

## SMOC offers to drop lawsuit against Framingham, with conditions attached

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FRAMINGHAM — The nonprofit social services agency that sued town officials for allegedly blocking expansion of its social services is now offering an olive branch.

 [PDF: Read SMOC's settlement offer](#)

The South Middlesex Opportunity Council is willing to drop its federal lawsuit without any money exchanging hands, but with conditions.

Those include forming two commissions that would cull representatives from the town and private social services to work on issues affecting that sector.

In a four-page letter dated July 6, 2009, to Selectman Jason Smith, SMOC President Bruce Hulme makes the case for a settlement, acknowledging his board "is mindful of the effect the financial cost of this litigation has had both on our organization and on the town."

Town Meeting has approved spending about \$750,000 for legal help since SMOC's lawsuit was filed in the fall of 2007. The agency has declined to say how much money it has spent on the case.

SMOC spokeswoman Jane Lane declined comment, saying the letter "speaks for itself."

Selectmen are scheduled to discuss the SMOC lawsuit tonight in executive session.

Under its proposed settlement, SMOC wants to establish a "Leadership Council" that would act as a bridge between the social services in Framingham and the town. The council would consist of 10 to 15 members including a chairman.

Membership would include representatives of selectmen, Framingham Police, the School Department, the Framingham Clergy Association, the United Way of Tri-County, the MetroWest Chamber of Commerce, SMOC's board of directors, other social service agencies, as well as at-large members.

The Leadership Council would be led by an outside expert affiliated with neither the town nor a social service provider with either judicial experience or expertise in fair housing issues.

The settlement agreement would include a clear mandate to the leadership council on the scope of its mission, a time frame, deliberations, and submission of a report to the parties, and a requirement that the Leadership Council hold at least two public hearings, according to Hulme's letter.

The town would also establish a zoning review task force under the proposed settlement.

That entity would be charged with reviewing town bylaws, and would consist of five members, including SMOC and town officials, and a chairman agreed to by SMOC and the town.

The Task Force would be chaired by an outside consultant affiliated with neither the town nor a social service agency with expertise in zoning.

Specifically, SMOC wants the group to examine the projects that may or may not qualify under the Dover Amendment. Dover is a state law intended to allow projects with certain uses including educational and religious to circumvent local zoning.

Critics say Dover is too broad and that SMOC has tried, wrongly, to use the law in the past to get around local zoning.

SMOC wants the defendants to agree to comply with fair housing, civil rights, disabilities legislation, as well the Dover Amendment.

Calls to selectmen Chairwoman Ginger Esty and Smith, the board's liaison on the case, were not returned yesterday.

SMOC claims the town tried to block expansion of programs that serve the disabled and violated federal law in doing so.

Hulme also says there is a need to heal the rift between the town and SMOC.

Before the lawsuit was filed, SMOC already had its share of critics.

And there continues to be a perception that SMOC, which offers a litany of services, from first-time home-buying workshops to drug treatment centers, does not pay taxes and imports criminals into Framingham.

In its letter, SMOC tries to poke holes in those perceptions and argues that it is an important cog in the local economy. The letter states SMOC paid almost \$400,000 to the town in fiscal 2008 in water and sewer rates, local taxes, and real estate taxes.

Hulme also states in that fiscal year, SMOC paid 302 Framingham landlords about \$5 million while managing 400 households through its Section 8 program.

Hulme says SMOC paid 219 employees who worked and lived in town a total of \$4 million that year.

That year, the group provided services to about 10,000 town residents which accounts for 15 percent of the town's population and 27 percent of all SMOC clients.

With SMOC naming four of the five current selectmen, Town Meeting members, and Planning Board members in its lawsuit, the case has only fueled criticism of the nonprofit.

"The need for close cooperation between the town and SMOC is even greater in difficult economic times and the continuation of this litigation makes such cooperation challenging," wrote Hulme.

Several Town Meeting members have spoken passionately, railing against SMOC inside Memorial Building's Nevins Hall as the case has developed.

Some have suggested the suit, which names individuals who serve on various volunteer boards, has dissuaded people from running for public office.

Others have viewed the suit as an affront to free speech, as some town officials who were critical of SMOC were named in the suit.

Through its lawsuit, SMOC also angered local officials by seeking to put the town into receivership, which essentially would mean courts would have the final say on decisions that would normally fall under Planning Board jurisdiction.

Some saw that as an attempt to undermine the town's autonomy.

The next court date is scheduled for July 29.

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