



ORDER NO. 2022-040  
REQUEST OF THE FRAMINGHAM PUBLIC SCHOOLS

UPON THE REQUEST OF THE FRAMINGHAM PUBLIC SCHOOLS, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

Whereas, in 1988, two of three underground storage tanks (“USTs”) were removed from the location of the Framingham High School at 115 A Street, Framingham MA (“property”), and a release of oil from these tanks was detected and reported to the Massachusetts Department of Environmental Protection (“MassDEP”); MassDEP documented this release in a written Notice of Responsibility (“NOR”) to the Town of Framingham Public Schools on January 12, 1989, under Release Tracking Number 3-0002603;

Whereas, the site described in Release Tracking Number 3-0002603 met MassDEP requirements for closure as a Temporary Solution in 2007 and, as of 2020, will have achieved a condition of No Significant Risk in accordance with Massachusetts Contingency Plan at 310 CMR 40.000 (“MCP”) regulatory amendments of 2014 so long as and Activity and Use Limitation (“AUL”), is recorded in the chain of title, and the conditions of the AUL are followed by the City as property owner; and

Whereas, a Notice of Activity and Use Limitation Form 1075 (“AUL”) to accomplish a Permanent Solution with Conditions for the site identified in Release Tracking No. 3-0002603 is ready to be filed with the Middlesex South Registry District of the Land Court, in accordance with the MCP at 310 CMR 40.1074; and

Whereas, the land with the buildings and improvements thereon comprising the site identified in Release Tracking No. 3-0002603 are more particularly described in Certificate of Title No. 80334 and Certificate of Title No. 95150 (hereafter “Certificates”) issued by the Middlesex (South) Registry District of the Land Court, which Certificates vest title in the “Inhabitants of the Town of Framingham” and the “Town of Framingham” respectively; and

Whereas, pursuant to M.G.L. c. 40, § 3 “all real estate or personal property of the town, not by law or by vote of the town placed in the charge of any particular board, officer or department, shall be under the control of the selectmen, except as is otherwise provided in this section or section nine” as the Town’s executive body; and

# City of Framingham



The City Council of Framingham



Whereas, pursuant to Article III, Section 2 of the Framingham Home Rule Charter adopted by vote of the voters of the Town of Framingham on April 4, 2017, vests sole executive authority in the Mayor of the City of Framingham; and

Whereas, by its vote on March 30, 2022, the School Committee recommended that the City Council authorize the Mayor to execute the AUL as custodian of the real property described in the Certificates;

Now therefore the City Council authorizes the Mayor to execute the AUL and to cause the same to be filed with the Middlesex South Registry District of the Land Court for notation on Land Court Certificates of Title Nos. 80334 and 95150.

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani, Stefanini, Steiner, Stewart-Morales  
NAYS: None  
ABSTAIN: None  
ABSENT: All members were present in person or via teleconferencing  
PASSED IN COUNCIL: APRIL 5, 2022

A True Record, Attest:

4/6/2022  
Date Approved

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

4/7/22  
Date Approved

Charlie Sitsky  
Charlie Sitsky, Mayor