

**BYLAW REVIEW COMMITTEE MEETING**

**NORTHBRIDGE TOWN HALL  
7 MAIN STREET  
WHITINSVILLE, MA 01588**

**July 24, 2023, at 6:00 P.M.**

**MINUTES**

**present:** Robert Banning, Russell Collins, Richard Sasseville, Michael Wilkes, Linda Zywień, and Jamie Luchini

**1. Call to order** – The meeting was called to order at 6:08 p.m. by Chairman Russell Collins.

**2. Approval of minutes** - The minutes of July 10, 2023, were approved as read.

**3. Discussion of bylaws**

**a. Input from Jamie Luchini** – Jamie Luchini, director of public works, attended our meeting at the beginning in order to request that a passage in section 10-309 of the Northbridge Code of By-Laws be amended to include language provide to Jamie in an email from Terry McGlone, general manager of the Whitinsville Water Company. The committee discussed the proposed amendment and decided to authorize the clerk to make the requested change to section 10-309. The clerk will make this change to the master copy of the by-laws before the committee's next meeting.

**b. Proposed graffiti by-law** – Per the committee's instructions at the meeting of July 10, Bob had edited and reformatted the new proposed by-law on graffiti submitted to the committee by the chief of police. The committee discussed this edited copy and took the following actions:

**i. Added word** – Russ passed on a request from the chief of police that the word "murals" be added to the list of visible alterations of a surface that are listed in section 1101A under the definition of *graffiti*. Bob added this word to the proposed by-law, so that this list now reads ". . . one or more letters, symbols, marks, designs, drawings or murals . . ."

**ii. Recommendation of warrant article** – Linda noted that whereas in general the committee's proposed edits of the by-laws concern changes within existing by-laws, the adoption of the above-mentioned graffiti by-law would constitute the addition of a whole new by-law to the code of by-laws. On this basis, she suggested to the committee that we recommend to town counsel that this proposed by-law be given its own article on the warrant for the fall annual town meeting, rather than be incorporated into the article that proposes approval of the committee's overall revision of the by-laws. The committee agreed and will make this recommendation to town counsel.

**iii. Concern about First Amendment rights** – The committee expressed concern that the content of the proposed by-law may not be consistent with the right of free speech provided for in the First Amendment of the United States Constitution. We realize that laws have sometimes been enacted to prohibit and punish the "defacement of real or personal property" by marks made on such property by a person *other than the property's owner*.

*approved  
7/31/23*

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NORTHBRIDGE TOWN CLERK  
LINDA D. ZYWIEŃ

Such marks have been regarded as vandalism (the clerk notes that what seems to be an online copy of MGL, part IV, title I, chapter 266, section 126A, prohibits this sort of defacement). However, when the owner of the property displays words and/or images on their own property—however publicly visible and however offensive to fellow residents of the town—to us it seems that such words and/or images may be free speech protected by the First Amendment. We sympathize with the desire not to have public, highly visible “offensive” words and images displayed on property in our town, but we believe we should seek to avoid such offense without violating basic rights that are protected by law.

**c. Review of marginal comments and queries in edited by-laws** – Bob had sent the committee a copy of the by-laws with all the edits and marginal comments and queries that have been added to date. At Bob’s suggestion, starting at the beginning of this copy of the by-laws, the committee began reviewing the marginal comments and queries that Bob had added to reflect the committee’s discussions since the committee began its review in early 2022. Upon reviewing each comment, the committee decided either (i) to retain the comment or query as is or (ii) to revise it to reflect discussions subsequent to the original posting of the query or (iii) to delete the comment/query on the basis that the issue it referred to had been resolved. The committee performed this review on queries and comments from the beginning through section 4-204. The clerk suggests that the committee perform a similar review on the remaining comments and queries at its next meeting.

**4. Next meeting** – The next meeting was scheduled for Monday, July 31, 6:00 p.m. Bob, the clerk, informed the committee that he will not be able to attend that meeting. He will, however, make himself available to continue communicating about the by-law review process by email and phone. At the beginning of the meeting of July 31, the committee will need to appoint a substitute clerk to take the minutes of July 31.

**5. Adjournment** – The meeting was adjourned by unanimous consent at 8:13 p.m.

Respectfully submitted,

Robert Banning  
clerk