

June 5th, 2023 Town Administrator Update:

- The new Mass in Motion working group, which has been awarded \$4,230 to spend before June 30th and anticipates another \$4,230 to spend in FY24, has decided to spend \$990 on shares at Natural Roots for seniors to pick up during the biweekly lunches held by the Council on Aging, and also just shy of \$700 for more padded chairs for the general purpose room at the Town Hall. Also under consideration is purchasing lighter weight and more easily movable card tables for the general purpose room and an all-terrain wheelchair. Our accountant has set up new special revenue fund accounts for the town to use to receive and expend these grant funds.
- The last two weeks were spent primarily on annual town meeting preparations.
- I attended a webinar today put on by the MMA about the 3/7/2023 decision by the Supreme Judicial Court overturning a Superior Court decision in the Barron vs. Kolenda case in Southborough. Below are a few of the highlights along with a couple of recent articles. When the recording and materials become available I will forward them on.

BARRON vs. KOLENDA

The webinar put on by the MMA was to help municipalities navigate this new ruling, which in effect has upended rules of conduct adopted by many municipalities, and is based on a selectboard meeting in Southborough on December 4th, 2018, which you can watch here

<https://www.youtube.com/watch?v=IF6GQafHGL8>.

“The Supreme Judicial Court reversed the judgment of the superior court against Plaintiffs and directed the court to enter a judgment declaring the "public comment policy" of the town of Southborough unconstitutional, holding that the town's public comment policy violated rights protected by articles nineteen and sixteen of the Massachusetts Declaration of Rights.

At issue was the policy of the board of selectmen of Southborough that outlines the public comment portion of its meetings where town residents may address the board ("public comment policy"). Plaintiffs argued, among other claims, that the policy violated their constitutionally-protected right under article nineteen "to assemble, speak in a peaceable manner, and petition...town leaders for redress." The Supreme Judicial Court reversed the superior court's decision rejecting the argument that the town's public comment policy was unconstitutional, in violation of articles nineteen and sixteen, holding that the town's civil restraints on the content of speech at a public comment session in a public meeting were forbidden under both articles nineteen and sixteen.” (*Excerpted from Justia.com*)

In that ruling the Supreme Judicial Court stated that civility can and should be encouraged but **cannot be required**, and that a municipality does have the right to do the following:

- Enforce time limits on public comments portion of a meeting.
- Enforce time limits on comments by individual speakers.
- Adopt rules preventing speakers from disrupting others.
- Require meetings to be ‘peaceable and orderly’ (with no definitions given)
- Restrict discussion to particular subjects.