
COMMONWEALTH OF MASSACHUSETTS

TOWN OF FRAMINGHAM

MIDDLESEX, SS

TOWN ELECTION AND MEETING WARRANT

To Steven B. Carl, one of the Constables of the Town of Framingham,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of the Town of Framingham qualified to vote in Elections and Town Affairs to meet at the following polling places:

Precinct 1	Hemenway School, 729 Water Street
Precinct 2	Potter Road School, 492 Potter Road
Precincts 3, 5	King Administration Building, 454 Water Street
Precincts 4, 7	Brophy School, 575 Pleasant Street
Precincts 6, 9	Juniper Hill School, 29 Upper Joclyn Avenue
Precincts 8, 13	McCarthy School, 8 Flagg Drive
Precincts 10, 11	Keefe Technical School, 750 Winter Street
Precincts 12, 14	Memorial Building, 150 Concord Street
Precincts 15, 18	St. Tarcisius Parish Center, 562 Waverley Street
Precincts 16, 17	Woodrow Wilson School, 169 Leland Street

On Tuesday, April 5, 2005

From 7:00 AM to 8:00 PM to bring in their votes in the Annual Town Election for the following offices:

One Moderator	One Year Term
One Town Clerk	Three Year Term
Two Selectmen	Three Year Terms
Three School Committee Members	Three Year Terms
One Planning Board Member	Three Year Term
Four Library Trustees	Three Year Terms
Two Keefe Tech School Committee Members	Three Year Terms

One Edgell Grove Cemetery Trustee	Five Year Term
Four Town Meeting Members from each Precinct	Three Year Terms
One Town Meeting Member from Precinct 6	Two Year Term
One Town Meeting Member from Precinct 7	Two Year Term
One Town Meeting Member from Precinct 10	Two Year Term
One Town Meeting Member from Precinct 10	One Year Term
One Town Meeting Member from Precinct 13	One Year Term
One Town Meeting Member from Precinct 16	One Year Term
One Town Meeting Member from Precinct 18	One Year Term

The polls will remain open from 7:00 AM to 8:00 PM

You are hereby further required to notify and warn the inhabitant of the Town of Framingham, and more particularly the elected Town Meeting Members, qualified to vote in elections and town affairs to meet in Nevins Hall in the Memorial Building in the Town of Framingham on Tuesday, April 26, 2005 AD, at half past seven o'clock PM, and to act on the following articles:

ARTICLE 1

To hear a report of the Board of Selectmen for the year preceding this Annual Town Meeting.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 2

To see if the Town will vote to amend *Application for Permits and Requests for Determination*, Article V, Section 18.4 of the Town of Framingham *Wetlands Protection Bylaw* by adding the following:

At the time of the permit application, Request for Determination, or application for Certificate of Compliance, the Applicant shall pay a filing fee according to the schedule in the associated *Framingham Wetlands Bylaw Regulations*.

This fee is not refundable. The fee is in addition to that required by the Wetlands Protection Act, G.L. Ch. 131 §40, and Regulations, 310 CMR 10.00. Town, county, state, and federal projects are exempt from the filing fee. The fee for an application for a modification of a permit will be the fee as calculated in the *Framingham Wetlands Bylaw Regulations*.

All fees collected pursuant to this Bylaw shall be deposited into the Conservation Commission Revolving Fund, established pursuant to G.L.c.44, §53E1/2.

Pass any vote or take any action relative thereto.

Sponsor: Conservation Commission

ARTICLE 3

To see if the Town will vote to amend *Notice of Hearings, Article V, Section 18.5* of the Town of Framingham *Wetlands Protection Bylaw* by deleting “at the applicant's expense” in the following paragraph:

The Conservation Commission is responsible for notifying the applicant and owner, if not the same, of the time and place of the scheduled hearing. Also, the Conservation Commission is responsible, at the applicant's expense, for placing a notification of the subject hearing in a local newspaper at least five (5) days prior to the hearing.

Pass any vote or take any action relative thereto.

Sponsors: Conservation Commission

ARTICLE 4

To see if the Town will vote to amend *Permits, Determinations, and Conditions, Article V, Section 18.7* of the Town of Framingham *Wetlands Protection Bylaw* by deleting the following:

No work proposed in any application shall be undertaken until the applicant has remitted the appropriate fee to the Conservation Administrator for recording the permit in the registry of deeds or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies.

Pass any vote or take any action relative thereto.

Sponsor: Conservation Commission

ARTICLE 5

To see if the Town will vote to amend the town bylaws to effect the following maintenance or housekeeping changes: A) add and replace words in Article V, Section 15.5 and B) change

section titles for Article V Section 17, Article V Section 18, Article V Section 21, and in Article VII Section 1.11.4.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 6

To see if the Town will vote to amend the town bylaws, Article I, Section 5 by adding a new Section 5.13 as follows:

5.13 An appointing authority may re-appoint a person to a currently held position of a Town office or member of a board, committee or commission no earlier than twelve (12) months before the current term of appointment expires with the new term beginning at the expiration of the current term.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 7

To see if the Town will vote to amend the town bylaws, Article I, Section 5 by adding a new Section 5.14 as follows:

5.14 At least 60 days before the expiration of an appointee's term, an appointing authority shall provide a public posting that a term of an appointment will expire and that a new appointment will be made.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 8

To see if the Town will vote to amend the Town bylaws by replacing Article I Section 5.10 with the following.

5.10 Each board, committee, or commission shall provide for keeping of minutes of its meetings as required by Massachusetts General Law, Chapter 39. Unless otherwise provided for by law, the minutes shall be a public record and **all votes taken shall be**

reported in the minutes. For elected boards, the minutes shall include the name and vote of each person voting. The minutes of each meeting shall be prepared by the clerk of the board, committee or commission and sent to the Town Clerk within 45 days of the meeting. If a meeting is cancelled, or no quorum is present at a scheduled meeting, the Town Clerk shall be notified. The Town Clerk shall log the receipt of the minutes and send them to the Framingham Public Library where they shall be kept for a period of seven years. If the minutes are provided to the Town Clerk in electronic form according to defined standards, the Town Clerk shall post the minutes on the Town web site.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 9

To see if the Town will vote to amend the Town Bylaws Article II, by adding a new Section 22, to establish a Capital Project Planning Committee to review all proposed capital projects for the ensuing year and the following five years and make recommendations on that plan to the Board of Selectmen.

And further, add an entry in Article I, Section 1.3 for the Capital Project Planning Committee with the Number of Members - 7, Term of Office - One Year, Appointing Authority - see Article II, Section 22.1 and Number Appointed/Yr. - 7

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 10

To see if the Town will vote to amend the Town Bylaws Article II, Sections 11 and 19, to modify the method for capital budget development and adoption, and to change the Capital Budget Committee.

And further, change the name of the entry in Article I, Section 1.3 for the Capital Budget Committee to be the Capital Review Committee with the Number of Members – Six Members.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 11

To see if the Town will vote to authorize and approve the filing of a petition with the General Court of the Commonwealth of Massachusetts, under Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth, as amended by Article LXXXIX of those Amendments, known as the “Home Rule Amendment” to amend Chapter 143 of the Acts of 1949 (An Act Establishing in the Town of Framingham Representative Town Government by Limited Town Meetings) to adding a Section that establishes a procedure for the recall of elected officials.

Pass any vote or take any action relative thereto.

Sponsor: Government Study Committee

ARTICLE 12

To hear a report from the Task Force on Town Owned Buildings on their final report and recommendations to the Board of Selectmen.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 13

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: Board of Selectmen

ARTICLE 14

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: Board of Selectmen

ARTICLE 15

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 FY'05 (July 1, 2004 – June 30, 2005) and to see what budgets for Fiscal Year 2005 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 16

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 operation of the Water Department, including debt and interest for FY'05 (July 1, 2004 – June 30, 2005) and to see what line items for Fiscal Year 2004 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 17

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 operation of the Sewer Department, including debt and interest for FY'05 (July 1, 2004 – June 30, 2005) and to see what line items for Fiscal Year 2005 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 18

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 operation of Loring Arena, including debt and interest for FY'05 (July 1, 2004 – June 30, 2005) and to see what line items for Fiscal Year 2005 will be reduced to offset said appropriations.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 19

To see if the Town will vote to 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 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 2006 (July 1, 2005 – June 30, 2006).

Pass any vote or take any action relative thereto.

Sponsor: Finance Committee

ARTICLE 20

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 2006 (July 1, 2005 – June 30, 2006).

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 21

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 2006 (July 1, 2005 – June 30, 2006).

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

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 Loring Arena Department, including capital outlay and debt service, and for all other necessary expenses for the Fiscal Year 2006 (July 1, 2005 – June 30, 2006).

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 23

To see if the Town will vote to authorize or re-authorize several revolving funds as defined by M.G.L., Chapter 44, Section 53E ½ for FY 06 beginning July 1, 2005, 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) Concerts on the Common Fund;
- E) School Bus Fees Fund;
- F) Pavement Management Fund;
- G) Town Wetland Protection Fund; and
- H) Inspection Station Fund

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 24

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 indemnification of retired fire fighters and/or police officers, for certain hospital, medical and surgical, pharmaceutical and other related expenses incurred by such fire fighters and or police officers after their retirement pursuant to the provisions of MGL Chapter 41, Section 100B.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 25

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

ARTICLE 26

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 vehicles, purchase of land, repair, rehabilitation, design or construction of buildings and infrastructure.

Pass any vote or take any action relative thereto.

Sponsor: Capital Budget Committee

ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to develop a Self-Evaluation and Transition Plan as required by the Americans With Disabilities Act (ADA) of 1990.

Pass any vote or take any action relative thereto.

Sponsor: Disability Commission

ARTICLE 28

To hear the report of the Selectmen relative to the laying out, the widening of, or alteration to, the following named streets under the provisions of Chapter 82 of the General Laws, as amended, and to see if the town will vote to accept any or all said streets as public ways, and will authorize the Board of Selectmen to take by eminent domain, or acquire by purchase, or otherwise acquire any land necessary for said laying out, providing the sum or sums of money necessary to pay the cost of damages therefore, and the construction thereof, and direct how said money shall be raised.

Pass any vote or take any action relative thereto.

Street	From	To
Saratoga Lane	Hialeah Drive	Brigati Terrace
Jay Drive	Saratoga Lane	End of cul-de-sac
Ron's Way	Water Street	End of cul-de-sac

Sponsor: Board of Selectmen

ARTICLE 29

To hear the report of the residents of Doeskin Hill Estates subdivision relative to the laying out of the following named streets under the provisions of Chapter 82 of the General Laws, as amended, and to see if the town will vote to accept any or all said streets as public ways, and will authorize the Board of Selectmen to take by eminent domain, or acquire by purchase, or otherwise acquire any land necessary for said laying out, providing the sum or sums of money necessary to pay the cost of damages therefore, and the construction thereof, and direct how said money shall be raised.

Carter Drive
Woodstock Drive
Doeskin Drive
Mountainview Drive

Pass any vote or take any action relative thereto.

Sponsor: Sarah Donovan, 63 Carter Drive, et al.

ARTICLE 30

To see if the Town would be willing to grant certain easements on Park Land located on the Southern end of Tercentennial Park in order to further the development of the Tercentennial Park Master Plan.

Pass any vote or take any action relative thereto.

Sponsor: Parks and Recreation Commission

ARTICLE 31

To see if the Town will authorize the Board of Selectmen, in accordance with M.G.L. c. 83, §§ 1 et seq. to purchase, accept as a gift, or take by eminent domain a permanent easement for sewer purposes shown as Easement A, on a plan entitled, "Plan of Easement for Sewer Purposes on Howard Street in Framingham, Mass.," prepared by the Framingham Department of Public Works, Engineering Division, February 15, 2005.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 32

To see if the Town will authorize the Board of Selectmen, in accordance with M.G.L. c. 82, §§ 21-25, to acquire such land by purchase or otherwise, or adopt an order for the taking of

such land by eminent domain, all permanent and temporary easements for the Franklin Street Roadway Improvement Project, shown on a plan entitled "Town of Framingham Easement Plan for Franklin Street Improvements," prepared by Beta Group, dated 3/04/2005 more specifically described as follows:

Permanent Highway Easement:

- Newton Place: #17, Land now or formerly of Breda, Donald J. and Ann M., Trustees

Temporary Construction Easements:

- Franklin Street from #38 to #776, both sides of the street.
- Main Street: #27 and #33
- Moulton Park Road: #1 and #4
- Goddard Road: #22
- Maple Street: #57 and #76
- Wood Terrace: #43
- Mt. Wayte Avenue: #73 and #89
- Arch Street: #3 and #4
- Otis Street: #3 and #4
- Linden Street: #4 and #7
- Melrose Street: #3 and #8
- DeLoss Street: #3
- Brewster Road: #4, #5 and #9
- Beech Street: # 6 and #11
- Henry Street: #27
- Lexington Street: #4
- Proctor Street: #34 and #46
- Howard Street: #39 and #47
- Park Street: #15

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 33

To see if the Town will authorize the Board of Selectmen, pursuant to M.G.L. c. 82, § 33, and in the manner provided for in M.G.L. c. 82, §§ 21-25, to purchase, accept as a gift, or take by eminent domain the following permanent easements for sidewalk purposes:

1. **Sidewalk Easement F-SW-1** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-1, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 14 +/- square feet.

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2. **Sidewalk Easement F-SW-2** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-2, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 16 +/- square feet.
 3. **Sidewalk Easement F-SW-3** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-3, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 15 +/- square feet.
 4. **Sidewalk Easement F-SW-4** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-4, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 31 +/- square feet.
 5. **Sidewalk Easement F-SW-5** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-5, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 65 +/- square feet.
 6. **Sidewalk Easement F-SW-6** as shown on a plan entitled "TOWN OF FRAMINGHAM SIDEWALK EASEMENT F-SW-6, FRAMINGHAM, MASSACHUSETTS", scale 1:250, FEBRUARY 2005; BETA Group, Inc. Said easement containing approximately 69 +/- square feet.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 34

To see if the Town of Framingham will vote to approve the Community Economic Development Plan for the Fiscal Year 2006 submitted to it by the Economic Development and Industrial Corporation of the Town. Copies of the Community Economic Development Plan may be examined at the Office of the Board of Selectmen, Town Clerk, Planning Department and the Main Branch of the Library.

Pass any vote or take any action relative thereto.

Sponsor: Economic Development Industrial Corporation

ARTICLE 35

To see if the Town will vote to adopt the provisions of Section 60 of Chapter 40, M.G.L. in order to enable Framingham to enter Urban Center Housing Tax Increment Financing Agreements (also known as Housing TIFs) in order to facilitate mixed use developments.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 36

To see if the town will adopt an Urban Center Financing Plan and designate an Urban Center Financing District where Housing Tax Increment Finance Agreements can be awarded.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 37

To see if the Town will vote to: (a) approve the form of the Tax Increment Financing (TIF) Agreement between Framingham Acquisition and the Town of Framingham for the building at 111 Concord Street (Map 4, Block 8, Lots 5, 6, 7, 8, 9, 17, 25 & 26) and TIF Plan including designation of a TIF Zone as described in the TIF Plan, both on file with the Board of Selectmen and Town Clerk; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and (c) authorize the Board of Selectmen to approve and certify proposed projects as provided in the TIF Plan and to apply to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts under the Economic Development Incentive Program for approval and designation of the Framingham Arcade Economic Opportunity Area, TIF Zone, TIF Plan, and any such certified projects, and take such other and further action as may be necessary or appropriate to carry out the purposes of this article; or take any other action relative thereto.

Pass any vote or take any action relative thereto.

Sponsor: Board of Selectmen

ARTICLE 38

To see if the Town will vote to amend Section IV., Special Regulations, of the Zoning By-Law of the Town of Framingham by adding a new Section IV.P. Active Adult Housing to allow by special permit Active Adult Housing, as described in the background materials.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 39

To see if the Town will vote to amend Section IV., Special Regulations, Subsection H., Supplemental Regulations, of the Zoning By-Law of the Town of Framingham by adding a Section IV.H.4. Land Clearing to regulate by special permit land clearing activities, as described in the background materials.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 40

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 purposes of designing a Town Master Plan for the Town of Framingham pursuant to MGL Chapter 41, Section 81D, as described in the background materials.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 41

To see if the Town will vote to accept the provisions of MGL Chapter 44, Section 55C, relating to the establishment of a Municipal Affordable Housing Trust Fund to administer funds collected under the Affordable Housing By-Law, as described in the background materials.

Pass any vote or take any action relative thereto.

Sponsor: Planning Board

ARTICLE 42

To see if the Town will vote to amend Section IV.O., Affordable Housing, subsection d. Handling of Cash Payments, of the Zoning By-Law of the Town of Framingham to provide for the administering of funds collected pursuant to a Municipal Affordable Housing Trust Fund, as described in the background materials.

Pass any vote or take any action relative thereto.

Sponsors: Planning Board

And you are directed to serve this Warrant by publishing a copy of the same in one issue of a

newspaper of general circulation in said Framingham, at least seven days before the date of said election, also by posting copies of said Warrant in ten or more public places in said Framingham eight days before the date of the election. Hereof fail not to make the return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 10th day of March in the year Two Thousand and Five.

Board of Selectmen
Town of Framingham

Steven B. Carl
Constable

MIDDLESEX, SS.

Framingham, MA
March 28, 2005

By virtue of this Warrant, I have notified the inhabitants of the Town of Framingham to meet as within directed by publishing a true and attested copy of the same in one issue of The MetroWest Daily News, a newspaper of general circulation in said Framingham, at least seven days before the date of said election, namely March 29, 2005; also by posting a true and attested copy of the same in more than ten public places eight days before the date of said election; namely on March 28, 2005.

Steven B. Carl
Constable

A True Copy Attest
Valerie Mulvey, Town Clerk