

Statement From The Board of Selectmen on the South Middlesex Opportunity Council, Inc., et al
v. Town of Framingham, et al Lawsuit

Consistent with the recent directive from United States District Court Judge Woodlock, the Town of Framingham has settled its case with the South Middlesex Opportunity Council, Inc. (“SMOC”) and the South Middlesex Non-Profit Housing Corporation. This closes what has been a difficult chapter in our Town’s history. This settlement provides for a dismissal of all claims against the Town and individual defendants, and preserves the Town’s valued principles of self-government. This agreement also ensures that the First Amendment rights of all citizens to ask questions, raise concerns, and petition public officials are protected.

This settlement agreement does not concede any rights of the citizens of Framingham, members of Town Meeting, or their elected leaders, or in any way give up the independence which has been a fundamental guiding principle for the Town. Significantly, this agreement does not provide for judicial oversight of the Town’s Zoning or Planning Boards or any other part of Town government, nor does it provide for a Consent Decree. The Town has not agreed to any institutional changes in the way it conducts Site Plan Review. The Town could not accept any form of Consent Decree or other outside controls of its governance, or measures initially sought by the Plaintiffs, which were unacceptable and inconsistent with our citizen’s rights of self-governance and free expression.

With the resolution of the lawsuit, there will be no further expenditure of Town funds in this matter. To avoid costly and protracted litigation and trial, the Town’s insurer made a business decision to make a payment to SMOC of \$1 million. While the Town consented to this decision no Town funds will be paid to the Plaintiffs. As the Town and all defendants have done throughout these proceedings and as provided in this settlement agreement, the Town and all defendants deny any liability or wrongdoing.

While mediation is not a one-way street and no party is completely satisfied, the Board of Selectmen firmly believes this settlement is in the Town’s best interests. The Board of Selectmen respectfully thanks Town Meeting for its support throughout this difficult, but important, process. With this litigation behind us, the Town looks forward to continuing to work with SMOC in a climate of mutual respect, and to receiving the annual and three year plans that SMOC will be presenting to the Town, as provided in this settlement agreement.