division	\$541,820
Technology Services Division	\$1,436,669
Human Resources Division	\$754,170
Framingham Public Schools	\$102,115,427
Keefe Technical Assessment	\$8,277,562
Stabilization Fund	\$589,695 <b>104 voting in favor, 3 opposed, 3 abstentions</b>
Reserve Fund	\$400,000
Snow & Ice Appropriation	\$1,532,717
Total Town Meeting Appropriation	\$228,847,360

And to meet said appropriations, the Town approves the following to support the budget:

Transfer from Free Cash	\$2,479,390
Transfer from Parking Meter Receipts	\$50,000
Transfer from Sewer Enterprise Fund	\$1,348,668
Transfer from Water Enterprise Fund	\$1,455,692
Transfer from Consumer and Merchant Protection Act Funds	\$15,000

And the balance to be raised from taxation.

**111 voting in favor, 2 opposed, 0 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 21 ADDITIONAL MOTIONS/AMENDMENTS

**May 9, 2013 Failed:** On behalf of the Standing Committee on Ways and Means, I move that the FY14 recommended budget of \$12,420,505 for the police department be reduced to \$12,038,107 to achieve a level service budget for the department for FY14.

**Audrey Hall, Precinct 3 Chair**  
**Standing Committee on Ways and Means Chair**

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**May 14, 2013 Failed:** I move to delete \$110,000 from the Professional and Tech. Services portion of the Economic Development Dept. Budget.

**Martin Ned Price, Precinct 17 Vice Chair**

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**May 14, 2013 Failed:** To reduce school budget by \$500,000.00 from \$102,115,427.00 to \$101,615,427.00.

**Robert H. Bolles, Precinct 6**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 21 RESOLUTION A

**May 14, 2013 Failed:** Be it resolved that the Board of Selectmen should appropriate sufficient funds to allow any Framingham resident to participate in town ESL programs, with the objective of eliminating the waiting list currently at 400 students.

**Adam Steiner, Precinct 4 Vice Chair**

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**May 14, 2013 Failed:** Add the words:

“Whose presence in the United States is in compliance with applicable federal law” after the words “Framingham residents”.

**Martin Ned Price, Precinct 17 Vice Chair**

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# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 21 RESOLUTION B

**May 14, 2013 Failed:** Be it resolved that the Selectmen work with the School Dept., our State Legislators and the Dept. of Education, which funds the adult ESL program, to identify state and federal funding programs to find sufficient money for the purpose of allowing any Massachusetts resident to take ESL classes, with the objective of eliminating the long waiting lists across the State.

**R. Kathy Vassar, Precinct 1 Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 22

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the operation of the Water Department, including capital outlay and debt service, and for all other necessary expenses for the Fiscal Year 2014 (July 1, 2013 – June 30, 2014).

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 15, 2013 Voted:** That the Town expend \$18,026,307 in FY2014 in the Water Department for the cost of personnel, operating expenses, MWRA Assessment and debt service, under the direction of the Town Manager or his designee:

And that \$18,026,307 be raised from water receipts.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 23

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the operation of the Sewer Department, including capital outlay and debt service, and for all other necessary expenses for the Fiscal Year 2014 (July 1, 2013 – June 30, 2014).

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 15, 2013 Voted:** That the Town expend \$21,810,598 in FY2014 in the Sewer Department for the cost of personnel, operating expenses, MWRA Assessment and debt service, under the direction of the Town Manager or his designee:

And that \$21,810,598 be raised from sewer receipts.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 24

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money not to exceed Four Million, Four Hundred Ten Thousand Dollars for the purpose of energy conservation and energy related improvements to public buildings owned by the Town of Framingham; and further, that in addition to the methods of funding provided above, the Treasurer be authorized, with the approval of the Board of Selectmen, to borrow said amount for a term not to exceed 20 years under and pursuant to Chapter 44, Sections 7(3) and 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue notes or bonds of the Town therefor, said funding to be expended under the direction of the Board of Selectmen; and further to authorize a so-called performance based energy contract for a term of not more than 20 years for the purpose of making said energy conservation and energy related improvements and guaranteeing the projected financial savings from those improvements and upon such other terms and conditions as the Board of Selectmen may determine and as approved by the Owner's Agent;

And further to authorize the Board of Selectmen to enter into any leases, licenses, easements, and/or other agreements allowing the use, for a term not to exceed twenty years, on such other terms and conditions as the Board of Selectmen may determine, of any Town-owned lands, buildings, facilities, or portions thereof, for the purpose of installing and operating solar, renewable or alternative energy facilities to defray the cost of energy borne by taxation, and to enter into a power purchase agreement for a term of not more than 20 years in conjunction therewith and in furtherance thereof on such terms and conditions as the Board of Selectmen may determine.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen / Town Manager**

**May 16, 2013 Voted:** That this article be referred back to Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 25**

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of \$75,000.00 for the comprehensive rewrite and recodification of the Framingham Zoning Bylaw.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board / Board of Selectmen**

**May 16, 2013 Voted:** That the Town transfer a sum of \$75,000.00 for the comprehensive rewrite and recodification of the Framingham Zoning Bylaw from unexpended off-site mitigation funds received.

**79 voting in favor, 32 opposed, 13 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 25 ADDITIONAL MOTIONS/AMENDMENTS**

**May 16, 2013 Failed:** Table Article 25 until May 22.

**Robert Cushing, Precinct 14**

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**May 16, 2013 Failed:** I move that Article 25 be tabled until May 23.

**Mark Lamkin, Precinct 1 Vice Chair**

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**May 16, 2013 Failed:** I move to delete date in motion.

**Joel Winett, Precinct 7**

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**May 16, 2013 Failed:** I move that Article 25 be referred back to Sponsor.

**Henry Ohrenberger, Precinct 7**

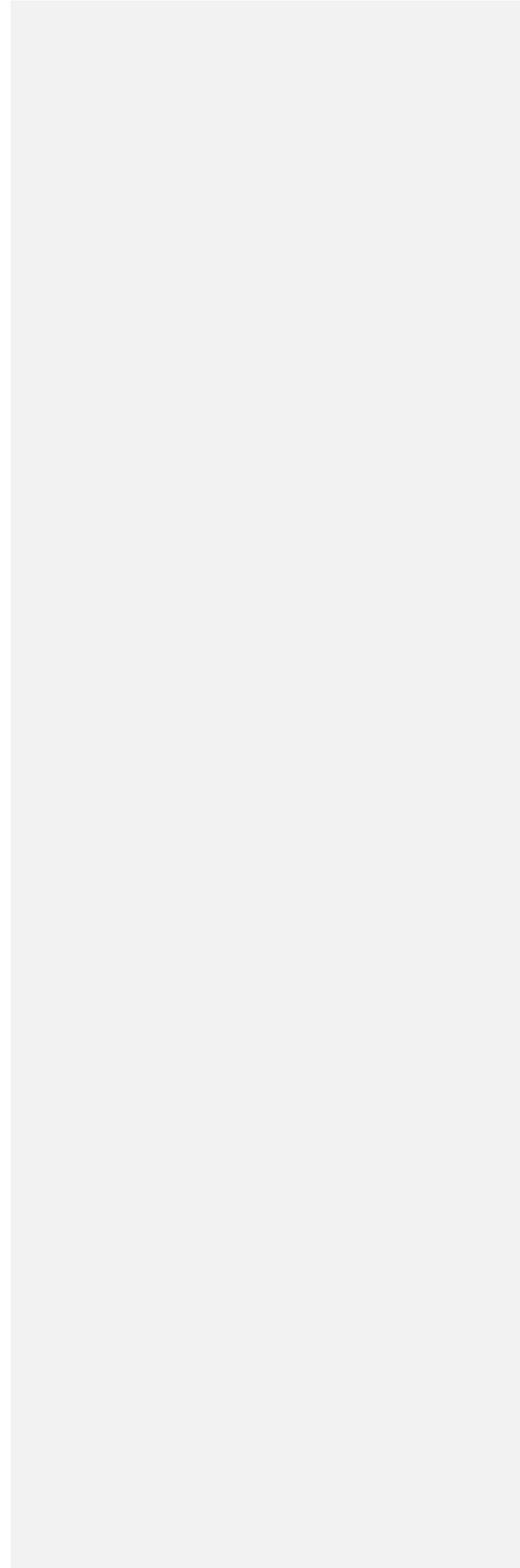


# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 25 RESOLUTION A

**May 16, 2013 Passed:** On behalf of the Standing Committee on Ways and Means, I move that the appointing authority for the zoning bylaw rewrite committee include at least 1 member of the Standing Committee on Planning and Zoning on that committee.

**Audrey Hall, Precinct 3 Chair  
Standing Committee on Ways and Means Chair**





# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 26

Request to place an article onto the warrant for the Framingham Town Meeting for: Having a Traffic Study at the new proposed site for the branch library on Water Street Framingham MA. Please also see enclosed/attached request to place an article

**Sponsor: Citizens' Petition**

**May 16, 2013 Voted:** That this article be referred back to Sponsor with the concurrence of the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 27**

To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide funds to support the salary for one year for a person or persons to set up after school programs, and to provide funds to purchase computers and other educational / recreational materials for these programs.

Pass any vote or take any action relative thereto.

**Sponsor: Citizens' Petition**

**May 16, 2013 Voted:** That this article be referred back to the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 27 ADDITIONAL MOTIONS/AMENDMENTS**

**May 16, 2013 Not voted on due to refer back:** I move that the Town raise and appropriate, transfer from available funds, or otherwise provide \$75,000 for purposes of entering into a contract with a corporation or a for-profit or a non-profit entity that will provide services and use of its facilities and equipment, including computers and educational materials, to establish, manage, and provide educational and recreational programs for Framingham residents.

Said funds to be spent under the direction of the Town Manager.

**Timothy P. Jones, Precinct 16**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 28**

To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide funds to support salaries for additional teachers in order to expand the number of classes presently in existence, and to provide funds for books and supplies for these classes which provide an educational opportunity to assist immigrants assimilate into life in America while maintaining the culture of their country of birth. Classes such as English as a Second Language and Citizenship Preparation are taught to Brazilians and Hispanic immigrants weekly.

Pass any vote or take any action in relation thereto.

**Sponsor: Citizens' Petition**

**May 21, 2013 Voted:** That this article be referred back to the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 29**

To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide funds to build community gardens in the Precinct 15, 16,17, or 18 sections of Town.

Pass any vote or take any action relative thereto.

**Sponsor: Citizens' Petition**

**May 21, 2013 Voted:** That this article be referred back to the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 29 ADDITIONAL MOTIONS/AMENDMENTS**

**May 21, 2013 Not voted on due to refer back:** I move that the Town raise and appropriate, transfer from available funds, or otherwise provide \$3,000 for purpose of entering into a contract with a corporation or a for-profit or a non-profit entity that will build and manage a Community Gardens for Framingham residents.

Said funds to be spent under the direction of the Town Manager.

**William J. LaBarge, Precinct 16**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 30**

To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide funds to build a multi purpose court for games such as: Basketball, Paddle Tennis, Pickleball, Volleyball, Deck & Roller Hockey, Futsal, Badminton, Hopscotch, 4-Square, and many more games.

Such a court to be located in the Precinct 17 section of Town.

Pass any vote or take any action relative thereto.

**Sponsor: Citizens' Petition**

**May 21, 2013 Voted:** That this article be referred back to the Sponsor.

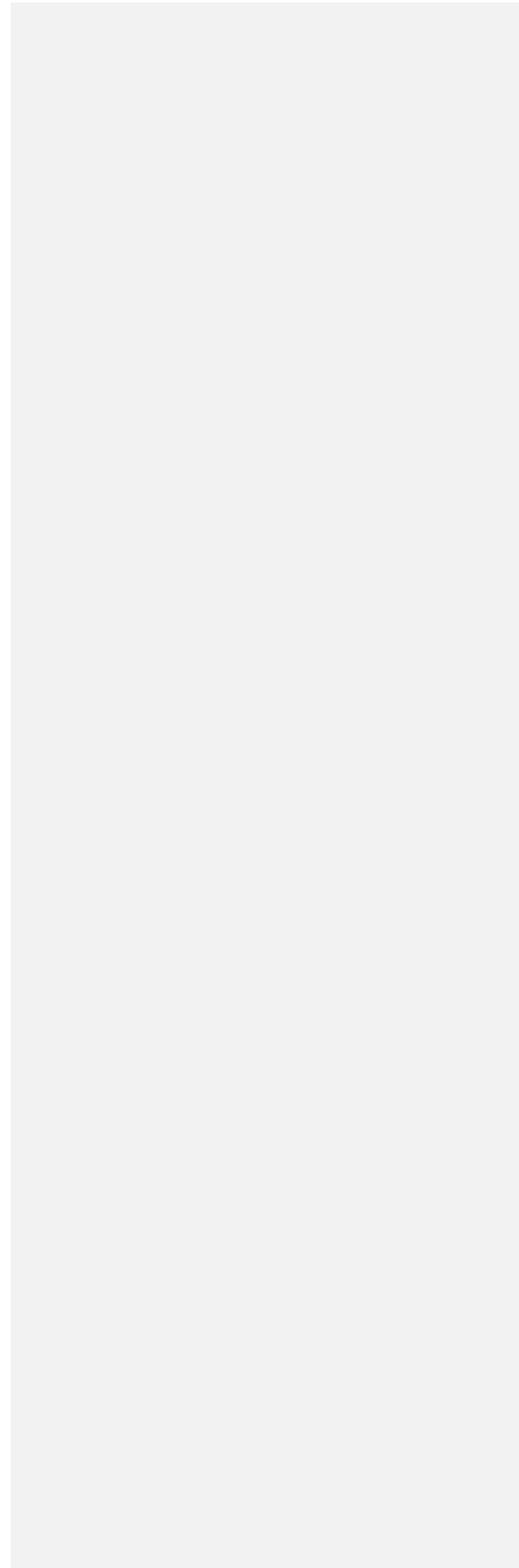


# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 30 RESOLUTION A

**May 21, 2013 Passed:** Be it resolved that it is the will of this Town Meeting that the Town Meeting Warrant Handbook include the name, address, and organization, if any, of the sponsor for all citizen's petitions that are included as part of the warrant for all annual or special town meetings.

**Stephen Shull, Precinct 2**





# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 31

To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide funds to support the salary for one year for a person or persons to set up a Teen Center, and to provide funds to purchase materials for said Teen Center.

Pass any vote or take any action relative thereto.

**Sponsor: Citizens' Petition**

**May 21, 2013 Voted:** That this article be referred back to Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 31 ADDITIONAL MOTIONS/AMENDMENTS**

**May 21, 2013 Not voted on due to refer back:** I move that the Town raise and appropriate, transfer from available funds or otherwise provide \$79,000 for the purposes of setting up a Teen Advisory Group which will provide funds for Teen Activities all over Town. Said funds to be spent under the direction of the Town Manager.

**Herbert Chasan, Precinct 4**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 32

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$250,000 for the purpose of implementing a program of safety improvement within school and municipal buildings and grounds, including but not limited to building improvements, equipment, staff training and awareness, or act in relation thereto.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen and School Committee**

**May 21, 2013 Voted:** That the Town raise and appropriate the sum of \$250,000 for the purpose of implementing a program of safety improvement within school and municipal buildings and grounds, including but not limited to building improvements, equipment, staff training and awareness.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 33

To see if the Town will vote to transfer to the Board of Selectmen if necessary for the purpose of conveying, and to authorize the Board of Selectmen to sell and convey the land and buildings known as the Jonathan Maynard Building situated at 14 Vernon Street in Framingham, and a permanent easement over a portion of the adjacent town-owned property for the purpose of handicapped access, upon the terms and conditions set forth in a conditional Purchase and Sale Agreement entered into by the Board of Selectmen and the Trustees of The Danforth Museum Corporation on February 5, 2013, a copy of which is on file at the Office of the Board of Selectmen; and further that the Town authorize the Board of Selectmen to secure portions of the consideration of the sale of the building through a mortgage or similar security for a term not to exceed 25 years in length; and to authorize the Board of Selectmen and other town officials to take all actions to carry out the purposes of this article.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen**

**May 21, 2013 Voted:** That the Town transfer to the Board of Selectmen for the purpose of conveying, and to authorize the Board of Selectmen to sell and convey the land and buildings known as the Jonathan Maynard Building situated at 14 Vernon Street in Framingham, and a permanent easement over a portion of the adjacent town-owned property for the purpose of handicapped access, upon the terms and conditions set forth in a conditional Purchase and Sale Agreement entered into by the Board of Selectmen and the Trustees of the Danforth Museum Corporation on February 5, 2013, a copy of which is on file at the Office of Board of Selectmen; and further, that the Board of Selectmen be authorized to secure portions of the consideration of the sale of the building through a mortgage or similar in security for a term not to exceed 25 years in length; and that the Board of Selectmen and other town officials be authorized to take all actions to carry out the purposes of this article.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 33 ADDITIONAL MOTIONS/AMENDMENTS**

**May 21, 2013 Failed:** To amend Article 33 as follows:

1. The payment schedule to be amended for years One through Twenty at \$25,000 each, years Twenty one thru Twenty five at \$30,000.
2. The cash deposit be increased from \$250,000 to \$350,000.
3. The inkind portion of the transaction to be provided to the citizens of Framingham and museum patrons and teachers in the amount of \$250,000 for the first 10 years and the remaining \$250,000 during the final 15 years.
4. The \$350,000 deposit to be utilized to pay down municipal principal bonded dept.

**Lloyd Kaye, Precinct 10**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 34

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, temporary and permanent easements and other interests in land for the construction, use, maintenance, repair, and placement of pavement, sidewalks, landscaping, structures, and other improvements in connection with the Downtown Roadway Improvements Project; and further to authorize the Board of Selectmen to take all actions to carry out the purposes of this Article.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 22, 2013 Voted:** That the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain, temporary and permanent easements and other interests in land for the construction, use, maintenance, repair, and placement of pavement, sidewalks, landscaping, structures, and other improvements in connection with Downtown Roadway Improvements Project, and that the Board of Selectmen be authorized to take all actions to carry out the purposes of this article.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 35

To see if the Town will vote to authorize the filing of a Home Rule Petition requesting that the Massachusetts legislature enact special legislation authorizing the Town of Framingham to dispose of the tax title property known as the Nobscot Chapel, located at 780 Water St. through the issuance of a Request for Proposal, reflecting the unique locally significant historic, cultural and architectural quality of the building within the Nobscot community, said request for proposals to achieve the goals of recovering amounts due the Town; protecting the building from demolition and/or relocating the building for productive reuse; and adding the property to the municipal tax base.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen**

**May 22, 2013 Voted:** That the Town petition the Massachusetts Legislature to the end that legislation be adopted precisely as follows. The Legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the Legislature. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding Section 43 of Chapter 60 of the general laws or any other general or special law, bylaw or ordinance to the contrary, the Town of Framingham, acting by and through its Board of Selectmen, may, subject to Section 16 or Chapter 30B of the general laws, dispose of the property located at 780 Water Street, Framingham, Massachusetts, through the issuance of a request for proposals.

Section 2. Such request for proposals and disposition shall reflect the unique locally significant historic, cultural and architectural quality of the building on the property within the Nobscot community of the Town of Framingham; shall achieve the goals of recovering amounts due the town, protecting the building from demolition or relocating the building for productive use, and adding the building to the municipal tax base; and shall include such other terms and conditions as the Board of Selectmen may determine.

Section 3. This act shall take effect upon its passage.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 36

To see if the Town will vote to enact a General Bylaw, entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code," including amendments or modifications thereto, said Article 72.B. to read as presented in the background information of the warrant.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen and Town Manager**

**May 22, 2013 Voted:** That the Town enact a General Bylaw entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the "Stretch Energy Code," including amendments or modifications thereto, said Article VIII, Sections 1.1 through 1.4 to read as follows:

#### Section 1. Definitions

##### International Energy Conservation Code (IECC)

The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8<sup>th</sup> edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### Section 2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 36 (CONTINUED)**

### Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13,34,51, as applicable.

### Section 4. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Framingham General Bylaws, Article VIII, Section 1. The Stretch Code is enforceable by the Town's Building Commissioner.

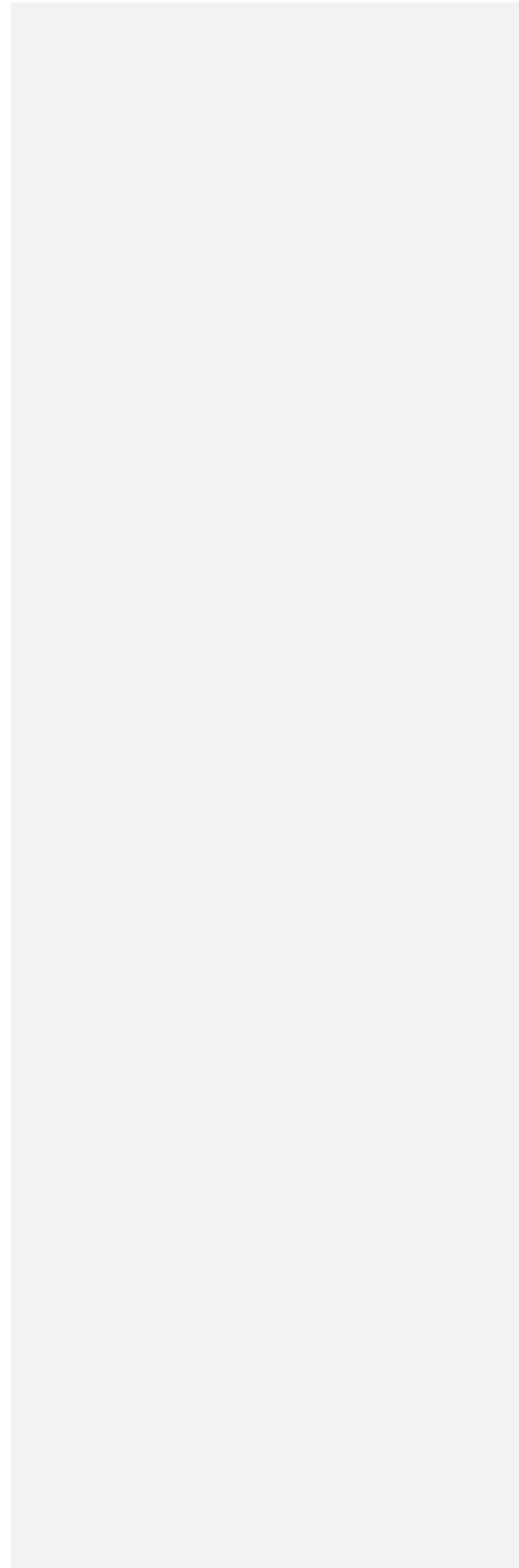


Town of Framingham  
Annual Town Meeting  
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**ARTICLE 36 ADDITIONAL MOTIONS/AMENDMENTS**

**May 22, 2013 Failed:** I move to refer Article 36 back to Sponsor.

**Harold Geller, Precinct 2**





# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 37**

To see if the Town will vote to accept MGL Chapter 59, Section 5N, establishing a Veterans' Tax Work-Off Program for the Town of Framingham.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 22, 2013 Voted:** That the Town accept MGL, Chapter 59, Section 5N, establishing a Veterans' Tax Work-Off Program for the Town of Framingham.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 38

To see if the Town of Framingham will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: land at 740 Cochituate Road, 750 Cochituate Road, and 156 Speen Street, as presented in the background information of the warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen and Planning Board**

**May 23, 2013 Voted:** That the Town accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: land at 740 Cochituate Road, 750 Cochituate Road and 156 Speen Street as presented in the background information of the warrant submitted to Annual Town Meeting.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 39

To see if the Town of Framingham will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: land at 1672 Worcester Road, 1800 Worcester Road, 1898RR Worcester Road, 1900R Worcester Road, 1900RR Worcester Road, 100 Crossing Blvd, 149 Crossing Blvd, 150 Crossing Blvd, 175 Crossing Blvd, 200 Crossing Blvd, 225 Crossing Blvd, 150 Gates Street, 100 Staples Drive, 200 Staples Drive, 400 Staples Drive and 500 Staples Drive, as presented in the background information of the warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen and Planning Board**

**May 23, 2013 Voted:** That the Town accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: land at 1672 Worcester Road, 1800 Worcester Road, 1898RR Worcester Road, 1900R Worcester Road, 1900RR Worcester Road, 100 Crossing Blvd., 149 Crossing Blvd., 175 Crossing Blvd., 200 Crossing Blvd., 225 Crossing Blvd., 150 Gates Street, 100 Staples Drive, 200 Staples Drive, 400 Staples Drive, and 500 Staples Drive, as presented in the background information of the warrant submitted to Annual Town Meeting.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 40

To see if the Town of Framingham will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: Land at 9 Pleasant Street Connector, 15 Pleasant Street Connector, 10 California Ave, 11 California Ave, 40 California Ave, 1 The Mountain Road, 5 The Mountain Road, 100 The Mountain Road, 0 Pennsylvania Ave, 100 Pennsylvania Ave, 105 Pennsylvania Ave, 115 Pennsylvania Ave, 125 Pennsylvania Ave, 135 Pennsylvania Ave, 137 Pennsylvania Ave, 145 Pennsylvania Ave, 0 New York Ave RR, 1 New York Ave, 2 New York Ave, 31 New York Ave, 33 New York Ave, 45 New York Ave, 47 New York Ave, 49 New York Ave, 51 New York Ave, 55 New York Ave, 74 New York Ave, 84 New York Ave, 86 New York Ave, 86R New York Ave, 88 New York Ave, 92 New York Ave, and 0 Pleasant Street; as presented in the background information of the warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen and Planning Board**

**May 23, 2013 Voted:** That the Town accept the provisions of Chapter 43D of the Massachusetts General Laws, and approve the filing of an application with the Massachusetts Interagency Permitting Board to designate the following properties as Priority Development Sites under said Chapter 43D: Land at 9 Pleasant Street Connector, 15 Pleasant Street Connector, 10 California Ave., 11 California Ave., 40 California Ave., 1 The Mountain Road, 5 The Mountain Road, 100 The Mountain Road, 0 Pennsylvania Ave., 100 Pennsylvania Ave., 105 Pennsylvania Ave., 115 Pennsylvania Ave., 125 Pennsylvania Ave., 135 Pennsylvania Ave., 137 Pennsylvania Ave., 145 Pennsylvania Ave., 0 New York Ave. RR, 1 New York Ave., 2 New York Ave., 31 New York Ave., 33 New York Ave., 45 New York Ave., 47 New York Ave., 49 New York Ave., 51 New York Ave., 55 New York Ave., 74 New York Ave., 84 New York Ave., 86 New York Ave., 86R New York Ave., 88 New York Ave., 92 New York Ave., and 0 Pleasant Street; as presented in the background material of the warrant submitted to Annual Town Meeting.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 41

To see if the Town will vote to accept the provisions of M.G.L. Chapter 9, Section 23D, which provide that a member of a board, committee, or commission holding an adjudicatory hearing shall **not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing**, provided that certain conditions as established by said statute are met.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

**May 23, 2013 Voted:** That the Town accept the provisions of MGL, Chapter 39, Section 23D, which provides that a member of the Planning Board shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as established by said statute are met.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 42

To see if the Town will vote to authorize the Board of Selectmen to amend the Agreement entered into on March 19, 2003, between the Town and National Development Associates of New England, Inc., and others, which relates to the access to the Planned Unit Development site located off of Old Connecticut Path, and which was authorized by vote of the March 19, 2003 Special Town Meeting, and to authorize the Board of Selectmen and/or Conservation Commission to accept a deed for a portion of the Planned Unit Development site, and further to authorize the Board of Selectmen to petition the legislature for a special act to carry out the purposes of this article if necessary.

Pass any vote or take any action relative thereto.

### **Sponsor: Board of Selectmen**

**May 23, 2013 Voted:** That the Town approve the Amendment to the PUD Access Agreement dated May 9, 2013 in the form presented to Town Meeting members and as attached to this motion, with the additional sentence added to the end of Section 3(d) of the Amendment as follows:

“Notwithstanding anything to the contrary in this Amendment, if the Developer has not made the Commencement Payment of \$500,000 by February 1, 2014, then this sum will accrue interest as of said date at 4% per year until it is paid. Furthermore, notwithstanding anything to the contrary in this Amendment, if the second half of the Final Installment of \$500,000 has not been paid by August 1, 2014, then said sum will accrue interest as of said date at 4% per year until it is paid. The commencement of interest on the dates noted in the preceding sentence is not subject to any precondition, including the issuance of a building permit or resolution of appeals.”

And further to authorize the Board of Selectmen to accept a deed for a portion of the Planned Unit Development site and easements as set forth in the Amendment, for municipal purposes, on such terms and conditions as are set forth in the Amendment and as the Board of Selectmen deem in the best interests of the Town, and to take all other actions necessary to carry out the purposes of this article.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 42 - ATTACHMENT

This Amendment is made as of the 9th day of May, 2013, by and between Danforth Green, LLC, a Massachusetts limited liability company, with a place of business at 21 Center Street, Weston, MA 02493, (hereinafter sometimes referred to as "Developer") and the Town of Framingham, a municipal corporation organized under the laws of the Commonwealth of Massachusetts with a place of business at 150 Concord Street, Framingham, MA 01702 (hereinafter referred to as the "Town"), to that certain Agreement dated March 19, 2003 by and between the Town and National Development Associates of New England, Inc.; New England Sand & Gravel Co., Inc.; and Riverpath Associates Limited Partnership (hereinafter referred to as the "Access Agreement").

WHEREAS, Danforth Green, LLC is the owner of certain land in Framingham, Middlesex County, Massachusetts more particularly described in Exhibit A attached to the Access Agreement (hereinafter referred to as the "Property"); and

WHEREAS, Danforth Green, LLC is the successor in interest to National Development Associates of New England, Inc., New England Sand & Gravel Co., Inc. and Riverpath Associates Limited Partnership, including all rights and obligations pursuant to the Access Agreement; and

WHEREAS, in 2003 the Framingham Planning Board issued a special permit to allow for a planned unit development (PUD) of up to 665 housing units on the Property; and

WHEREAS, Danforth Green, LLC has since acquired the Property, and in 2012 submitted an application to the Planning Board for Definitive Development Plan approval for the Property, as required by Section III.J of the Town's Zoning By-laws; and

WHEREAS, on May 2, 2013, the Planning Board filed with the Town Clerk its Decision (the "2013 Planning Board Decision") with respect to the Definitive Development Plan, approving the development of 173 for sale housing units and 180 rental housing units (the "Revised Project"); and

WHEREAS, Danforth Green, LLC requested that the parties review and amend certain provisions of the Access Agreement in light of the reduced number of units contained in the 2013 Definitive Development Plan as compared to the number of units allowed by the 2003 Special Permit;

NOW, THEREFORE, Danforth Green, LLC and the Town, for good and valuable consideration, the sufficiency of which is hereby acknowledged, hereby agree to amend the Access Agreement upon the terms and conditions set forth herein. Except as expressly provided by this Amendment, all terms and conditions of the Access Agreement shall continue in full force and effect.



# Town of Framingham

## Annual Town Meeting

### May 1, 2013

1. This Amendment is subject to approval by the Framingham Town Meeting. In the event that the Framingham 2013 Annual Town Meeting does not approve this Amendment, then this Amendment shall be null and void and of no effect.
2. The first paragraph of the Access Agreement shall be amended by adding the following at the end of the paragraph: "Danforth Green, LLC is the successor in interest to National Development Associates of New England, Inc., New England Sand & Gravel Co., Inc. and Riverpath Associates Limited Partnership, and is bound by this Agreement as provided in Section 9 hereof. The rights and obligations set forth in this Agreement with respect to Developer, Owner, Riverpath LP and NES&G shall all be deemed to be the rights and obligations of Danforth Green, LLC, and its successors and assigns as provided in Section 9."
3. Section 1(d) of the Access Agreement shall be stricken in its entirety and replaced with the following new Section 1(d):

(d) Definitive Development Plan and Final Installment. In 2013 Developer obtained approval of the Planning Board for the Definitive Development Plan allowing for the development of 173 for sale housing units and 180 rental housing units. Separate, apart and in addition to the First Installment (which previously was paid by a predecessor of Developer), Developer shall pay to the General Fund of the Town, by bank or certified check, the sum of \$1,000,000 (the "Final Installment"). Of this amount, \$500,000 shall be paid sixty days after issuance by the Town of the first building permit for any building located on the Property (the "Commencement Payment"). If there are any appeals of a decision by a town board or committee with respect to the permitting of the Project which are not finally resolved in favor of Developer (it being agreed that an outcome which enables Developer to proceed with the PUD Project in any fashion, whether or not in accord with the plans approved by the Planning Board, shall be deemed an outcome in favor of Developer should the Developer elect to proceed with the PUD Project), then the Developer shall have no obligation to pay the Final Installment and this Agreement shall terminate on the 90<sup>th</sup> day following the entry of a final judgment resolving such appeal(s) in a manner not favorable to the Developer, unless the Developer shall within such ninety day period pay the first half of the Final Installment. The second half of the Final Installment, \$500,000, shall be paid 180 days after the Commencement Payment is due. Interest shall accrue as of the due date of the payments due hereunder in the event that either or both of the required payments are not paid to the Town on or before the date specified herein, at the rate of four percent (4%) compounded annually until the Final Installment and any such interest is paid.

On or before the deadline for the payment of the Commencement Payment to the Town, Developer shall convey to the Town of Framingham, by quitclaim deed, good, clear, record and marketable fee title (which shall be free of any mortgages, contractor liens or judgment liens, but otherwise subject to all matters of record) to that portion of the Property which is located to the north of the Massachusetts Water Resources Authority (MWRA) Aqueduct, consisting of



# Town of Framingham

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approximately 88 acres and shown on the plan attached hereto as Exhibit A (hereinafter referred to as the "Town Parcel"), and also a permanent easement over certain roads in the PUD Project and the MWRA Aqueduct to provide vehicular and pedestrian access to and egress from the Town Parcel. Prior to conveying the Town Parcel and easement to the Town, Developer, at no cost to the Town, shall: (1) within sixty days of the date of this Amendment, provide information and conduct studies needed to satisfy the Town that the Town Parcel meets or exceeds all requirements under M.G.L. c. 21E and other environmental statutes, including the submission of a Phase I report, in accordance with ASTM Standards and that the Town Parcel does not present an environmental hazard or risk to the Town or its residents; (2) remove all buildings, debris, stockpiles, oil drums, building materials, junk, abandoned utility systems, and automobiles and automobile parts from the Town Parcel; and (3) thirty days after the receipt of all necessary approvals by Town boards to regrade and restore the area outlined in red on the aerial photograph attached hereto as Exhibit B which has been disturbed by excavation and other activities to more natural contours with no grade in excess of fifteen degrees. It shall be the Developer's sole cost and responsibility to diligently pursue and obtain any necessary permits and approvals for such regrading and restoration, and all such regrading and restoration on the Town Parcel shall be conducted in accordance with all applicable federal, state, and Town laws, by-laws, and regulations at the sole cost and expense of Developer. The Town, in its absolute and sole discretion, may decline to accept conveyance of the Town Parcel as provided herein and so notify Developer not less than sixty days after receipt of the Phase I environmental site assessment. If the Town declines to accept conveyance of the Town Parcel, Developer shall on or before the deadline for the payment of the Commencement Payment to the Town, grant a conservation restriction over the Town Parcel to the Town, or such other nonprofit entity as the Town may designate, substantially in the form as provided in the Massachusetts Department of Energy and Environmental Affairs model conservation restriction, which shall be approved by the Secretary of Energy and Environmental Affairs and provide that the Town Parcel shall be preserved as open space in perpetuity, with rights of public access for passive recreation; along with a permanent easement over certain roads in the PUD Project and the MWRA Aqueduct to provide vehicular and pedestrian access to and egress from the Town Parcel

If the Developer does not pay the Commencement Payment or convey the Town Parcel as provided herein, the parties hereto agree that, upon prior notice to Developer and an opportunity for Developer to cure of not less than twenty days following such notice, the Lease shall not terminate and the PUD Project to which this Agreement pertains shall not be constructed. If the Developer fails to pay the Final Payment on the due date thereof, then, in addition to the other remedies available to the Town set forth herein, the Developer shall cease all construction activities on the Revised Project within five (5) days, and no further construction activities shall be undertaken and no certificate(s) of occupancy issued for any unit on the Revised Project until such time as the Final Installment plus applicable interest is paid.

Nothing in this Agreement shall constitute a waiver of the Town's regulatory authority (and where the applicable law or statute permits discretion in acting on any such application, good



# Town of Framingham

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faith discretion) pursuant to its ordinary permit-granting and police powers in compliance with applicable laws, rules, regulations and ordinances of the Town, state and federal governments.

4. Section 12 of the Access Agreement is amended by deleting “Mr. George. P. King, Jr.” and by amending the notice if to the Developer to read:

Mr. Roy S. MacDowell III  
 Danforth Green, LLC  
 21 Center Street  
 Weston, MA 02493

With a copy to: Peter R. Barbieri, Esq.  
 Fletcher Tilton PC  
 161 Worcester Road, Suite 501  
 Framingham, MA 01701

EXECUTED AS A SEALED INSTRUMENT THIS \_\_\_\_ DAY OF MAY, 2013.

Danforth Green, LLC  
 By:

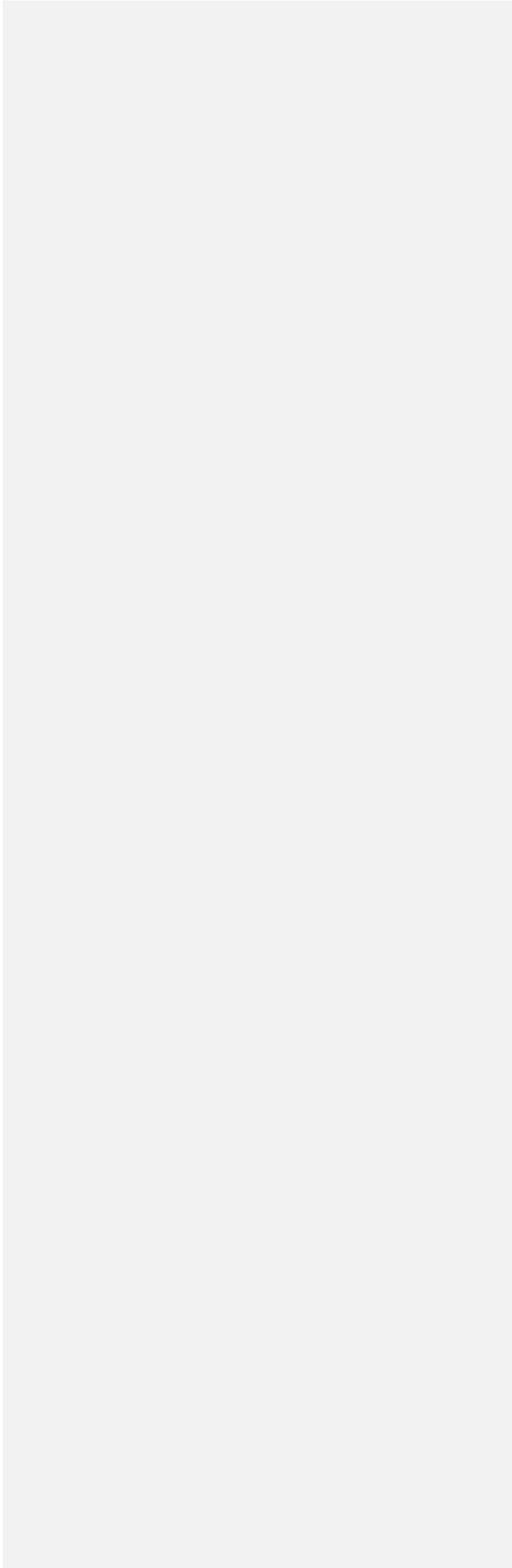
Town of Framingham  
 By: Board of Selectmen

\_\_\_\_\_  
 Title:

Approved as to Legal Form:

\_\_\_\_\_  
 Christopher J. Petrini  
 Town Counsel

\_\_\_\_\_  
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# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 42 RESOLUTION A

**May 23, 2013 Passed:** Be it resolved that the Town Meeting recommends that the Town Manager hire an environmental licensed site professional (LSP) to oversee that the terms of the agreement regarding site cleanup (on the parcel addressed in Article 42 of the 2013 ATM Warrant) are upheld.

**Audrey Hall, Precinct 3 Chair**  
**Standing Committee on Ways and Means Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 42 RESOLUTION B

**May 23, 2013 Passed as amended:** I move that it is the will of Town Meeting that the funds received under the PUD agreement be deposited in a "Parks Improvement Reserve Fund" to be spent under the direction of Town Meeting.

**Joel Winett, Precinct 7**

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**May 23, 2013 Passed:** Amendment to the second resolution (B) and change Recreation Park Reserve Fund to Open Space and Passive Recreation and Park Reserve Fund.

**Robert B. Bois, Precinct 5**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 43**

To see if the Town will vote to amend the General Bylaws Article I, Section 5.10 regarding the committee meetings as set forth in the background materials for this Town Meeting.

Pass any vote or take any action relative thereto.

**Sponsor: Standing Committee on Rules**

**May 23, 2013 Voted:** That Article 43 be referred back to the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 43 ADDITIONAL MOTIONS/AMENDMENTS**

**May 23, 2013 Not voted on due to refer back:** I move to amend the General Bylaws, Article I, Section 5.10 as follows:

Delete in the first sentence "as otherwise provided for by law"

Add after the first sentence "Committees that are required to provide minutes shall include Town Meeting Standing Committees and Moderator-appointed committees. These committees shall also follow other provisions of the Open Meeting Law, GL, c. 30A §§ 18-25, as amended, which include requirements for posting of meetings and provisions for going into Executive Session."

**Joel Winett, Precinct 7  
Standing Committee on Rules Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 44

A Proposal to ask town meeting to Amend General Bylaw Article V. Section 1.4.1 to allow for the sample and sale of wine during the Farmers Market on town common as it is permitted under MGL 138 15F to help promote and support local agriculture within the wine industry of the commonwealth.

Pass any vote or take any action relative thereto.

### **Sponsor: Citizens' Petition**

**May 28, 2013 Voted:** That the Town amend the first sentence of General Bylaws Article V, Section 1.4.1 by adding the following new wording shown below in bold print:

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, **except that the sampling and sale of wine during a farmer's market held on the town common is permitted if duly licensed by the Board of Selectmen and in accordance with the applicable provisions of General Laws, Chapter 138, Section 15F,** or private land or place without consent of the owner or person in control thereof.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 44 ADDITIONAL MOTIONS/AMENDMENTS**

**May 28, 2013 Passed:** I move that the phrase "or private land or place without consent of the owner or person in control thereof" be placed prior to the phrase beginning "except that the sampling and sale of wine."

**Melvin S. Warshaw, Precinct 7**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 45

To see if the town will vote to amend and update the Bylaws of the Town of Framingham Article V, Section 22 - Nuisance Bylaw, as provided in the background material for the warrant.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 28, 2013 Voted:** That this article be referred back to Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 45 ADDITIONAL MOTIONS/AMENDMENTS

**May 28, 2013 Not voted on due to refer back:** I move that Article V, Section 22 of the Town's General Bylaws be amended as set forth in the supplemental background section of this Final Motions document and attached, and further to vote to repeal Article VI, Section 3 of the General Bylaws, Unregistered Cars, in its entirety.

**Kevin P. Crotty, Precinct 7**

### Attachment

(For ease of reference, new language is underlined, deleted language is noted, and changes since the printing of the warrant are highlighted).

#### **Section 22. Nuisance Bylaw**

##### **22.1 Authority and Purpose**

Authority. Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by M.G.L., Ch. 139, ss. 1-3A, this bylaw is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town, which nuisances constitute a hazard of blight, or adversely affect property values.

Purpose. This article shall apply to the exterior maintenance of all land, buildings and structures within the Town of Framingham, except where such buildings and structures are otherwise specifically provided for by other applicable Town rules and regulations. The provisions of this article shall control all matter of exterior standards for land, buildings and structures, whether vacant or occupied, and all parts thereof.

##### **22.2 Definitions**

###### **22.2.1 Blight**

Any condition that seriously impairs the value, condition strength, durability or appearance of real property or is otherwise significantly detrimental to neighboring properties or property values, including real property owned or occupied by an Interested Party as defined in Section 22.2.5 below.

###### **22.2.2 Building**



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A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property. See "structure" below.

#### **22.2.3 Dilapidated**

A condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

Property having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors;

Property having defective weather protection (such as paint, stain, siding or tarpaulin) for exterior wall covering; deleterious weathering due to lack of such weather protection or other protective covering.

Personal property that is broken, rusted, worn, partially or wholly dismantled or otherwise due to deterioration is unsuitable for the purpose for which designed.

#### **22.2.4 Hazard**

A condition likely to expose persons to injury, or property to damage, loss or destruction.

#### **22.2.5 Interested Parties**

In connection with the notification requirements of this bylaw Interested Parties are the Building Commissioner; owner(s) and/or occupants of property which is the subject of a hearing; owners and/or occupants of property directly opposite the subject property on any public or private street or way, owners and/or occupants of property abutting the subject property, and owners and/or occupants of property abutting, and that is within 300 feet of, the property line of the subjected property. Other persons who own or occupy property and who demonstrate to the satisfaction of the Building Commissioner that they are affected by the condition of the property or building that is the subject of a hearing may be regarded as Interested Parties by the Building Commissioner.

#### **22.2.6 Nuisance**

Any substantial interference with the common interest of the general public in [the](#) maintaining decent, safe, ~~and~~ sanitary structures [and neighborhoods](#) that are not dilapidated, when such interference results from the hazardous or blighted condition of private property, land or buildings. The fact that a particular structure or use may be permitted under the zoning bylaw does not create an



# Town of Framingham Annual Town Meeting May 1, 2013

exemption from the application of this bylaw. The term includes but is not limited to:

- (a) burned structures not otherwise lawfully habitable or usable,
- (b) dilapidated or blighted real or personal property including but not limited to real or personal property containing graffiti, tagging or similar offensive markings, or property that does not meet the Minimum Standards defined herein.
- (c) dangerous or unsafe structures or personal property,
- (d) overgrown vegetation and pools of stagnant water including but not limited to all above and below ground swimming pools that are inoperable or incapable of filtering water contained in the pool area, which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values.
- (e) dead, decayed, diseased or hazardous trees, debris or trash,
- (f) signs in the state of disrepair as described in Article VII, Section 1.8, ~~349.2~~ of the Sign Bylaw,
- (g) personal property that is exposed to the elements without protection against deterioration, rust or dilapidation.
- (h) vehicles, machinery or mechanical equipment or parts thereof that are located on soil, grass or other porous surfaces that may result in the destruction of vegetation or contamination of soil,
- (i) in any Residential District, keeping of more than one commercial vehicle, or of a tractor that exceeds a gross vehicle weight of three quarters (3/4) of a ton for hauling a van or trailer as defined by the Registry of Motor Vehicles.
- (j) trash, debris, or personal property that has been placed for the collection as rubbish or refuse in violation of Town Bylaws or regulations issued by the Department of Public Works, including but not limited to personal property marked "free," "take" or similar terms. Article VI, Section 4.1 of

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# Town of Framingham Annual Town Meeting May 1, 2013

~~the Town Bylaws other than as approved by the Director of Public Works, or left in public view for more than seven days.~~

- (k) ~~Unregistered or inoperable vehicles. No person shall permit more than one unregistered or inoperable motor vehicle or parts thereof to remain on his or her premises except for auto dealers holding First or Second Class licenses; or shall permit a disabled motor vehicle or parts thereof to remain on his or her premises, unless permission to do so is given in writing by the Board of Selectmen after an investigation and after a written report thereof by the Building Commissioner. In no event shall an unregistered or inoperable motor vehicle or parts thereof be permitted to remain outside or to be stored outside in a front yard of a person's premises except in the case of auto dealers holding First or Second Class licenses; and in no event shall a disabled motor vehicle or parts thereof be permitted to remain outside or to be stored outside in a front yard of a person's premises.~~

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~~The foregoing shall not apply to motor vehicles or parts thereof stored or garaged inside of buildings.~~

- (l) ~~Boats, personal watercraft, and other watercraft. Recreational vehicles that are not stored on trailers that are registered by the Massachusetts Registry of Motor Vehicles. Recreational vehicles shall include but are not limited to boats, jet skis, motoreycles, ATVs, snow mobiles, etc.~~

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## 22.2.7 Occupant

A person who occupies real property with the consent of the owner as a lessee, tenant at will, licensee or otherwise. The singular use of the term includes the plural when the context so indicates.

## 22.2.8 Owner

Every person who alone or jointly or severally with others

- (a) has legal title to any building, structure or property to this Bylaw
- (b) has care, charge, or control of any such building structure or property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title
- (c) is a lessee under a written letter agreement



# Town of Framingham Annual Town Meeting May 1, 2013

(d) has a mortgagee in possession

(e) is a agent, trustee or other person appointed by the courts.

## **22.2.9 Responsible Party**

The owner or occupant (in the case of real property) of property that is the subject of proceedings under this bylaw. The singular use of the term includes the plural when the context so indicates.

## **22.2.10 Structure**

A combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, (see above), framework, retaining wall, stand, platform, bin, fence, ~~(having a height at any point of six feet or greater above grade)~~ parking area sign, flagpole, or mast for an antenna or the like.

## **22.2.11 Minimum Standards**

The exterior of all buildings and structures within the Town of Framingham shall comply with the following standards of minimum maintenance:

(a) Foundations. All foundations shall be free of holes and breaks and shall safely support the at all points. All foundation walls shall be kept in good, safe, sound condition and free of holes, cracks and breaks.

(b) Exterior walls. All exterior walls and trim shall be free of holes, breaks, loose or rotting boards or timbers, or paint that is deteriorated, as indicated by peeling, flaking, cracking, blistering, or mildew, resulting in exposed, bare, unprotected surfaces and other conditions which might admit rain or dampness to interior



# Town of Framingham

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portions of the walls or to the occupied spaces of the building. The exterior surface siding shall be maintained weatherproof and shall be surface coated to prevent deterioration. All exterior walls and trim shall be kept painted, treated, sided or otherwise maintained as to be substantially weatherproof and neat in appearance.

(c) Roofs. The roof shall be structurally sound, weathertight and have no defects which might admit rainwater. Water from roofs shall be conveyed so as to prevent wet floors, walls or ceilings or a nuisance to adjacent buildings or overflowing on abutting properties.

(d) Chimneys, flues, cleanout and vents. All chimneys and similar appurtenances or attachments shall be maintained structurally sound, in good repair and safe to use.

(e) Porches, stairs and handrails. Every exterior stair, porch, balcony and all appurtenances attached thereto shall be structurally sound and no part thereof shall show excessive wear or be broken, cracked, or loose. Carpeting or other covering on stairs and porches shall be maintained in a safe condition. Guardrails shall be firmly fastened and maintained in good condition, and new or replacement guardrails shall comply with the provisions of the Building Code.

(f) Doors and doorways. Every exterior door frame shall have a door and this door shall be weathertight within its frame. Every exterior door, door hinge, doorknob and door latch shall be maintained in good usable condition. Door locks in dwelling units shall be in good repair and capable of tightly securing the door. All entrance doors of each dwelling unit shall be equipped with functioning locking devices.

(g) Windows. Every window sash and skylight shall be structurally sound and fit within its frame and be weathertight, so as to prevent the passage through it of rain, snow, wind or other outside elements. Every window sash shall be fully fitted with glass, plexiglass or polycarbonate panes which are without cracks or holes. Every window other than a fixed window shall be capable of being held in the open position and locked in the closed position by window hardware.

(h) Screens and storm windows. Every window with openings to outdoor space required for ventilation in habitable rooms shall be supplied with insect screens and storm windows which shall be maintained in good repair. This subsection shall not apply to owner-occupied dwelling units.



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(i) Fences. All fences on the premises shall be safe, structurally sound and uniform or compatible in color and structure. Fences shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair are inclusive of, but not limited to, leaning fences, fences that are missing slats or blocks, graffiti, peeling paint, deterioration of paint or rotting or damaged materials.

#### 22.2.12 Storage Containers

Storage containers shall be classified as a steel, metal, plastic, rubber or any type of similar material used for temporary or permanent storage solutions and placed at the exterior of any structure. Storage containers do not include household trash or recycling barrels. Such storage containers are prohibited.

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Exceptions: Storage containers are allowed only in compliance with the following:

- 1) When used in conjunction with the legal building/construction project; storage container must be removed within 10 days of final inspection by Building Department.
- 2) When used during any type of moving operation; storage container must be removed within seven days of new owner/tenant occupancy.
- 3) Storage containers may be used when placed in the rear of a building/structure with a fence installed completely around it and at least one foot higher than the storage container.
- 4) A Valid building permit is issued by the Building Commissioner in conformance with the Town of Framingham Zoning By-law and the Massachusetts State Building Code.

#### **22.3 Administration**

##### **22.3.1 Enforcement**

This Bylaw shall be enforced by the Building Commissioner. No owner or occupant shall cause or allow any property in the town to become or remain a nuisance.

If the Building Commissioner shall be informed or have reason to believe that any provision of this Bylaw has been, is being, or is likely to be violated, he shall make or cause to be made an investigation of the facts, including an investigation of the property where the violation may exist. If he finds any violation he shall



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give immediate notice in writing to ~~either the Owner and~~ the Owner and ~~and~~ to the Occupant of the premises ~~and shall to~~ immediately cease such violation. In making such inspection, the Building Commissioner shall have such right of access to premises that may be lawfully exercised by him under the laws and constitution of the Commonwealth or of the United States.

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If, after such notice and order, such violation continued, or if any Owner or Occupant fails to obey any lawful order of the Building Commissioner with respect to any violation of the provisions of the Bylaw, the Building Commissioner may make complaint to the Superior Court or any court of competent jurisdiction an any injunction or order restraining any further use of the premises and the continuation of the violation and shall take such other action as is necessary to enforce the provisions of this Bylaw.

In addition to the foregoing remedy, whoever violates any provision of this Bylaw or fails to obey any lawful order issued by the Building Commissioner in enforcing this Bylaw shall be liable to a fine of not more than three hundred dollars (\$300) for each violation. Each violation of this Bylaw shall constitute a separate offense. Each day that any such violation continues shall constitute a separate offense.

The Building Commissioner may require disclosure to him/her of the identity of the person bringing a complaint of nuisance. The Building Commissioner may require that such complaint be made under oath or subject to the penalties of perjury. If the Building Commissioner determines that a reported condition may warrant immediate action, constitute a substantial violation of this Bylaw, or adversely affect protected interests of others than the complainant, the Building Commissioner may commence action under this Bylaw without requiring the disclosure of the identity of the complainant.

If the Building Commissioner determines that the condition is subject to the jurisdiction of the Board of Health or is a violation of the State Sanitary Code or any health regulation, in addition to enforcing this Bylaw, he shall refer the matter to the Director of Public Health of the town appropriate state or town officials for action.

During his or her investigation of the matter, the Building Commissioner may consult, but is not required to do so, with any Interested Party in an attempt to obtain voluntary compliance with this Bylaw without the need to issue a notice of violation.

## 22.3.2 Notice to Complainant



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In any matter in which a complaint has been made by a person other than the Building Commissioner, the Building Commissioner if requested shall promptly notify the complainant in advance of all conferences or proceedings concerning resolution of the nuisance complaint or of any enforcement action and the complainant shall be allowed to be present and to be heard.

#### **22.3.3 Removal of Nuisance by Selectmen**

If the Responsible Party fails to remedy the nuisance upon notice from the Building Commissioner to do so, the Board of Selectmen may cause the nuisance to be removed as provided in M.G.L., Ch. 139.

#### **22.3.4 Review by the Town Manager**

Any Interested Party who has filed a written complaint of a nuisance with the Building Commissioner upon which complaint the Building Commissioner has determined that the condition is not a nuisance, or has taken other action that the Interested Party claims is inadequate shall have a right to a review of the matter by the Town Manager. At the request of such an Interested Party, the Town Manager shall confer with the Building Commissioner and shall recommend appropriate action to the Building Commissioner and to the Board of Selectmen.

#### **22.3.5 Reports by Building Commissioner**

The Building Commissioner shall file with the Town Manager each month a report that shall include all complaints of nuisance made to him during the prior month; all proceedings begun by him under this Bylaw; all pending complaints and all investigations and enforcement actions taken by him or referred to the Commissioner of Public Health. The report shall state the location of the premises, a summary of the nature of the complaint, the name of the Responsible Party(ies), and the disposition or the status of the matter.

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# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 46

To see if the town will vote to amend the General Bylaws of the Town of Framingham Article II, Section 14 – Animal Control Officer, as provided in the background material for the warrant.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 28, 2013 Voted:** That the Town of Framingham Animal Control Officer Bylaw, be amended as set forth in the background materials for this Town Meeting and attached in order to protect the health, safety, and welfare of all occupants town wide, and to make such Section 14 consistent with recent changes to state law.



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 46 - ATTACHMENT

### Article II: Functions and Authority of Permanent Officers, Boards and Committees of the Town II – 19

#### Section 14. Animal Control Officer

##### 14.1 Disturbing the peace by barking

No person shall own or keep in the Town any dog which, by excessive barking, biting, howling or in any other manner disturbs the quiet of any person for a prolonged period such that a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment.

##### 14.2 Complaint of nuisance or dangerous dog

If any person shall make a complaint in writing to the Chief of Police of the Town that any dog owned or harbored within its jurisdiction is a nuisance or dangerous dog by reason of vicious disposition or excessive barking or other disturbance, the Hearing Authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog in accordance with MGL Ch 140 Sec. 157. For purposes of this Section, the "Hearing Authority" shall have the same definition as that set forth under G.L. c. 140, 136A.

##### 14.3 Restraint of dogs

No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the Town of Framingham or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises. No dog shall be permitted in any street or public place within the Town of Framingham unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.

##### 14.4 Duties of Animal Control Officer

It shall be the duty of the Animal Control Officer to apprehend any dog found running at large in any street or public place within the Town of Framingham or in violation of any of the provisions of this Bylaw, and to impound such dog in the place provided therefor. The Animal Control Officer, upon receiving any such dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the Animal Control Officer shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Town for impounding and maintenance of such dog as provided by law.

##### 14.5 Muzzling or confinement of dogs



# Town of Framingham Annual Town Meeting May 1, 2013

The Animal Control officer may, pending the outcome of a review by the Hearing Authority under G.L. c. 140, Section 157, order a dog to be muzzled or confined to its owner's premises, whichever in his or her judgment may be required, for any of the following reasons:

**14.5.1** If found at large or unmuzzled, as the case may be, while an order of the Chief of Police the confinement or muzzling of such dog is in effect.

**14.5.2** For having attacked or bitten any person.

**14.5.3** For having killed or maimed or otherwise damaged any other domesticated animal.

**14.5.4** For behaving in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

**14.6** A person aggrieved by any order of the Hearing Authority may seek judicial review in the manner provided in Massachusetts General Laws Chapter 140, Section 157.

**14.7** Any owner or keeper of a dog who shall fail to comply with the provisions of this Section shall be punished as follows:

First Offense.....	Warning
Second Offense .....	\$ 50.00
Third Offenses.....	\$ 60.00
Subsequent Offenses .....	\$100.00

**14.8** Anyone who is an owner or keeper of an unlicensed dog and who has neglected in previous years to get a license will be subject to a fine of ten dollars (\$10) for each year the person is in arrears. Fines are payable to the Town Clerk's Office.

**14.9** Dog Licenses are available at Town Clerk's Office starting January 2nd, of each year. Fees for such licenses to be set by the Board of Selectmen. All fees are turned over to the Treasurer monthly. Licenses not purchased between January 2nd through February 28th are subject to a fifty dollar (\$50) penalty.

**14.10** Every person maintaining a kennel shall obtain a kennel license which can be purchased through the Town Clerk's Office. Fees for such licenses to be set by the Board of Selectmen. Kennel Licenses must be approved by the Board of Health, as well as by the Animal Control Officer under G.L. c. 140, § 137A. Every person owning more than three dogs must purchase a kennel license.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 47**

To see if the Town will vote to amend Article VII (Signs and Historic Districts) Sections 5.7 and 5.8 of the General Bylaws of the Town of Framingham by deleting in their entirety Sections 5.7 and 5.8 and adding new Sections 5.7 and 5.8, as provided in the background material for the warrant.

**Sponsor: Historic District Commission**

**May 28, 2013 Voted:** That the Town amend Article VII (Signs and Historic Districts) Sections 5.7 and 5.8 of the General Bylaws of the Town of Framingham by deleting in its entirety Sections 5.7 and 5.8 and adding new Sections 5.7 and 5.8 as set forth in the supplemental background section of this Final Motions document and attached\*.

**114 voting in favor, 0 opposed, 5 abstentions.**

\*Attachment on file at the Town Clerk's Office



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 47 ADDITIONAL MOTIONS/AMENDMENTS**

**May 28, 2013 Voted:** Amend Section 5.8, #17

The Jesse Belknap House, spelled with 1 "k"

**Amy Weader, Precinct 4**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 48

To see if the Town will vote to amend Article VII (Signs and Historic Districts), Section 5 of the General Bylaws of the Town of Framingham by deleting in its entirety Section 5.1 and adding a new Section 5.1:

### Section 5.1 Historic District Commission

There is hereby established under the Historic Districts Act, Massachusetts General Laws, Chapter 40C to be governed by and operated in accordance with the provisions relative thereto of the General Laws or any special act or amendment thereto, a Framingham Historic District Commission, consisting of seven (7) members to be appointed by the Board of Selectmen including one (1) member from the Framingham History Center, one (1) architect registered to practice in Massachusetts, one (1) licensed real estate agent, one (1) lawyer, one (1) land owner resident in the Historic District and two (2) members at large. There shall be five (5) alternates selected, with backgrounds in any of the five (5) categories specified above or an urban planner, an architectural historian, a landscape architect, a licensed general contractor or building tradesperson or any other citizen who, through education or experience, have demonstrated a commitment to historic preservation. In the event any member shall be absent or unable to act for any reason, the Chairman shall designate an alternate member to act.

Each member or alternate member of said Commission shall be a resident of the Town of Framingham, and any such member removing his residence from the Town shall be considered thereby to have resigned as a member of the Commission.

Pass any vote or take any action relative thereto.

### **Sponsor: Historic District Commission**

**May 28, 2013 Voted:** That the Town amend Article VII (Signs and Historic Districts), Section 5 of the General Bylaws of the Town of Framingham by deleting in its entirety Section 5.1 and adding a new Section 5.1:

### Section 5.1 Historic District Commission

There is hereby established under the Historic Districts Act, Massachusetts General Laws, Chapter 40C to be governed by and operated in accordance with the provisions relative thereto of the General Laws or any special act or amendment thereto, a Framingham Historic District Commission, consisting of seven (7) members to be appointed by the Board of Selectmen including one (1) member from the Framingham History Center, one (1) architect registered to practice in Massachusetts, one (1) licensed real estate agent, one (1) lawyer, one (1) land owner resident in the Historic District and two (2) members at large. There shall be five (5) alternates selected, with backgrounds in any of the five (5) categories specified above or an urban planner,

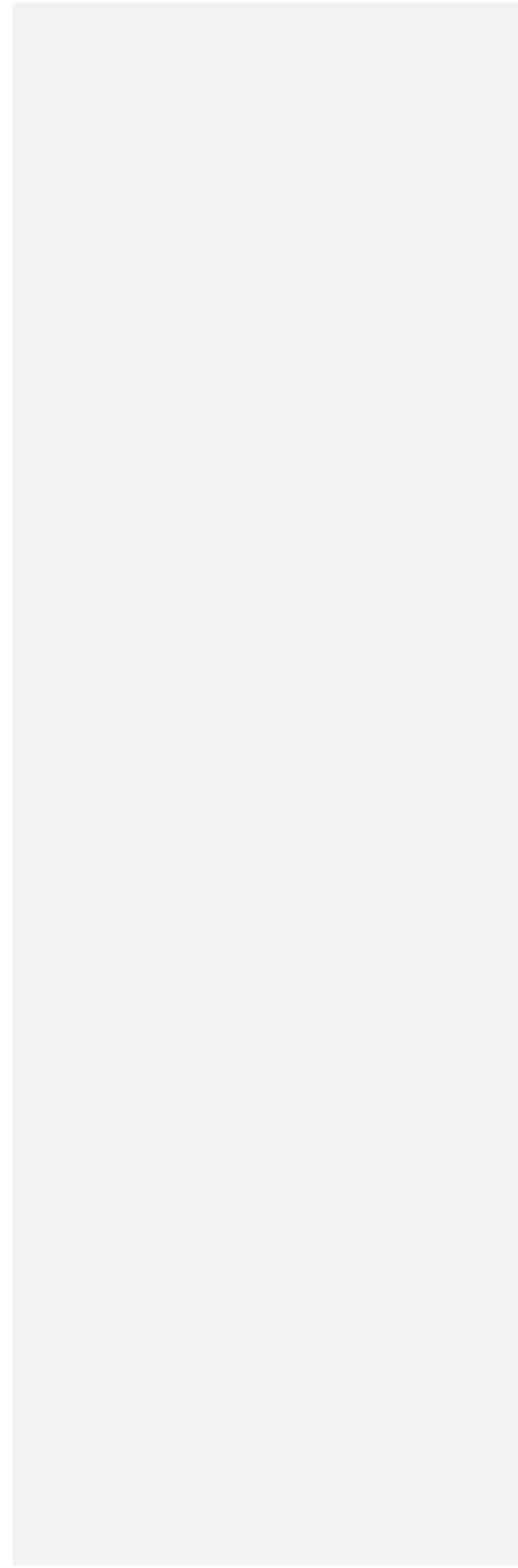


# Town of Framingham Annual Town Meeting May 1, 2013

an architectural historian, a landscape architect, a licensed general contractor or building tradesperson or any other citizen who through education or experience, have demonstrated a commitment to historic preservation. In the event any member shall be absent or unable to act for any reason, the Chairman shall designate an alternate member to act.

Each member or alternate member of said Commission shall be a resident of the Town of Framingham, and any such member removing his residence from the Town shall be considered thereby to have resigned as a member of the Commission.

**Unanimously voted.**





# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 49**

To see if the Town will vote: (1) to amend its General Bylaws by adding a new bylaw entitled "FEES FOR EXCESSIVE CONSUMPTION OF MUNICIPAL SERVICES" as Section 31 of Article V; and (2) to authorize and require the Town Manager to coordinate with Town Departments on implementing the new bylaw as provided in the background material for the warrant.

Pass any vote or take any action relative thereto.

**Sponsor: Government Study Committee**

**May 28, 2013 Voted:** That this Article be referred back to Sponsor with the concurrence of the Sponsor.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 50**

To see if the Town will vote to amend the Framingham Zoning Bylaw by adding a new Section III.P. Agricultural Preservation District to read as presented in the background information of the warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

**May 28, 2013 Voted:** That Article 50, Agricultural Preservation District, be referred back to the Planning Board.

**Unanimously voted.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 51

To see if the Town will vote to amend the Framingham Zoning Bylaw by deleting the existing language under Section III.G. General Manufacturing Districts and replacing with new language as presented in the background information of the Town Meeting Warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

### **Sponsor: Planning Board**

**May 28, 2013 Voted:** That the Town amend the Framingham Zoning Bylaw by deleting the existing language under section III.G. General Manufacturing Districts and replacing with new language as presented in the background information of the Town Meeting Warrant submitted for Annual Town Meeting and attached.

**125 voting in favor, 0 opposed, 0 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 51 - ATTACHMENT

### ARTICLE 51 BACKGROUND MATERIAL

#### III.G. GENERAL MANUFACTURING DISTRICTS

##### 1. Purpose and Intent

The purpose and intent of the General Manufacturing Districts is to promote technological and light industrial development so as to enhance employment and economic vitality by allowing a certain mix of land uses at a higher density, without a corresponding increase in traffic, than is otherwise permitted in other zoning districts and not to permit uses and developments which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or hazardous to the community on account of fire or explosion or any other cause that would be hazardous to the public health and welfare.

##### 2. Permitted Uses

No building or structure shall be used, constructed or designed to be used in any part, and no change shall be made in the use of land or premises, except for one or more of the following purposes:

- a. Any non-residential use permissible and as regulated in light manufacturing districts;
- b. Light and High Tech Manufacturing, provided the use does not involve disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features;
- c. Research and development, including biotechnology;
- d. Processing, assembly and manufacturing, provided the use does not involve disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features;
- e. Printing;
- f. Delivery services;
- g. Business and professional offices;
- h. Educational training facilities and conference centers accessory to a permitted use;
- i. Day care facilities; and
- j. Wholesale lumber yards.

##### 3. The following uses shall require a special permit from the Planning Board:

- a. Uses set forth in subsection 2. herein, with 8,000 or greater than 8,000 square feet of gross floor area;
- b. Yard or shop of a Landscaper or Contractor;
- c. Indoor recycling facility;
- d. Commercial or private dump, landfill, refuse incinerator, or other commercial or private solid waste disposal or processing facility; ~~and~~



# Town of Framingham

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e. Storage and distribution facilities; ~~and-~~

f. ~~A yard for the storage and sale of used building and junk material.~~

4. ~~All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following uses are expressly prohibited in all zoning districts. Any use that is not enumerated as a Permitted Use or requiring a special permit in the Zoning By Law is expressly prohibited in the General Manufacturing District and all other zoning districts in the Town of Framingham. Any use that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features is specifically prohibited in the General Manufacturing District and all other zoning districts in the Town of Framingham. The following uses are specifically prohibited in the General Manufacturing District and all other zoning districts in the Town of Framingham:~~

- a. ~~Abattoir and commercial slaughtering;~~
- b. ~~Manufacturing and storage of corrosive, poisonous or malodorous acids and chemicals;~~
- c. ~~Cement, lime, gypsum and plaster-of-paris manufacture;~~
- d. ~~Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils;~~
- e. ~~Glue, size and gelatin manufacture;~~
- f. ~~Petroleum and kerosene refining or distillation and derivation of by-products;~~
- g. ~~Manufacture, use, storage, transport or treatment, disposal and/or processing of explosive, toxic or hazardous materials;~~
- h. ~~Smelting and reduction of metals or ores;~~

~~i. A yard for the storage and sale of used building and junk material;~~

~~j.i. Asphalt plants;~~

~~k.i. Concrete batch plants;~~

~~l.k. Reclamation and reprocessing of asphalt and/or concrete;~~

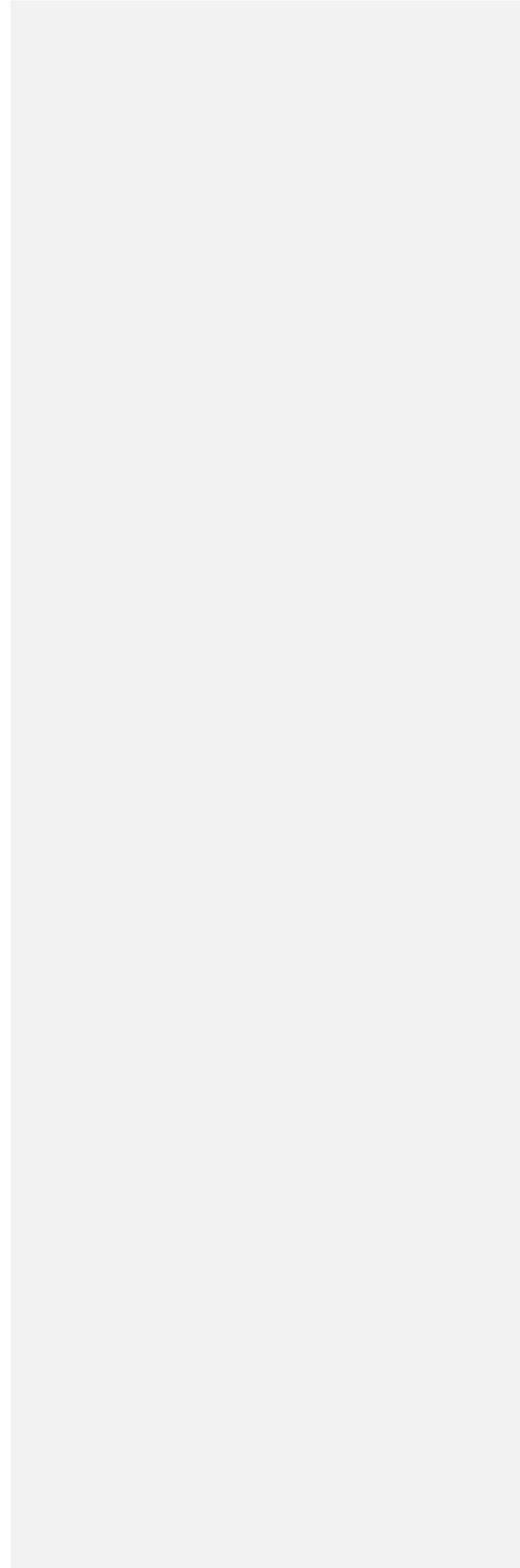
~~m.l. Lumber mills; and~~

~~n.m. Any other use that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.~~



# Town of Framingham Annual Town Meeting May 1, 2013

5. No use variance shall be granted for any prohibited use set forth in subsection 4 above, either within the General Manufacturing Zoning District or any other zoning district in the Town of Framingham.





# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 52**

To see if the Town will vote to amend the Framingham Zoning Map by rezoning the following parcels: 3, 7 and 9 Vernon Street, 8 and 12 Library Street and 18 Edgell Road and abutting said lots to the centerline of Vernon Street, Library Street, and Edgell Road from Office and Professional District (P), Business District (B) and Single Family Residential District (R-1), to Neighborhood Business District (B-1). Furthermore, rezoning 18, 61, 63, 65 and 85 Edgell Road and abutting said lots to the centerline of Edgell Road from Single Family Residential District (R-1) and (R-3) to Office and Professional District (P) as presented in the background information in the warrant submitted to Annual Town Meeting.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

**May 28, 2013 Voted:** That Article 52, Rezoning of 3,7,9 Vernon Street and 12 Library Street, 18, 61, 63, 65 and 85 Edgell Road, be referred back to the Planning Board.

**Unanimously voted.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 53

To see if the Town will vote to amend the Framingham Zoning Bylaw by adding a new Section III.O. Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations Overlay District. And to further amend the Framingham Zoning Map by establishing a Commercial Ground Mounted Solar Photovoltaic Renewable Energy Installations Overlay District for the following properties: 175 Crossing Blvd, 3/35 Western Ave, and 63 Western Ave as presented in the background information of the Town Meeting Warrant submitted for Annual Town Meeting.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

**May 28, 2013 Voted:** That the Town amend the Framingham Zoning Bylaw by adding a new Section III.O. Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations Overlay District.

Further, that the Town amend the Framingham Zoning Map by establishing a Commercial Ground Mounted Solar Photovoltaic Renewable Energy Installations Overlay District for the following properties: 175 Crossing Blvd., 3/35 Western Ave., and 63 Western Ave. as presented in the background information of the Town Meeting Warrant submitted for Annual Town Meeting and attached.

**115 voting in favor, 5 opposed, 0 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 53 - ATTACHMENT

### SECTION III.O. COMMERCIAL GROUND-MOUNTED SOLAR PHOTOVOLTAIC RENEWABLE ENERGY INSTALLATIONS OVERLAY DISTRICT

#### 1. Purpose and Intent

The purpose of this bylaw is to provide a permitting process and standards for the creation of new Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations. This By-law provides standards for the placement, design, construction, operation, monitoring, modification and removal of such installations; while protecting public safety, protecting and minimizing undesirable impacts on residential property and neighborhoods, protecting scenic, natural and historic resources and protecting and/or providing for wildlife corridors. Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall not diminish abutting property values and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation and/or repair of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations.

#### 2. Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinance or by-laws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector.

**Building Permit:** A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning by-laws, including those governing commercial ground-mounted large-scale solar photovoltaic installations.

**Commercial Ground-Mounted Solar Photovoltaic Installations:** A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250kW DC.

**Designated Locations:** The locations designated by the Town of Framingham, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where Commercial Ground-Mounted Large Scale Solar Photovoltaic Installations may be sited as-of-right. Said locations are shown on the Framingham Zoning Map pursuant to Massachusetts General Laws Chapter 40A, Section 4. This map is hereby made a part of this Zoning By-law and is on file in the Office of the Town Clerk.



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**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

### 3. Applicability

No Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be erected or installed except in compliance with the provision of this Section and other applicable Sections of the Zoning By-law, as well as state and federal law. Such use shall not create a nuisance by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Site Plan Review Approval Granting Authority. The Planning Board will serve as the Site Plan Review Approval Granting Authority herein.

The Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations is an overlay district that may be superimposed by a vote of any Annual or Special Town Meeting on a parcel or parcels of land. Designating land that requires significant tree cutting is discouraged. Land in industrial or commercial zoning districts, or vacant, disturbed land is encouraged for designation.

The construction and use of a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations with 250 kW or larger of rated nameplate capacity within any overlay zoning district designated by a vote of Annual or Special Town Meeting as set forth in the immediately preceding paragraph of this section shall be As-of-Right Siting and shall undergo Site Plan Review Approval by the Planning Board prior to construction, installation or modification as provided in this section.

### 4. General Requirements

A Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation may be permitted on a lot which contains a contiguous area of not less than four (4) acres and meets the setbacks and maximum lot coverage under Any Other Principal Use of the Table of Dimensional Regulations Section IV.G.2.

#### a. Visual Impact

The visual impact of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, including all accessory structures and appurtenances shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary



# Town of Framingham

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by and in the sole opinion of the Site Plan Review Approval Granting Authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

**b. Compliance with Laws, Ordinances and Regulations**

The construction and operation of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be consistent with all applicable local regulations and by-laws, and state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be constructed in accordance with the State Building Code and approved by the Building Commissioner.

**c. Utility Notification**

No Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be constructed until evidence has been given to the Site Plan Review Approval Granting Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the owner or operator's intent to install an interconnected customer-owned generator. Proof of a fully executed mutual agreement with the utility company shall be provided to the Site Plan Review Approval Granting Authority. Off-grid systems shall be exempt from this requirement. If the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation goes on grid, it shall be required to immediately comply with this requirement, and proof of such compliance shall be provided to the Site Plan Review Approval Granting Authority within seven (7) days.

**d. Maintenance**

The Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief, Police Chief and Public Works Director and Site Plan Review Approval Granting Authority. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless said access road(s) is/are accepted as a public way(s).

**e. Emergency Services**

The Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation owner or operator shall provide a copy of the project summary, electrical schematic, and the Approved Site Plan to the Fire Chief. The owner or operator shall provide an emergency response plan to the Site Plan



# Town of Framingham Annual Town Meeting May 1, 2013

Review Approval Granting Authority, Fire Department, Police Department, and Public Works Department. The emergency response plan is subject to the review and approval of the Site Plan Review Approval Granting Authority, Fire Department, Police Department and Public Works Department, and shall include at a minimum, explicit instructions on all means of shutting down the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation and immediately notify the aforementioned parties of any change to the responsible person and/or his/her contact information.

**f. Safety and Security**

Safety and measures of security shall be subject to the approval of the Site Plan Review Granting Authority, Fire Department, Police Department and Public Works Department. The owner or operator shall be required to provide emergency services with training on all equipment and procedures referenced in the emergency response plan or which might otherwise be necessary for emergency services to operate or perform.

The owner or operator shall be required to provide a Knox Box (a secure, tamper-proof storage box for keys or other access tools) at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility in each Knox Box.

**g. Design Standards**

**(1) Lighting**

Lighting of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, including all ancillary structures and appurtenances shall not be permitted unless required by the Site Plan Review Approval Granting Authority, Site Plan Review Approval Decision or State Building Code. Where used, lighting shall be so arranged as to direct the light away from any street and from any premises residentially used or zoned. Such exterior lights shall be mounted and shielded, such that light sources and lenses shall not be visible from any residential district. Luminaries shall be cutoff (down light type), with mounting height not to exceed twenty (20) feet.

Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises.



# Town of Framingham Annual Town Meeting May 1, 2013

## (2) Utility Connections

All utility connections from the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be underground unless specifically permitted otherwise by the Site Plan Review Approval Decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.

## (3) Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation and trees shall be limited to that which is necessary for the construction, operation and maintenance of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation or otherwise prescribed by applicable laws, regulations and by-laws and meet the soil erosion habitat impacts as required under the Solar Regulations.

## (4) Structures and Panels

All structures and panels and all associated equipment and fencing including Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be subject to all applicable By-laws and regulations concerning the bulk and height of structures, lot area setbacks, open space, parking and building and lot coverage requirements and may not exceed 50% of the total lot area.

## (5) Modifications

All material modifications to a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation made after issuance of the Site Plan Review Approval Decision shall require modification to the Site Plan Review Approval Decision.

## **h. Abandonment and Removal**

### (1) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be considered abandoned when it fails to operate for more than one year without having obtained the Site Plan Review Approval Granting Authority's written consent to so suspend operation. If the owner or operator of the Commercial Solar- Photovoltaic Renewable Energy Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning the town may enter the property and physically remove the installation.



# Town of Framingham

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#### (2) Removal Requirements

Any Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Site Plan Review Approval Granting Authority by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- i. Physical removal of all Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations, structures, equipment, security barriers and transmission lines from the site.
  - ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Approval Granting Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- i. Financial Security**

Proponents of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation projects shall provide a non-cancellable surety bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the town must remove the installation and remediate the landscape. The amount and form of the surety bond or other form of surety shall be determined by the Site Plan Review Approval Granting Authority, but in no event shall exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the Site Plan Review Approval Granting Authority. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Before issuance of any building permits for the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, such construction and installation shall be secured in accordance with this by-law and/or any regulations adopted pursuant to the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation By-law for this purpose.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 53 ADDITIONAL MOTIONS/AMENDMENTS**

**May 28, 2013 Passed:** I move to amend motion for Article 53 by deleting the period (“.”) after Overlay District, and substituting a comma (“,”) in its place.

**Stephen Shull, Precinct 2**

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**May 28, 2013 Passed:** I move to amend Article 53 by striking the words “and minimizing” and adding the word “against” under Section 1 Purpose & Intent from the following phrase:

The Bylaw provides standards for the placement, design, construction, operation, monitoring...

**Kathleen McCarthy, Precinct 10 Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 54

To see if the Town will vote to amend the Framingham Zoning Bylaw by adding a new Section III.Q. Medical Marijuana Treatment Center Moratorium as presented in the background information of the Town Meeting Warrant submitted for Annual Town Meeting.

Pass any vote or take any action relative thereto.

### **Sponsor: Planning Board**

**May 28, 2013 Failed:** That the Town amend the Framingham Zoning Bylaw by adding a new Section III.Q. Medical Marijuana Treatment Center Moratorium as presented in the background information of the Town Meeting Warrant submitted for Annual Town Meeting and attached.

**57 voting in favor, 62 opposed, 5 abstentions.**



# Town of Framingham Annual Town Meeting May 1, 2013

## ARTICLE 54 - ATTACHMENT

### SECTION III.Q. INTERIM MEDICAL MARIJUANA TREATMENT CENTER MORATORIUM

#### 1. Purpose and Intent.

The purpose of this By-law is intended to provide restrictions that will allow the Town of Framingham adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions. A law permitting the medical use of marijuana in the Commonwealth of Massachusetts became effective on January 1, 2013; however, the Massachusetts Department of Public Health has yet to promulgate the regulations by which facilities that produce or dispense medical marijuana shall be registered and administered. A restriction on the establishment of such facilities in Framingham shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

#### 2. Definitions

**Medical Marijuana Treatment Center (MMTC)** shall mean any medical marijuana treatment center, as defined under state law, as a not-for-profit entity, as defined by Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

#### 3. Exclusion of Other Marijuana Uses

Any establishment that acquires, cultivates, possess, processes (including development of related products such as food, tincture, aerosols, oils, or ointments), transfer, transports, sells, distributes, dispenses, or administer marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, shall not be permitted if such establishment has not been properly registered an licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definitions of a Medical Marijuana Treatment Center.

#### 4. Exclusion of Accessory Uses



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In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived for marijuana, or related products be considered accessory to any use.

#### **5. Interim Restriction**

Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the Town of Framingham so long as this By-law is effective, as set forth in Section III.Q.6., herein. Use variances shall be strictly prohibited.

#### **6. Expiration**

This Section shall be effective until June 30, 2014, or until such earlier time that the Town Meeting enacts superseding zoning regulations. Amended superseding zoning regulations shall set forth the allowed locations, dimensional, parking and other requirements applicable to medical marijuana uses.



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 54 ADDITIONAL MOTIONS/AMENDMENTS**

**May 28, 2013 Passed:** I move to amend motion for Article 53 by deleting the period (".") after Overlay District, and substituting a comma (",") in its place.

**Stephen Shull, Precinct 2**

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**May 28, 2013 Failed:** I move to amend motion for Article 54 to remove June 30, 2014 and replace it with December 31, 2013.

**Audrey Hall, Precinct 3 Chair**



# Town of Framingham Annual Town Meeting May 1, 2013

## **ARTICLE 55**

To hear a report of the Board of Selectmen relative to the laying out, the widening of, or the alteration to Derby Street Extension from Derby Street to End pursuant to Chapter 82 of the General Laws; and to see if the Town will vote to accept said street or the widening or alteration of said street as a public way, as laid out by the Board of Selectmen and as shown on a plan or plans on file in the Office of the Town Clerk;

And, further, to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, and to accept a deed or deeds to the Town of a fee simple interest or easements in any land necessary for said laying out, and any associated drainage, utility or other easements for said streets, and to authorize the Board of Selectmen and town officers to take all related actions necessary or appropriate to carry out the purposes of this article.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**May 28, 2013 Voted:** That this article be referred back to Sponsor with the concurrence of the Sponsor.