

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*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**

**April 24, 2012 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, that after this report is given, the article is disposed.

# *Town of Framingham*

## *Annual Town Meeting*

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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.

1. Report by the Town Clerk on the status of Bylaw changes approved by Town Meeting and sent to the Attorney General in 2011. (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 2011, 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 2011. (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. (Resolution 2011 ATM by Karl Thober)
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. Edgell Road and Auburn Street Sewer project (request by residents)
7. Report from the Board of Selectmen on the Eastleigh Farm water/sewer billings.  
(Request from citizens)
8. Report form the Chief Financial Officer on the following:
  - a. Land acquisition costs for purchase of easement approved at a Town Meeting in 2011.  
(Bylaw Article III, Section 1.13.6b)
  - b. Use of mitigation funds received during the previous fiscal year and the status of unexpended mitigation funds. (Bylaw Article III, Section 1.13.6c)
  - c. Status of authorized but not completed Capital Budget projects.  
(Bylaw Article III, Section 1.13.6d)
  - d. Status of special appropriations approved by Town Meeting and not fully expended or not previously reported on. (Bylaw Article III, Section 1.13.2)
  - e. Anticipated financial impact upon the operating budget of collective bargaining agreements for municipal units. (ATM 5-26-09 Resolution by Funk)

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*ARTICLE 2 (CONTINUED)*

9. Report from the school department on the financial impact upon the operating budget of collective bargaining agreements for school units. (ATM 5-26-09 Resolution by Funk)
10. Report from the Town Moderator on Moderator appointments that will expire on July 1. (Bylaws Article 1, Section 5.14)
11. Report from the Board of Selectmen and on Selectmen appointments that will expire on July 1. (Bylaws Article 1, Section 5.14)
12. Any other report recommended by the Board of Selectmen.

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

**Sponsor: Standing Committee on Rules**

**April 24, 2012 Voted:** That the Town hear reports from various Departments, Boards, Committees and Commissions listed in the 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 warrant article.

Further, after all reports are given, the article is disposed.

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***ARTICLE 3***

To see if the Town will vote to amend the previously approved FY12 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 FY12, 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**

**April 24, 2012 Voted:** That this article be referred back to the 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**

**April 24, 2012 Voted:** That the Board of Selectmen be authorized 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, and in accordance with the “Proposed Statement of Community Development Objectives and Projected Use of Funds” approved by the Board of Selectmen on February 14, 2012 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 pages.

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*ARTICLE 4 (ATTACHMENT ON FILE AT TOWN CLERK'S  
OFFICE)*

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*ARTICLE 4 ADDITIONAL MOTIONS/AMENDMENTS*

**April 24, 2012 Failed:** “I move that we move the money in the CDBG Dep. 4.0 – Item 4.2 \$21,500 to 4.4 Resiliency For Life.”

Jim Rizoli, Precinct 14

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**April 24, 2012 Failed:** “I move to that we move \$3,900 from 4.6 and add that amount to 4.4 of Article 4.”

Daniel Gittelsohn, Precinct 14

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*ARTICLE 5*

To see if the Town will vote to approve a resolution that the Town of Framingham call upon the Great and General Court of the Commonwealth to support a resolution as provided in the background materials to this warrant, requesting Congress to pass and send to the States for ratification a constitutional amendment to give Congress and the States the power to regulate and set reasonable limits on all election contributions and expenditures, including a candidate's own spending, and to authorize the establishment of political committees to receive, spend, and publicly disclose the sources of those contributions and expenditures.

**Sponsor: Board of Selectmen**

**April 24, 2012 Voted:**

Whereas, corporations should not be considered natural persons with constitutional rights equal to the rights of real people;

Whereas, corporations are created by the people and are subject to regulation by the people;

Whereas, the present system of campaign financing is dramatically diluting the voice of Americans who do not control a large corporate treasury by enabling anonymous corporate super-PACs to overwhelm voters and threaten public officials with massive negative campaign advertising;

Whereas, it is not in the interest of our democratic form of government that corporations be able to make any campaign contributions or election expenditures;

Whereas, the U.S. Supreme Court's ruling in *Citizens United v FEC* presents a serious and direct threat to our democracy;

Whereas, Congress and the States have the power to regulate campaign finances;

Therefore, be it resolved that the Town of Framingham calls upon the Great and General Court of the Commonwealth to support a resolution requesting Congress to pass and send to the States for ratification a constitutional amendment to give Congress and the States the power to regulate and set reasonable limits on all election contributions and expenditures, including a candidate's own spending, and to authorize the establishment of political committees to receive, spend and publicly disclose the sources of those contributions and expenditures.



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***ARTICLE 6***

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to settle matters of pending litigation and approve said settlement(s) pursuant to Article II, Sec. 1.4 of the General Bylaws.

Pass any vote or take any action in relation thereto.

**Sponsor: Board of Selectmen**

**April 25, 2012 Voted:** That this article be referred back to Sponsor with the concurrence of the Sponsor.

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*ARTICLE 7*

To see if the Town will vote to amend the General Bylaws to create a New Article VIII, Section 7 – Pawnbrokers, as appears in the background materials in the Warrant booklet.

Pass any vote or take any action in relation thereto.

**Sponsor: Board of Selectmen**

**April 25, 2012 Voted:** This article failed.

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*ARTICLE 7 ADDITIONAL MOTIONS/AMENDMENTS*

**April 25, 2012 Passed:** “I move that Town Meeting vote to not refer Article 7/Proposed Pawnbroker Bylaw back to the Sponsor. Approval of not referring this article back will allow Town Meeting Members to discuss and vote on the article as presented.

Peter Pleshaw, Precinct 11

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**April 25, 2012 Not Voted:** “I move that the Town vote to refer this Article back to the Sponsor with the concurrence of the Sponsor.”

Kevin P. Crotty, Precinct 7

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**April 25, 2012 Failed:** “I move that Town Meeting vote to refer Article 7 to the Government Study Committee for further review, evaluation and action.”

George Dixon, Precinct 3

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**April 25, 2012 Failed:** “I move to table Article 7 until May 1 so that the sponsor can make a presentation.”

Mark Lamkin, Precinct 1

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*ARTICLE 8*

To see if the Town will vote to amend the Framingham Zoning By-law by deleting the existing Section IV.M. in its entirety and replacing it with a new Section IV.M. Open Space Residential Development By-law 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**

**April 25, 2012 Voted:** That this article be referred back to the Sponsor with the concurrence of the Sponsor.

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*ARTICLE 9*

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 structures in connection with the Central Street Bridge Over Sudbury River Project, said easements and other interests in land being shown on a plan entitled "Framingham Central Street Over Sudbury River" included in the background materials; 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 and Department of Public Works**

**April 25, 2012 Voted:** That the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain certain temporary and permanent easements and other interests in land as shown on a plan entitled "Framingham Central Street Over Sudbury River" included in the background materials, and that the Board of Selectmen be authorized to take all actions to carry out the purposes of this article.

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**ARTICLE 10**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain certain temporary and permanent easements in connection with the Cochituate Rail Trail Project, said easements being shown as “X-TE-1”, “X-TE-2”, “X-TE-4”, “X-TE-5”, “X-TE-6”, “X-TE-7”, and “X-E-1” on a plan entitled “Preliminary Right- of-Way Cochituate Rail Trail Project” dated February 2012, included in the background materials; and further to authorize the Board of Selectmen to take any and all actions necessary to carry out the purposes of this Article;

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen and Department of Public Works**

**April 25, 2012 Voted:** That the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain certain temporary construction easements and a permanent roadway easement in connection with the Cochituate Rail Trail Project, said easements being shown as “X-TE-1”, “X-TE-2”, “X-TE-4”, “X-TE-5”, “X-TE-6”, “X-TE-7”, and “X-E-1” on a plan entitled “Preliminary Right- of-Way Cochituate Rail Trail Project” dated April 2012, included in the background materials; and further, that the Board of Selectmen be authorized to take any and all actions necessary to carry out the purposes of this Article.

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*ARTICLE 10 ADDITIONAL MOTIONS/AMENDMENTS*

**April 24, 2012 Passed:** “I move that the DPW present a traffic flow plan to town meeting in the fall of 2012 detailing the traffic impacts and traffic management plans for Saxonville during the construction projects scheduled for the next 3 years.”

Audrey Hall, Precinct 3

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*ARTICLE 11*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain certain permanent easements on the property located at 301 Howard Street, Framingham, Massachusetts, said easements being shown as “PSE-HI”, “PDE-H1”, and “PSE-H2” on a plan entitled “Easement Plan 301 Howard Street Framingham, Mass.” dated April 7, 2011, included in the background materials; and further to raise and appropriate, borrow, or transfer a sum of money for said purpose; and further to authorize the Board of Selectmen to take any and all actions necessary to carry out the purposes of this article;

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen and Department of Public Works**

**April 26, 2012 Voted:** That the Board of Selectmen be authorized to acquire by gift, purchase or eminent domain certain permanent easements on the property located at 301 Howard Street, Framingham, Massachusetts, said easements being shown as “PSE-HI”, “PED-H1”, and PSE-H2” on a plan entitled “Easement Plan 301 Howard Street Framingham, Mass.” dated April 7, 2011, included in the background materials; and further, to raise and appropriate, borrow, or transfer a sum of \$25,000 for said purpose; and further, that the Board of Selectmen be authorized to take any and all actions necessary to carry out the purposes of this Article.



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*ARTICLE 12*

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift a permanent drainage easement at 354 Waverly Street, said easement being shown as "Proposed 30' Wide Drain Easement" on a plan entitled "Edward M. Kennedy Community Health Center 354 Waverly Street Framingham, MA" dated September 16, 2011, prepared by Kelly Engineering Group, Inc., included in the background materials; 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 and Department of Public Works**

**April 26, 2012 Voted:** That the Board of Selectmen be authorized to acquire by gift a permanent drainage easement at 354 Waverly Street as printed under Article 12 of the Warrant for this Town Meeting.

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*ARTICLE 13*

To see if the town will vote to authorize the Board of Selectmen to acquire by gift a permanent easement for sidewalk purposes at 900-904 Edgell Road, at the corner of Edgell Road and Edmands Road, as shown on a plan entitled "Sidewalk Easement Exhibit, TD Bank, NA, 900 and 904 Edgell Road, Lots 3 & 3A, Map 410, Town of Framingham, Middlesex County, Commonwealth of Massachusetts", prepared by Control Point Associates, Inc., dated October 20, 2011, on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this article, and further to raise and appropriate or transfer from available funds a sum of money for said purpose and related expenses.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen and Department of Public Works**

**April 26, 2012 Voted:** That the Board of Selectmen be authorized to acquire by gift a permanent easement for sidewalk purposes at 900-904 Edgell Road, as described in the warrant article, on such terms and conditions as the Board of Selectmen shall determine to be appropriate, and further, that the Board of Selectmen and Town Officers be authorized to take all actions to carry out the purposes of this article.

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*ARTICLE 14*

To see if the Town will vote to authorize the Board of Selectmen to release, terminate, or otherwise dispose of an easement shown as “Drain Easement” on a plan entitled “Plan Showing Location of Easement for Drain through Land of R.H. Long Realty & Investment Co., H. Verne & Marjorie M. Peloquin, Long Avenue Extension Framingham, Mass.” dated March, 1953, a copy of which is included in the background materials; and further to authorize the Board of Selectmen to acquire by gift a permanent drainage easement from Rimark, LLC shown as “Proposed 20’ Wide Drainage Easement” on a plan entitled “Plan of Land of 104 Long Avenue in Framingham, MA Prepared for Rimark, LLC”, dated February 22, 2012, included in the background materials; and further to authorize the Board of Selectmen and town officers to take all actions to carry out the purposes of this Article.

Pass any vote or take any action in relation thereto.

**Sponsor: Board of Selectmen and Department of Public Works**

**April 26, 2012 Voted:** That the Board of Selectmen be authorized to partially release, terminate or otherwise dispose of an easement shown as “Drain Easement” on a plan entitled “Plan Showing Location of Easement for Drain through Land of R.H. Long Realty & Investment Co., H. Verne & Marjorie M. Peloquin, Long Avenue Extension Framingham, Mass.” Dated March, 1953, a copy of which is included in the background materials; and further, that the Board of Selectmen be authorized to acquire by gift a permanent drainage easement from Rimark, LLC shown as “Proposed 20’ Wide Drainage Easement” on a plan entitled “Plan of Land of 104 Long Avenue in Framingham, MA Prepared for Rimark, LLC”, dated February 22, 2012, included in the background materials; and further, that the Board of Selectmen and Town Officers be authorized to take all actions to carry out the purposes of this article.

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*ARTICLE 15*

To see if the Town will vote to authorize the Park and Recreation Commission to enter into a lease with the Perry Trust for a term of not more than ninety nine years, for a parcel of land containing six acres, more or less, situated at 21 Edgebrook Road, said parcel to be used for recreational purposes, on such terms and conditions as the Park and Recreation Commission shall determine to be appropriate, and further to authorize the Park and Recreation Commission and town officers to take all actions to carry out the purposes of this article;

Pass any vote or take any action relative thereto.

**Sponsor: Parks & Recreation Commission**

**April 26, 2012 Voted:** That the Park and Recreation Commission be authorized to enter into a lease with the Perry Trust for a term of not more than ninety nine years and on such terms and conditions as the Park and Recreation Commission shall determine to be appropriate, for a parcel of land containing six acres, more or less, situated at 21 Edgebrook Road, said parcel to be used for recreational purposes and to be kept in its naturally wooded state; and further, that the Park and Recreation Commission and Town Officers be authorized to take all actions to carry out the purposes of this article.

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*ARTICLE 16*

To see if the Town will vote to amend the General Bylaws as follows:

Article I, Section 5, Paragraph 5.13 – Insert the following: The Town Clerk shall update the tables in Section 1 of this Article as Officers, Boards, and Committees are created or deleted by vote of Town Meeting or the Selectmen. In addition any Officer, Board, or Commission required by State statute shall be included.

Article X, Section 1, Paragraph 4 – In the second sentence delete the words “is authorized to” and in their place insert the word “shall”.

Pass any vote or take any action relative thereto.

**Sponsor: Government Study Committee**

**April 26, 2012 Voted:** That the General Bylaws, Article 1, Section 5.13 be amended by deleting the existing words and adding new words as described in the warrant article.

Further, that the General Bylaws, Article X, Section 1 be amended by deleting existing words and adding a new word as described in the warrant article.

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#### *ARTICLE 16 ADDITIONAL MOTIONS/AMENDMENTS*

**April 26, 2012 Passed:** “Article 16 Amendment – I move to amend the motion by adding the following:

In Article I, Section 1.1 change the title of the following officials as listed in the first box of the motion for Article 42:

<p>From: Town Assessors Purchasing Agent Building Commissioner Planning Director Town Engineer</p>	<p>To: Chief Assessor Chief Procurement Officer Building Commissioner/Inspectional Services Director Community and Economic Development Director Chief Engineer</p>
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and add the following entries as listed in the last box of the motion for Article 42 with the last line omitted:”

Media Service Director	Appointed	Town Manager	Three Years
Capital Building Projects Manager	Appointed	Town Manager	Three Years
Human Services Policy and Program Coordinator	Appointed	Town Manager	Three Years
Licensing Administrator	Appointed	Town Manager	Three Years
Planning Board Associate Member	Appointed	Board of Selectmen and Planning Board	One Year
Town Historian	Appointed	Board of Selectmen	Indefinite

Joel Winett, Precinct 7

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*ARTICLE 17*

To see if the Town will vote to amend the General Bylaws: Article II - Functions and Authority of Permanent Officers, Boards and Committees of Town & Article IV - Personnel Bylaw as included in the background material of the Annual Town Meeting Warrant booklet.

**Sponsor: Government Study Committee**

**April 26, 2012 Voted:** That the General Bylaws be amended as follows:

Bylaws Article II

Amend the General Bylaws, Article II, Section 17, Paragraph 17.3.7 as it relates to the Technology Services Department as follows:

Delete the words "Personnel Board" and insert the words "Human Resources Director" in their place.

Bylaws Article IV

Further, that the General Bylaws, Article IV, Personnel Bylaw be amended as follows:

**Section 7. Personnel Board and Human Resources Director**

Delete the words "and Human Resources Director" from the title of this section.

Number the section titled "By-Law Administration as paragraph 7.1

Number the section titled "Personnel Records Access and Maintenance" as paragraph 7.2

Add a new paragraph 7.3 titled "Classification Plan" with the following wording:

The Personnel Board may review from time to time, written definitions of the classes in the Classification Plan, and may suggest to the Town Manager, amendments to each including statements describing the kind of work, the distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate as well as placements in the appropriate class and grade. The Town Manager may accept or reject the Personnel Board's suggested changes to the Classification Plan pursuant to Section

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*ARTICLE 17 (CONTINUED)*

7(a) of Chapter 27 of the Acts of 1996 (“Town Manager Act”). Proposed changes to the Classification Plan proposed by the Town Manager shall be presented to Town Meeting for review and approval. The Personnel Board shall comment to Town Meeting upon such changes proposed by the Town Manager.

Add a new paragraph 7.4 titled “Pay Plan” with the following wording:

At the request of the Town Manager, the Personnel Board may conduct studies of general pay rates in the area, in comparable municipalities, in the state, and in comparable positions outside the service of the Town. The Personnel Board shall consider such other factors as the change in the cost of living index and any other factors which in the opinion of the Personnel Board may affect the general economic situation. The Town Manager may accept or reject any recommendations of the Personnel Board pursuant to Section 7(a) of the Town Manager Act. The Personnel Board shall report to Town Meeting on all proposed changes to the Pay Plan.

**Section 8. Continuing Review**

Delete the words “Continuing Review” from the title of Section 8 and insert the words “Human Resources Director” in their place.

Delete the text in the current Section 8

Renumber and move current Section 7.1 and sub-paragraphs 7.1.1 and 7.1.2 to be 8.1, 8.1.1 and 8.1.2 respectively.

**Section 9. Class definitions**

In the first sentence, delete the words “Personnel Board” and insert in their place the words “Human Resources Director”.



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*ARTICLE 17 ADDITIONAL MOTIONS/AMENDMENTS*

**April 26, 2012 Passed:** “With regard to amending the General Bylaws, Article IV, Section 7:

This motion is to amend the fourth paragraph to the following language:

“At each consecutive three calendar year cycle the term of service for two members shall expire on June 30<sup>th</sup> of the first year of the cycle, the term of service for two members shall expire on June 30<sup>th</sup> of the second year of the cycle; and the term of service for one member shall expire on June 30<sup>th</sup> of the third year of said cycle.”

Yael Steinsaltz, Precinct 11

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*ARTICLE 18*

To see of the Town will vote to adopt Section 20 of Chapter 32B of the Massachusetts General Laws to establish an Other Post Employment Benefits (OPEB) Liability Trust Fund.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**April 26, 2012 Voted:** That Town Meeting accept Section 20 of Chapter 32B of the Massachusetts General Laws to establish an Other Post Employment Benefits Trust Fund and designate the Treasurer/Collector as the Trustee.

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*ARTICLE 19*

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to establish a Litigation Contingency Fund for use with respect to any judicial, administrative or regulatory proceeding for which legal costs to the Town exceed Twenty Five Thousand and 00/100 Dollars (\$25,000.00), provided that the Board of Selectmen and the Finance Committee are kept apprised of expenditures from such contingency fund as they occur.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2012 Voted:** That the Town raise and appropriate, transfer from available funds or otherwise provide the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to establish a litigation contingency fund for use with respect to any judicial, administrative or regulatory proceeding for which legal costs to the Town exceed Twenty Five Thousand and 00/100 Dollars (\$25,000.00), provided that the Board of Selectmen, Finance Committee and Ways and Means are kept apprised of expenditures from such contingency fund as they occur. Provided further, that once any case receives \$100,000 in payments from such Litigation Contingency Fund, then Town Meeting approval for further funding for such case shall be required.

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***ARTICLE 19 ADDITIONAL MOTIONS/AMENDMENTS***

**May 2, 2012 Amendment offered but withdrawn by Dennis Paulsen, at the maker's request:** "I move to amend Article 19 to include the following:

That all expenditures of funds from the Major Litigation Contingency Fund must be reported to Town Meeting once the case on which the expenditure occurred. Said report shall include a brief explanation as to why the expenditure was necessary."

Dennis Paulsen, Precinct 9

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***ARTICLE 20***

To see if the Town will vote to reimburse the Disability Commission for their portion of the Farm Pond Handicapped Playground project from performance bond proceeds related to that project.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That \$22,917 from Free Cash be transferred to the Disability Commission appropriation for expenditure by the Disability Commission.

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*ARTICLE 21*

To see if the Town will vote to fund any collective bargaining agreements that have been settled, and adopt any necessary changes to the Pay Schedules for Fiscal Year 2013.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That the Town approve the following Collective Bargaining Agreements that have been settled with Town employees:

Library SEIU Local 888  
Fire Deputy Chiefs Local 1652  
Public Works & Parks/Recreation Supervisors Local 1116

Further, that the Town amend the Pay Schedules of the Town by striking the following pay schedules:

Schedule L – Library  
Schedule FDC – Fire Deputy Chiefs  
Schedule 1116 – Public Works & Pars/Recreation Supervisors

And, adopting in their place the proposed pay schedules effective July 1, 2010 – June 30, 2011 (FY11); July 1, 2011 – June 30, 2012 (FY12) and July 1, 2012 – June 30, 2013 (FY13); as attached.

Schedule L – Library  
Schedule FDC – Fire Deputy Chiefs  
Schedule 116 – Public Works & Parks/Recreation Supervisors

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*ARTICLE 22*

To see if the Town will vote to adopt amended salary schedules for non-union personnel (M) and Division Head (DH) classifications.

Pass any vote or take any action relative thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That this article be referred back to Sponsor with the concurrence of the Sponsor.

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*ARTICLE 23*

To see if the Town will vote to adopt for Fiscal Year 2013, the pay plans as listed:

Schedule M – Municipal Employees  
Schedule T – Temporary Employees  
Schedule DH – Division Heads  
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 PW – Public Works Supervisors  
Schedule V – Crossing Guards  
Schedule W – General Local 1156  
Schedule WH – Police and Fire Mechanics

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That the Town adopt the following Salary Schedules of the Town effective for FY13 (July 1, 2012 – June 30, 2013):

Schedule M	Municipal Employees (37.5 hour)
Schedule M	Municipal Employees (40 hour)
Schedule T	Temporary Seasonal
Schedule DH	Division Heads
Schedule PSM	Public Safety Management
Schedule LO	Library Pages
Schedule DPS	Dispatchers Public Safety
Schedule FF	Firefighters
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 and Recreation)



# *Town of Framingham*

## *Annual Town Meeting*

### *April 24, 2012*

## *ARTICLE 24*

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 2013 beginning July 1, 2012, including but not limited to the following:

- A) Town Owned Building Civic Use (Maynard Building) Fund;
- B) Town Owned Building Civic Use Fund;
- C) Town Owned Building Civic Use (Cushing Chapel) Fund;
- D) Concert on the Common Fund;
- E) School Bus Fees Fund;
- F) Pavement Management Fund;
- G) Town Wetland Protection Fund;
- H) Vaccine Administration Fund
- I) Fluorescent Lamp/Mercury Recycling Fund
- J) Town Records Preservation Fund
- K) Callahan Senior Center Fund
- L) Emergency Management Equipment Fund
- M) Animal Control Fund

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That Town Meeting authorize or re-authorize several revolving funds as defined by MGL, Chapter 44, Section 53E ½ for FY13 beginning July 1, 2012, including but not limited to the following:

<u>Fund</u>	<u>Manager</u>	<u>Purpose</u>	<u>FY13 Spending Ceiling</u>	<u>Disposition of FY12 Fund Balance</u>
Town Owned Building/Civic Use Fund - Maynard Building	Building Services 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 Building Services Department to spend these funds for direct expenses associated with the general maintenance of this building such as custodial direct expenses associated with the general maintenance of this building such as custodial costs, utilities, maintenance supplies and other similar expenses.	\$20,000	Balance available for expenditure

# *Town of Framingham*

## *Annual Town Meeting*

### *April 24, 2012*

#### *ARTICLE 24 (CONTINUED)*

Town Owned Building/Civic Use Fund - Danforth and Memorial Buildings	Building Services 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 Building Services 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.	<b>\$90,000</b>	Balance available for expenditure
Town Owned Building/Civic Use Fund - Cushing Chapel	Building Services 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 Building Services 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.	<b>\$20,000</b>	Balance available for expenditure
Town Owned Building/Civic Use Fund - Concerts on the Common	Parks and Recreation Department of the Parks and Recreation Division	To receive funds from the sale of food and other similar charges during Concerts on the Common and to authorize the Parks 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	To receive and spend funds to pay services associated with processing Permits and Requests for Determination	<b>\$28,000</b>	Balance available for expenditure
Excavation Management Fund	Department of Public Works	To account for revenue from fees generated by Town of Framingham's Street Opening Permit and if approved by Town Meeting, fees associated with the Excavation Management program. The intent of this revolving fund is to retain the revenue generated there from, within an account, that the Department of Public Works may access, as needed, for the administrative and operational costs associated with the management of this program.	<b>\$75,000</b>	Balance available for expenditure

# *Town of Framingham*

## *Annual Town Meeting*

### *April 24, 2012*

#### *ARTICLE 24 (CONTINUED)*

Vaccine Administration Fund	Board of Health	To use funds secured from reimbursements from any insurance carrier, public or private, and payments received from residents or non-residents for any vaccine administered to all individuals who are served by the Framingham Board of Health. The funds will be used to buy additional vaccines and supplies and ancillary services needed to maintain the Town's clinic demands, clinical, preventative and health education programs for the Board of Health which may include, but not be limited to vaccine storage and handling and volunteer training in pandemic preparedness and emergency response.	<b>\$27,000</b>	Balance available for expenditure
Fluorescent Lamp/Mercury Recycling	Department of Public Works	To use funds secured from the cost to dispose of Fluorescent lamps, compact fluorescents and other mercury containing items like thermometers, thermostats and button-cell batteries to offset the costs of disposal. In addition, we will encourage the proper disposal of these regulated items at or by a certified vendor using the correct containers.	<b>\$5,000</b>	Balance available for expenditure
Town Records Preservation	Town Clerk	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 record preservation.	<b>\$34,000</b>	Balance available for expenditure
Callahan Senior Center	Council on Aging	To use fees and revenues received from building rental, programming, and general services. The funds would be expended to cover associated costs and expenses of those services and for the advancement of Council on Aging's established mission statement. All expenditures would be compliant with MGL Chapters 44 section 53E1/2. Said expenditures shall be made by the Council on Aging and its professional staff and under the general direction of the Division Manager.	<b>\$25,000</b>	Balance available for expenditure

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 24 (CONTINUED)*

Emergency Management Equipment	Framingham Emergency Management Agency	The revolving account is needed to collect fees assessed to NERAC (Northeast Regional Advisory Council for Homeland Security) communities for the use of centrally housed equipment for emergent situations. The monies collected will be used to provide upkeep and maintenance on the equipment in the cache.	<b>\$3,500</b>	Balance available for expenditure
Animal Control	Animal Control Department	To use fees collected from boarding animals and kennel rental fees for the purpose of offsetting kennel operating costs. Expenses include veterinary care, rabies clinics, and rabies testing, equipment purchase and office supplies.	<b>\$4,500</b>	Balance available for expenditure

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 24 ADDITIONAL MOTIONS/AMENDMENTS*

**May 1, 2012 Passed:** “I move that the CFO report the fund balance on all revolving funds and other funds not part of a department at the Fall 2012 Town Meeting.”

Joel Winett, Precinct 7

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 25*

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 in relation thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 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 FY 2012 departmental budget in which they were incurred.

Parks & Recreation Department

American Engineering & Testing, Inc.	\$341.25
MCI Communication Service	\$321.69

Building Services Department

NSTAR Electric	\$24.85
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Public Works Department –Snow and Ice

Gioioso & Sons	\$2,025.00
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*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

***ARTICLE 26***

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 in relation thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That the Town appropriate the following sums of money received for off-site mitigation improvements or as otherwise agreed upon by the Town of Framingham Planning Board and Project Applicants pursuant to recorded Planning Board decision(s) to be managed by the Planning Board and consistent with said decision(s).

\$3,500.00 received from Cumberland Farms, 730 Cochituate Road for off-site mitigation to be expended for other work identified in the Technology Park Infrastructure Plan adopted by the Planning Board dated December 15, 2011.

\$13,500.00 received from Genzyme, 47 New York Avenue for off-site mitigation to be expended for off-site traffic, pedestrian, lighting and streetscape improvements within the Technology Park adopted by the Planning Board dated November 17, 2011.

\$25,000.00 received from Dennison Bishop, LLC, 4 Bishop Street for off-site mitigation to be expended for the improvement of neighborhood amenities adopted by the Planning Board decisions dated December 17, 2002 and June 17, 2003.

Further, that \$5,000 received from Franchi Management Company for Brimstone Estates be transferred to the Conservation Trust Fund for management of open space as specified in condition 34 of the special permit and article 37 of the subdivision approval.

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 27*

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 2012 (July 1, 2011 – June 30, 2012) and to see what budgets for Fiscal Year 2012 will be reduced to offset said appropriations.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 1, 2012 Voted:** That the following FY2012 budget adjustments be made:

Transfer \$471,026 from the Miscellaneous/Unclassified Division – Group Health Insurance budget as follows:

\$45,000 to the General Government Division/Building Services Department  
\$48,000 to the General Government Division/Town Manager-Board of Selectmen budget  
\$161,588 to the Fire Department budget  
\$158,000 to the Debt Service/Interest on Abatements budget  
\$31,318 to the Library budget  
\$16,829 to the Public Works Division  
\$10,291 to the Parks & Recreation Division



*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 28*

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 2012 (July 1, 2011 – June 30, 2012) and to see what budgets for Fiscal Year 2012 will be reduced to offset said appropriations.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2012 Voted:** That Town Meeting vote to appropriate \$913,489 from FY11 certified retained earnings to the FY12 Water Enterprise Operating Budget.

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 29*

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 2012 (July 1, 2011 – June 30, 2012) and to see what budgets for Fiscal Year 2012 will be reduced to offset said appropriations.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2012 Voted:** That Town Meeting vote to appropriate \$220,000 from FY11 certified retained earnings to the FY12 Sewer Enterprise Operating Budget.

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

**ARTICLE 30**

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 in relation thereto.

**Sponsor: Chief Financial Officer**

**May 2, 2012 Voted:** That the following authorized, but unissued balances of Town borrowing votes be rescinded:

<b>Town Meeting</b>	<b>Article/Project Name</b>	<b>Amount to be rescinded</b>
04/08 ATM	A44C Main Library Renovations	\$875
04/08 ATM	A44G Police Locker Room	\$858
04/08 ATM	A44Q Permits, License Inspection	\$381
04/08 ATM	A46T Pond Street Water Replacement Design	\$175
04/08 ATM	A46C Pershing Ave Water Construction	\$438,750
04/08 ATM	A47F Cove Area Sewer Main Replacement	\$700
04/09 ATM	A39CC Brick Wall Fuller School	\$649
04/09 ATM	A41B 15 GVW Body	\$25
05/10 ATM	A24R ADA Upgrades	\$32
05/10 ATM	A24X Municipal Data Storage Upgrade	\$20
05/10 STM	A8 Recycling Bins	\$100,000

# *Town of Framingham*

## *Annual Town Meeting*

### *April 24, 2012*

## *ARTICLE 31*

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 various capital projects including purchase of equipment, purchase of land, repair, rehabilitation, design or construction of buildings and infrastructure.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 3, 2012 Voted:** That Town Meeting vote to raise and appropriate, transfer from available funds or borrow the sum of \$6,918,002 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 spent does not exceed the total amount appropriated and that such adjustments are in compliance with MGL, Chapter 44 for the purpose of the design and construction, including any related engineering, personnel and legal services:

Item #	Description	Department	Amount	Date Voted	Vote
A31A	Library Handicapped Ramp Construction	Library	\$425,000	5/3/12	125-1-0
A31B	Design Study for Library Renovation	Library	\$40,000	5/3/12	124-2-0
A31C	Replace Fire Engine 1	Fire	\$550,000	5/3/12	99-30-6
A31D	Parking Meter Update Phase 2	Building Services	\$53,468	5/3/12	FAILED 53-71-11
A31E	Town Buildings Security Updates	Building Services	\$59,951	5/3/12	118-17-3
A31F	Playground Fiber Mulch Safety Surfacing Replacement Phase 1	Parks and Recreation	\$29,550	5/3/12	122-22-5
A31G	F350 4x4 Maintenance Body	Parks and Recreation	\$45,411	5/2/12	134-0-0
A31H	Loring Arena Infrastructure Repair and Replacement	Parks and Recreation	\$65,433	5/2/12	134-0-0
A31I	Emergency Generator Upgrade Phase 1	Police	\$53,560	5/2/12	134-0-0
A31J	Sidewalk/Accessibility Improvements 2013	DPW – Highway	\$150,000	5/2/12	134-0-0
A31K	15,000 GVW 4WD Cab and Chassis with Dump Body and Plow #416	DPW – Highway	\$66,672	5/2/12	134-0-0
A31L	4WD Cab and Chassis with Platform Body, Lift Gate and Plow #409	DPW – Highway	\$66,305	5/2/12	134-0-0
A31M	Roadway Improvements 2013	DPW – Highway	\$2,500,000	5/2/12	134-0-0

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 31 (CONTINUED)*

Item #	Description	Department	Amount	Date Voted	Vote
A31N	40,000 GVW 4WD Cab & Chassis w/ Dump Body, Snowplow, Sander & Underbody Scraper #442	DPW – Highway	\$225,697	5/2/12	134-0-0
A31O	72,000 GVW Cab & Chassis with 31 CY Refuse Packer & Snow Plow 511	DPW – Sanitation	\$259,500	5/3/12	118-15-4
A31P	3.5 CY Front End Loader and Plow #521	DPW – Sanitation	\$205,527	5/2/12	134-0-0
A31Q	Replace Rooftop AHU's and Ventilation Equipment-Multiple Schools – Phase 2	School Department	\$300,000	5/2/12	134-0-0
A31R	Mechanical, Electrical, Plumbing Upgrades – All Schools – Multiple Systems - Phase 1	School Department	\$150,000	5/3/12	120-10-1
A31S	ADA Upgrades to Curbs, Sidewalks and Handicap Ramps – Multiple Schools – Phase 2	School Department	\$300,000	5/2/12	134-0-0
A31T	Technology Upgrades Throughout District – Phase 2	School Department	\$500,000	5/2/12	134-0-0
A31U	Paving Replacement/Storm Water Study	School Department	\$35,000	5/2/12	134-0-0
A31V	Study for Building Construction at Fuller/Farley	School Department	\$190,000	5/2/12	134-0-0
A31W	DDC Energy Conservation Program – Phase 6	School Department	\$300,000	5/2/12	134-0-0
A31X	Cisco UCM Upgrade	Technology Services	\$34,836	5/2/12	134-0-0
A31Y	Virtual Environment Replacement	Technology Services	\$69,895	5/2/12	134-0-0
A31Z	Archived Document Scanning – Phase 1	Technology Services	\$27,635	5/2/12	134-0-0
A31AA	Pearl Street Garage Repairs	Town Owned Buildings	\$233,911	5/3/12	FAILED 56-60-8
A31BB	Memorial Building Fire Supression Design	Town Owned Buildings	\$50,000	5/3/12	83-26-1
A31CC	Village Hall Boiler Replacement	Town Owned Buildings	\$83,030	5/2/12	134-0-0
A31DD	Maynard Building Drainage Project	Town Owned Buildings	\$135,000	5/3/12	84-17-8

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 meeting said appropriations, \$363,687 will be appropriated from free cash to fund a portion of the item Technology Upgrades throughout School District Phase 2 and the Treasurer is authorized, with the approval of the Board of Selectmen, to issue from time

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Annual Town Meeting  
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*ARTICLE 31 (CONTINUED)*

to time bonds or notes in the amount of \$6,554,315 pursuant to the provisions of MGL, Chapter 44, Section 7 and 8 or any other enabling authority.

**133 voting in favor, 2 opposed, 0 absentions.**

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

*ARTICLE 31 ADDITIONAL MOTIONS/AMENDMENTS*

**May 3, 2012 Failed:** “The Capital Budget Committee moves that item A31E, Town Owned Building Security Updates, be amended to \$48,478.”

William McCarthy, Precinct 10

*Town of Framingham  
Annual Town Meeting  
April 24, 2012*

**ARTICLE 32**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of the design and construction, including any related engineering, personnel, and legal services, of the following water projects, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects:

Other water projects as set forth in the background materials; and further to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, permanent easements and temporary construction easements or other interests in land for said projects and as further described in the background materials; and further to authorize the Board of Selectmen and Town officers to take all actions to carry out the purposes of this Article.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 8, 2012 Voted:** That Town Meeting vote to raise and appropriate, transfer from available funds, or borrow the sum of \$5,544,779 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 MGL, Chapter 44, for the purpose of the design and construction, including any related engineering, personnel and legal services of the following Water Department projects, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects:

Irving, Loring and Herbert Street Intersection Water Improvements – Construction	Water	\$1,795,000
Acquisition 11,000 GVW 4WD Utility Body Truck with Plow #615	Water	\$56,152
Beebe Water Storage Tanks Upgrade Construction Project	Water	\$3,214,000
Acquisition 15,000 GVW 4WD Utility Body Truck with Automatic Gate Turner #608	Water	\$79,627
Water Hydrant and Gate Valve Replacements 2013	Water	\$200,000
Water Main Replacement Various Locations 2013	Water	\$200,000

Further, that the Board of Selectmen be authorized to acquire by gift, purchase, or eminent domain, permanent easements and temporary construction easements or other



*Town of Framingham  
Annual Town Meeting  
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*ARTICLE 32 (CONTINUED)*

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, \$3,410 will be transferred from the following Capital Projects to fund item Irving, Loring and Herbert Street Intersection Water Improvements Construction.

4/07ATM                      A40M Electronic Message Board

And to meet said appropriation, \$535,779 will be transferred from retained earnings to fund items: Acquisition of a 11,000 GVW 4WD Utility Body Truck with Plow #615, Acquisition of a 15,000 GVW 4WD Utility Body Truck with Automatic Gate Turner #608, Water Hydrant and Gate Valves Replacement 2013, Water Main Replacement Various Locations 2013; and further, that the Treasurer is authorized, with the approval of the Board of Selectmen, to issue from time to time bond or notes in the amount of \$5,005,590 pursuant to the provisions of MGL, Chapter 44, Section 7 and 8 or any other enabling authority.

**136 voting in favor, 1 opposed, 3 abstentions.**

*Town of Framingham  
Annual Town Meeting  
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**ARTICLE 33**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of the design and construction, including related engineering, personnel, and legal services, of the following sewer projects, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects:

Other sewer projects as set forth in the background materials; and further to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, permanent easements and temporary construction easements or other interests in land for said projects and as further described in the background materials; and further to authorize the Board of Selectmen and Town officers to take all actions to carry out the purposes of this Article.

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 8, 2012 Voted:** That Town Meeting vote to raise and appropriate, transfer from available funds, or borrow the sum of \$8,047,951 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 MGL, Chapter 44, for the purpose of the design and construction, including any related engineering, personnel and legal services of the following Sewer Department projects, and the acquisition of any necessary permanent and/or temporary easements or other interests in land for said projects:

Wastewater Back-Up Systems Upgrades	Sewer	\$550,000
Acquisition of a 15,000 GVW 4WD Utility Body Truck w/ Plow #721	Sewer	\$62,228
Acquisition of a 4WD HD Cab & Chassis w/ Pickup Body & Snow Plow #725	Sewer	\$45,374
Acquisition of a 40,000 GVW Cab & Chassis w/ Dump Body & Snow Plow #732	Sewer	\$225,697
Hancock Lane Pump Station Elimination Project Design and Construction	Sewer	\$805,500
East Framingham Sewer Improvements Project and Central Street Siphon/Sudbury River	Sewer	\$2,400,000
Sewer Main Replacement Various Locations	Sewer	\$250,000

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*ARTICLE 33 (CONTINUED)*

Acquisition of a 11,000 GVW 4WD Utility Body Truck with Plow #704	Sewer	\$56,152
Irving, Herbert, Loring Sewer Construction Project Construction	Sewer	\$2,475,000
Speen Street Interceptor Sewer Replacement Project Design and Construction	Sewer	\$1,178,000

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, \$834 will be transferred from the following Capital Projects to fund item Hancock Lane Pump Station Elimination Project.

04/09ATM                      A41C 4WD Utililty Body Electrician Truck

To meet said appropriation, \$639,451 will be transferred from retained earnings to fund items: Acquisition of a 15,000 GVW 4WD Utility Body Truck with Plow #721, Acquisition of a 4WD HD Cab & Chassis with Pickup Body and Snowplow #725, Acquisition of a 40,000 GVW Cab & Chassis with Dump Body and Snowplow #732, Sewer Main Replacement Various Location 2013, Acquisition of a 11,000 GVW 4WD Utility Body Truck with Plow #704; 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 \$7,407,666 pursuant to the provisions of MGL, Chapter 44, Section 7 and 8 or any other enabling authority.

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

*Town of Framingham  
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**ARTICLE 34**

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 2013 (July 1, 2012 – June 30, 2013).

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 8, 2012 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 2013 (July 1, 2012 – June 30, 2013).

Unclassified	\$36,273,074
Retirement	\$13,794,409
Debt Service	\$10,444,271
Fire	\$12,597,841
Police	\$12,356,765
Public Works	\$9,092,556
Framingham Public Library	\$2,648,010
Planning Board	\$201,878
Town Clerk / Stipend	\$89,540
Town Clerk / Elections	\$356,852
General Government	\$3,072,584
Parks and Recreation / Cultural Affairs	\$3,283,126
Finance	\$1,937,934
Inspectional Services	\$835,280

*Town of Framingham  
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*ARTICLE 34 (CONTINUED)*

Health Department	\$777,824
Community & Economic Development	\$421,899
Technology Services	\$1,319,484
Human Resources	\$698,364
Framingham Public Schools	\$96,600,030
Keefe Technical Assessment	\$8,431,068
Stabilization Fund	\$2,236,727 101 voting in favor, 16 opposed, 1 abstention.
Reserve Fund	\$400,000
Snow & Ice	\$1,500,000
Total Town Meeting Appropriation	\$219,369,515

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

Transfer from Free Cash	\$2,588,060
Transfer From Parking Meter Receipts	\$50,000
Transfer from Sewer Enterprise Fund Revenue	\$1,309,386
Transfer from Water Enterprise Fund Revenue	\$1,413,293
Transfer from Consumer and Merchant Protection Act Funds	\$5,000

And the balance to be raised from taxation.

**108 voting in favor, 7 opposed, 4 abstentions.**

*Town of Framingham  
Annual Town Meeting  
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***ARTICLE 34 ADDITIONAL MOTIONS/AMENDMENTS***

**May 9, 2012 Passed:** “I move that at the Fall 2012 Town Meeting, the details of the OPEB trust account and the related implications and requirements be presented to Town Meeting.”

Audrey Hall, Precinct 3

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**May 9, 2012 Failed:** “OPEB: Reduce amount by \$411,354 to a new total of \$1,088,646.”

Ted Anthony, Precinct 1

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**May 9, 2012 Failed:** “I move that the \$1,500,000 OPEB contribution proposed by the CFO be added to the stabilization fund. This \$1,500,000 would be in addition to the CFO’s recommended \$2,236,727 stabilization fund, and would eliminate the OPEB contribution.

William McCarthy, Precinct 10

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**May 9, 2012 Not accepted by the Moderator:** “I move that Town Meeting support a 0% levy increase by reducing appropriations to the OPEB and stabilization fund line items.”

Scott Estes, Precinct 4

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**May 9, 2012 Not accepted by the Moderator:** “I move the overall tax levy for FY13 be increased by no more than 1% as recommended by the Finance Committee, and further, that the CFO make adjustments to the budget to reflect the Finance Committee’s recommendations.

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***ARTICLE 34 ADDITIONAL MOTIONS/AMENDMENTS***

Ted Anthony, Precinct 1

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**May 9, 2012 Failed:** “On behalf of the SCW&M, I move to reduce the \$1.5m for OPEB to \$0 as voted 4/30/12 6-4-0.

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

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**May 9, 2012 Failed:** “In the interest of various potential outcomes from the line by line budget review, on the behalf of the SCW&M, I move to table the OPEB and stabilization fund budget items until after the snow and ice line item as voted 5/7/12 by a vote of 9-2-1.

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

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**May 9, 2012 Passed:** On behalf of the SCW&M, I move that the Board of Selectmen request that our State Legislators file legislation to raise the State mandated age for retirement eligibility for health care benefits (from 55 years of age) to at least 62 years of age as voted by the SCW&M 5/9/12 8-0-0

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

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**May 9, 2012 Failed:** “I move that Article 34, FY13 general fund operating budget be referred back to Sponsor with an understanding that Town Meeting would like to lower R.E. taxes and present a level funded appropriation with a 3 ½ percent (3.5%) increase over last year approved appropriation of \$209,558,694. 3.5% increase would be approximately \$7,334,554 – an increase of TM voted appropriation for FY13 to a total of \$216,893,248.

Peter Pleshaw, Precinct 11

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***ARTICLE 34 ADDITIONAL MOTIONS/AMENDMENTS***

**May 10, 2012 Not Accepted by the Moderator:** “I make a motion that we disban the police SWAT team because of liability issues.”

Jim Rizoli, Precinct 14

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**May 10, 2012 Failed:** “Fire: Reduce amount by \$109,356 to a new total of \$12,488,485.”

Ted Anthony, Precinct 1  
Larry Marsh, Finance Committee

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**May 15, 2012 Passed:** “I moved that the CFO provide a report at the 2012 Fall Town Meeting listing the following:

- a. For each special account for non-grant revenue received by non-departments, the amount accumulated in the special account over many years, but not yet expended. The report should also include the number of town employees funded and whether these employees received town benefits. The non-departments should include, but are not limited to, the following: Cultural Council, Elderly & Disabled Committee, Conservation, Media Services, Parking Meter, Edgell Cemetery. (See Other Revenue Report #6 from the 2011 FTM)
- b. For Contributions Received for Special Purposes, the total amount of the contributions accumulated over many years, but not yet expended. (See Trusts & Agency Funds on Report #6 from the 2011 FTM)

Joel Winett, Precinct 7

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**May 15, 2012 Voted:** “On behalf of the SCW&M, I move that the Town Manager and Capital Projects Mgr. look into the Atheneium Hall and report back at the Fall 2012 Town Meeting as to what work it would require and what the estimated cost would be to



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***ARTICLE 34 ADDITIONAL MOTIONS/AMENDMENTS***

obtain an occupancy permit. Voted 5/17/12 10-0-2

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

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**May 15, 2012 Passed:** “On behalf of the Standing Committee on Ways and Means, I move that the Board of Selectmen schedule the public participation agenda item at the beginning of the Board of Selectmen meetings.”

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

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**May 15, 2012 Failed:** “On behalf of the SCW&M, I move that the request for two additional FTEs in the assessing budget be reduced to one FTE and the dollars for such be reduced from \$123,000 to \$61,750.”

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

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**May 16, 2012 Failed:** “I move to reduce the appropriation of \$336,049 for the Community & Economic Development Division to zero (\$0.00).”

Yaakov Cohn, Precinct 5

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**May 17, 2012 Failed:** “The Finance Committee moves to reduce the line item Stabilization Fund from \$2,236,727 to \$1,825,373.”

Dan Lampl, Finance Committee Vice Chair

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*Town of Framingham  
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*ARTICLE 35*

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 2013 (July 1, 2012 – June 30, 2013).

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 17, 2012 Voted:** That Town Meeting vote to expend \$16,061,691 in FY2013 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 the \$16,061,691 be raised from water receipts.

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**ARTICLE 36**

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 2013 (July 1, 2012 – June 30, 2013).

Pass any vote or take any action in relation thereto.

**Sponsor: Chief Financial Officer**

**May 17, 2012 Voted:** That Town Meeting vote to expend \$20,070,800 in FY2013 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 the \$20,070,800 be raised from sewer receipts.

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*ARTICLE 37*

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law Chapter 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

**Sponsor: Board of Selectmen**

**May 22, 2012 Voted:** That Town Meeting vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law, Chapter 59, § 5, clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2012, or take any other action relative thereto.

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*ARTICLE 38*

That Town Meeting instructs the Chief Financial Officer to present the annual budget to Town Meeting in such a way that the first item for consideration will be the total recommended budget appropriations for the new Fiscal Year, and that all subsequent individual (line item) recommended budget appropriations add up to the total recommended appropriations for the new Fiscal Year. Town Meeting will then proceed to consider and vote (before any individual line item consideration and vote) on the total recommended budget appropriations, including possible amendments to the total figure, until a total budget figure is agreed upon and approved by Town Meeting. If the approved total budget appropriations are different from those initially recommended by the Chief Financial Officer, then the Chief Financial Officer will proceed to make new line item recommendations and adjust all individual line item recommendations so that they add up to the total budget figure approved by Town Meeting. Subsequently, any proposed budget increases (or decreases) for individual line item appropriations, during the course of Town Meeting consideration and vote, will have to be matched by proposed decreases (or increases) for other line item budget appropriations, so as to retain the total budget appropriations initially approved by Town Meeting.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** No action taken.

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*ARTICLE 38 ADDITIONAL MOTIONS/AMENDMENTS*

**May 22, 2012 Failed:** “I move that Article 38 in the warrant be referred to the Government Study Committee for the purpose of consideration as a general bylaw change; and that the Government Study Committee report back to Town Meeting in the fall with a recommendation either for or against the adoption of Article 38 as a bylaw change.”

Robert Bolles, Precinct 6

*Town of Framingham  
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***ARTICLE 39***

To see if the town will vote to request that the Board of Selectmen petition the legislature to pass one or more Special Acts that will address the current inequities in residential and commercial taxes based on the split rate for these classes of real estate properties.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** This article failed.

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***ARTICLE 40***

To see if the Town will vote to request that the Board of Selectmen petition the legislature to pass a Special Act that will address the inequities in assessing practices of residential and commercial properties.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** Whereas there are inequities in assessing practices of residential and commercial properties,

Whereas Chapter 3 of the Acts of 2004 SECTION 2 (a) directed the department of revenue, to determine sustainable and equitable methods for addressing the current and any future divergence in residential and commercial and industrial property values and that no action has been taken to address this issue,

Whereas on December 2004, the Massachusetts Department of Revenue, Division of Local Services provided a Tax Classification Report and this report ended with the following statement: "We also suggest that consideration be given to using sale prices to value larger CIP properties that may be acquired on a speculative basis when the income approach significantly undervalues the property" and that no action has been taken in response to this suggestion.

Therefore, it is the will of Framingham Town Meeting that the Framingham legislators file Special Acts with the Massachusetts General Court to address the inequities in assessing practices of residential and commercial properties. These acts should require acceptance by a community with the option to revoke such acceptance. The Department of Revenue could allow assessors to:

**Consideration A: Tax Rate for Apartments**

Tax apartments and residential properties with four (4) or more units at the commercial rate rather than at the residential rate, to recognize that apartments may be acquired on a speculative basis and are a business,

**Consideration B: Consider Short Sales**

Consider short sales when determining the average value in an area,



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*ARTICLE 40 (CONTINUED)*

**Consideration C: Consider Sale Price**

Consider sales price when determining assessments when it exceeds the assessment using the value method,

**Consideration D: Tax Surcharge**

Apply a tax surcharge of up to 10% of the tax for the previous year when a commercial or industrial organization does not provide the required income form in a timely manner or provides an incomplete form. The property owner would be notified by registered mail that that the required form was not received when due and would have 14 days to provide the form before the treasurer would be notified to send out a surcharge bill.

**Consideration E: Limit on Tax Increase**

Limit the annual increase in the tax on a property to an increase of 10 percent over the tax for the previous year provided that no enhancements to the property were made. The tax in excess of 110 percent of the previous year's tax would be allowed as an abatement. If the total of all abatements exceeds the budget the excess would be an expense in the following year's budget.

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*ARTICLE 41*

Proposed Framingham by-law intended to reduce the production or dispersion of lung irritants, poisons and potential carcinogens by air, through banning the use of mechanical leaf blowers.

Proposed: That no Framingham town department, governmental agency or any employee of said agencies may use or hire for use any mechanical device, either gasoline powered or electrical, to move sand, dirt, dust, leaves, grass or other debris from lands, parking lots, paved surfaces or terrain of any kind, within the town boundaries of the town of Framingham, Massachusetts. Only traditional rake, brooms or vehicular street sweepers may be used for these purposes on town property. Be it further enacted that no commercial landscaping company or self-employed landscaper may utilize such devices in lieu of traditional raking or sweeping tools on any public or private lands or property, anywhere in the town of Framingham. Such mechanical leaf-blowing devices may be employed by individual property owners on their residential property only, if due care is given to mitigate the production of lung-damaging particulate into the neighboring atmosphere and adjacent public roadways. It is the intention of this law to reduce the level of lung irritants and related diseases of the lungs within the town of Framingham. This bylaw is not intended to prohibit the use of lawnmowers or municipal street sweepers.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** This article failed.

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*ARTICLE 41 ADDITIONAL MOTIONS/AMENDMENTS*

**May 22, 2012 Failed:** "I move that Article 41 be returned to Sponsor."

John Dwyer, Precinct 1

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*ARTICLE 42*

To see if the Town will amend the bylaws Article I, Section 1 to define the permanent officers of the town and miscellaneous positions appointed by the Town Manager.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** That this article be referred to the Government Study Committee and request that they bring a bylaw change to the 2012 Fall Town Meeting to define who is a town official.

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*ARTICLE 43*

To see if the Town will amend the Bylaws Article I, Section 1 to require that the names of town officials as well as the members and officers of Town Boards, Committees and Commissions be recorded on the Town website.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** That this article be referred to the Government Study Committee for further review, evaluation and action.

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*ARTICLE 44*

To see if the Town will vote to hear a report from the town Assessor describing and demonstrating in detail the assessment process for both residential and commercial properties.

**Sponsor: Citizens' Petition**

**May 22, 2012 Voted:** That the parameters and calculations underlying the assessment be made publicly available on the Town website within 30 days after the assessments are certified by the State Department of Revenue. This should include but not be limited to: the "Cost Valuation Report" used by the Assessor to determine residential building values, the "Land Valuation Tables" used by the Assessor to determine residential land values and the "Income Valuation Report" used by the Assessor to determine Commercial and Industrial Property values.

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**RESOLUTIONS**

**April 24, 2012 Voted:** Be it resolved that the Chief of Police again report on activity under the Town's sex offender bylaw at next year's annual meeting.

George Dixon, Precinct 3

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**May 10, 2012 Passed:** Be it resolved that the financial background material prepared for Town Meeting should highlight and explain material (significant) information, including actual/budgeted number of employees, and also line item budgeted amounts when they meaningfully differ from previous years actual or budgeted amounts. Pages should also be numbered and a table of contents provided.

Harold Geller, Precinct 2

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**May 15, 2012 Passed:** Be it resolved that it is the will of Town Meeting that the Assessor and Chief Financial Officer provide information about the potential to reduce property taxes with un-appropriated, unanticipated state aid and local receipts to the Board of Selectmen prior to the Board of Selectmen's annual public hearing on tax rates.

Elizabeth Funk, Finance Committee Chair

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**May 16, 2012 Voted:** Be it resolved that it is the will of Town Meeting that the Framingham School Committee report back to Fall 2012 Town Meeting the projected Special Education (SPED) costs over the next five to ten years as well as a specific plan to work with our State Legislators to increase funding for SPED based on these projections.

Leonard Finkel, Finance Committee

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*Town of Framingham  
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**RESOLUTIONS**

**May 16, 2012 Failed:** Be it resolved that it is the wish of Town Meeting not to spend any additional funds for the schools beyond those that we are voting on today. If the schools require funds to pay for COLAs or step increases or any other type of increase in its budget, the funds must come from the appropriations that we are voting on today. \$96,600,030.00.

Robert Bolles, Precinct 6

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**May 16, 2012 Voted:** Be it resolved that this Town Meeting wishes to express its concern with the long term potential impacts of stagnating commercial properties and the recent decline in growth in new commercial development. Historically thriving commercial properties and new commercial development have been an important source of growth in the tax base upon which the Town could rely for new revenue, and for which the Town is dependent to endure the continuation of all Town services without shifting the cost of growth to much higher residential taxation or reducing services.

Also, be it resolved that this Town Meeting respectfully requests that the Board of Selectmen and Town Manager review the structure and organization of all aspects of Economic Development. Such review should include an evaluation of the Town's economic development mission, leadership, organization, priorities, budget, staffing, and administrative lines of reporting in order to re-focus the attention, priorities and staffing on specific quantitative and qualitative economic development goals and the tasks required to achieve them, and further, that those goals be measured against results on a quarterly basis to preserve, protect and expand the continued long term growth of Framingham's tax base.

Elizabeth Funk, Finance Committee Chair

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