



ORDER NO. 2021-012-003
REQUEST OF THE FINANCE SUBCOMMITTEE

UPON THE REQUEST OF THE FINANCE SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council requests authorization for an appropriation for acquisition of Real Property and Improvements at 351 Belknap Road.

FIRST READING

YEAS: Bryant, Case, King, Ottaviani, Shepard, Steiner, Stewart-Morales
NAYS: Cannon, Leombruno, Long, Stefanini
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: JULY 20, 2021

SECOND READING

YEAS: Bryant, Case, King, Ottaviani, Shepard, Steiner, Stewart-Morales
NAYS: Cannon, Leombruno, Long, Stefanini
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
FAILED IN COUNCIL: AUGUST 17, 2021

Further, that the City Council votes to rescind its right of first refusal.

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person or via teleconferencing
PASSED IN COUNCIL: AUGUST 17, 2021

City of Framingham



The City Council of Framingham



A True Record, Attest:

8/20/2021

Date Approved

Lisa A. Ferguson

Lisa A. Ferguson, City Clerk
Emily Butler, Assistant City Clerk

8/23/2021

Date Approved

Yvonne M. Spicer
Yvonne M. Spicer, Mayor

See attached statement



CITY OF FRAMINGHAM

OFFICE OF THE MAYOR

Dr. Yvonne M. Spicer
Mayor

508-532-5401
mayor@framinghamma.gov
www.framinghamma.gov

MEMORIAL BUILDING
150 Concord Street, Room 121
Framingham, MA 01702

Thatcher W. Kezer III
Chief Operating Officer

MEMORANDUM

To: George P. King, Jr., Chair, Councilor at Large
Adam C. Steiner, Vice Chair, District 3 City Councilor
Janet Leombruno, Councilor at Large
Christine A. Long, District 1 City Councilor
Cesar Stewart-Morales, District 2 City Councilor
Michael P. Cannon, District 4 City Councilor
Robert D. Case, District 5 City Councilor
Phillip R. Ottaviani, Jr., District 6 City Councilor
Margareth Basilio Shepard, District 7 City Councilor
John A. Stefanini, District 8 City Councilor
Tracey Bryant, District 9 City Councilor

From: Dr. Yvonne M. Spicer, Mayor
Cc: Thatcher W. Kezer III, Chief Operating Officer
Date: August 24, 2021
Re: Order No. 2021-012-003

Dear City Councilors:

I am returning the Council order No. 2021-012-003 signed as it has consistently been the recommendation of my administration not to appropriate funds to purchase the property at 351 Belknap Road, given the substantial additional costs beyond the appropriation amount to bring the property up to a standard that it can be used safely and productively by the public. I am providing this signing statement because the Council vote on August 17, 2021 was to decline to exercise the right of first refusal but it should be clarified that under M.G.L. c. 61B, §9 the right of first refusal is held by the Mayor rather than the Council.

Under M.G.L. c. 61B, the municipality holds a right of first refusal to purchase real estate that is assessed, valued and taxed under that statute. The City's right of first refusal is held by the Mayor, as the City's executive, which may be exercised only after a public hearing followed by written notice to the property owner signed by the Mayor. Before the mayor can exercise the right of first refusal, the City Council, as the City's legislative body, must appropriate funds. The City Council did not approve the appropriation of funds for the acquisition of the land at 351 Belknap Road by the required two-thirds vote, meaning that the City cannot complete the purchase of the land.

Accordingly, I have signed this order with the clarification that the Mayor (not the Council) holds the right of first refusal. Thank you for your attention to this matter.