

Michael D. Borg
Town Manager



TOWN OF NORTH ATTLEBOROUGH
43 South Washington Street
North Attleborough MA 02760
508-699-0100

INTEROFFICE MEMORANDUM

DATE: Monday, March 13, 2023
TO: Town Council
FROM: Michael D. Borg, Town Manager
RE: Town Manager Report

Below are key activities, that I think would be of interest:

EMERGENCY MANAGEMENT - Updates

- **CODE RED-** We continue to encourage all residents, Boards, Committees, and Commission Members to sign up for CODE RED notifications. This can be done by going to our website nattleboro.com and it is on the main page "Emergency Alert Signup."

COMMUNICATION – Updates

- **Town Manager Report with North TV -March 8, 2023**
 - **Big Red 311-** We encourage residents to sign up.
- Keep North Attleboro Beautiful (KNAB's) 10th Annual Town Wide Great American Cleanup is scheduled for Saturday, May 6, 2023.
- **Reading Week at Roosevelt Avenue School. Theme was "Bringing Communities Together"**- March 6 through March 9- Many Town Employees read stories to the students at Roosevelt Ave.
- 100TH Birthdays
 - Aurelia Scorgie
- **Turkish Earthquake Relief Effort** (see attached)
 - The magnitude 7.8 earthquake in Turkey & Syria has left tens of thousands of survivors without food, shelter and the necessities to get through winter. Roosevelt is organizing a relief drive in partnership with A Hope RI to show their Roosevelt Spirit and help the survivors.
 - Please bring donations to the lobby of Roosevelt School

OPERATION and FINANCE – Updates

- **Recycling Stickers for 2023 are now available** for residents.
- **Dog Tags are now available** on line \$10 for Spayed/Neutered and Male or Female \$20.00 or in the Town Clerks Office.
- **North Attleboro Rabies Clinic-April 1, 2023 - 9:00AM-12:00 Noon-** \$15.00 Cash Only- DPW Garage, 240 Smith St.
- **Outdoor Dining - Scheduled to end April 1, 2023**
- **Municipal Building Committee Meeting - 3/2/2023** to discuss the Richards Memorial Library Refurbishment Project.

- **Public Downtown Presentation by Stantec** - Tuesday March 7, 2023 at 6:30PM at the Middle School Cafetorium- Very well attended. Positive feedback.
- **Open Meeting Law Training Session-** March 9, 2023 at 6:30PM-Very Well Attended
- **Tuesday, April 4, 2023- Annual Town Election**
- **FY24 Final Budget Presentation** is scheduled for **April 10, 2023**
- **NOTICE from the Treasurer** – Due to a software conversion/upgrade, payments received by all Town departments will not be processed immediately. We will observe “payment received by” dates and will post payments by date when the conversion/upgrade is completed. Please be certain to make timely payments, as due dates will still be enforced. Contact the individual department involved in a payment if there are any questions.
- **K.P. Law Update- Supreme Judicial Court Declares Public Comment Policy Unconstitutional- March 8, 2023** (see attached)

PERSONNEL – Updates

- Appointment of Charnita McClain to the Cultural Council
- 2023 Christopher Cornetta Award- Presented to Richard Burns.

**FIREFIGHTER CHRISTOPHER CORNETTA AWARD
2023**

The Firefighter Christopher Cornetta award is an award that is presented to a firefighter who has gone above and beyond his/her normal duties with the North Attleboro Fire Department and who instills the values that Firefighter Chris Cornetta set each day he reported to work.

Congratulation Rich! Keep up the great work.

- Current Government Job Postings:
 - **Administrative Coordinator for DPW Solid Waste Division-** Application deadline 3/21/2023
 - **Accounting Assistant-** Application deadline 3/20/2023
 Please visit our website for further information.

Turkish Earthquake RELIEF EFFORT

The magnitude 7.8 earthquake in Turkey and Syria has left tens of thousands of survivors without food, shelter and the necessities to get through winter.

We are organizing a relief drive in partnership with A Hope RI to show our Roosevelt Spirit and help the survivors!

REQUESTED ITEMS:

Non-Perishable Food:

Canned beans, chickpeas, fish, tuna, vegetables, juices and kosher soups. Non-perishable pasteurized milk. Cookies, granola bars, protein bars, cereal bars, dried fruits, peanut butter, energy packets, nuts, crackers, hard candy, tea, instant coffee, sugar, salt & pepper, bottled water.

Special Foods:

Baby formula, baby food jars, baby cereal, baby rice, baby bottles. Sugar-free and unsweetened foods. Gluten-free nonperishable foods.

Hygiene Products:

baby diapers, baby wipes, flushable wipes, women's hygiene products, disinfecting/sanitizing wipes, adult diapers, hand sanitizer, dry shampoo, baby lotion, adult lotion, first aid kits, disposable washcloths, disposable toothbrushes, OTC pain medication, deodorant.

*Please bring all donations to the lobby of the Town Hall and look for our box!
For questions or to volunteer, please see email below.*



For more information and questions, please email
dr.mayssbajbouj@gmail.com



North Attleboro
RABIES CLINIC

Saturday April 1, 2023

D.P.W. Garage
240 Smith Street

Time: 9:00 am – 12:00 NOON

\$15.00 cash only

≈

Dog licenses will be available from the Town Clerk

Fee: \$20 male/female or \$10 if spayed/neutered

≈

Dogs must be leashed; cats must be in carriers.

≈

Supreme Judicial Court Declares Public Comment Policy Unconstitutional

March 8, 2023

On March 7, 2023, the Massachusetts Supreme Judicial Court issued its much-anticipated decision in [Barron v. Kolenda](#), SJC-13284 (“[Southborough](#)”) concerning the constitutionality of a select board policy addressing participation during “public comment” periods of its meetings. The Court concluded that the policy, which sought to implement standards of civility for public comment periods by limiting critique and rude or disparaging remarks, violated Articles 19 and 16 of the Massachusetts Declaration of Rights. In short, the [Southborough](#) court observed that “[a]lthough civility can and should be encouraged in political discourse, it cannot be required.” This case has important implications for public bodies.

By way of background, in [Southborough](#), the Select Board held a public meeting which included a public comment period. At the beginning of the public comment period, the Chair referenced the Board’s public comment policy, which required, in part, that all public comments be “respectful and courteous, [and] free of rude, personal or slanderous remarks.” During that portion of the meeting, an attendee held up a sign criticizing the Board for violating the Open Meeting Law and spending frivolously, and, when recognized by the Chair, made comments critical of the Board. The Chair requested that the attendee not slander volunteer public officials and informed the attendee that the Board would take a recess if the attendee continued. The attendee then proceeded to twice refer to the Chair using the name of a reviled historical figure. During a meeting recess, a video of the meeting showed an apparent animated exchange between the Chair and the attendee, during which the Chair threatened to remove the attendee. The attendee then left the meeting.

The [Southborough](#) court analyzed both the 19th and 16th Articles of the Massachusetts Declaration of Rights, which provide rights analogous to the First Amendment to the U.S. Constitution. The Court reviewed the history of discourse at public meetings dating back to the Revolutionary War era, noting that such meetings were at times rancorous and discourteous. Article 19 confers upon the public the rights to assemble and petition the government regarding their grievances. In its decision, the Court concluded that the right to assembly and to petition the government extends to persons making statements during a public comment period at a meeting.

The Court further concluded that Article 19’s reference to assembling in an “orderly and peaceable manner” is not the equivalent of a “polite and courteous” discourse. The Court stated, essentially, that regulation of a public comment period can only be accomplished through reasonable “time, place, and manner restrictions” permitted under the First Amendment. The Court also analyzed Article 16, which protects the rights of free speech, and applied a strict scrutiny standard in concluding that the Select Board’s “civility code” unconstitutionally regulates

THE LEADER IN PUBLIC SECTOR LAW

617.556.0007 | 1.800.548.3522 | www.k-plaw.com | ©2023 KP Law, P.C.

protected political speech. The Court held that the public comment policy also appeared viewpoint-based in that the policy appeared to allow praise of public officials but not criticism.

While this case did not examine the application of the Open Meeting Law, the Court seemed to premise its conclusions on the fact that the Board invited public comment by including “public comment” on its meeting agenda. Once public comment was included as an item for discussion during the meeting, the Court concluded that constitutional considerations applied to the Board’s efforts to regulate public comments.

We encourage municipalities to review the form and practice of their public comment policies, ensuring that there is no attempt to regulate civility, rude or disparaging remarks, or other content-based criticisms of public officials. In our view, public comment policies may continue to regulate, for example, content-neutral time limits for public comments, the duration of the public comment period as a whole, at which part of the meeting the public comment will occur, individual speaking time limits, rules preventing speakers from speaking over others, and acting in a non-peaceable and disorderly manner.

In summary, state law does not require municipalities to provide public comment periods during board and committee meetings. Some charters and special acts do require such public comment periods, however. Each municipality should review its governing documents to determine whether public comment is mandated. To the extent that public comment is permitted, the rights of individuals participating will be protected by Articles 16 and 19 of the Massachusetts Declaration of Rights. For these reasons, following the decision in Southborough, great care should be taken to ensure that any regulation of public comment periods is limited to reasonable time, place, and manner restrictions, rather than mandated civility, or other content-based, restrictions.

The scope and extent of the Southborough case cannot be fully anticipated. This area of law will both rapidly evolve and require ongoing analysis.

In the meantime, please contact your KP Law attorney with any specific questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.