

**PURPOSE:**

To comply with Section 21 and Section 22 of the *Open Meeting Law, M.G.L. c.30A*, with regard to the meetings of the public body in executive session, and to review executive session minutes periodically to determine whether continued non-disclosure is warranted.

**APPLICABILITY**

Public bodies may meet in executive session only for the specific purposes outlined in G.L. 30A, § 21. They are not required to disclose the minutes, notes or other materials used in executive session where the disclosure of these records may defeat the lawful purpose of the executive session. Once disclosure would no longer defeat the lawful purposes of the executive session, however, minutes and other records from that executive session must be disclosed unless exempted. Public bodies are required to review their executive session minutes periodically to determine whether continued non-disclosure is warranted.

**POLICY:**

1. The Board of Selectmen shall conduct all executive sessions in compliance with the *Open Meeting Law*, and as specified below (Implementation Procedure).
2. The Board shall approve the content of all draft executive session minutes within thirty (30) days of the executive session, or at the next executive session, whichever is later.
3. The Board shall review their executive session minutes on a quarterly basis to determine whether continued non-disclosure is warranted. At the Board's next open session meeting after such review, the Chair shall identify those minutes that the Board determined are ripe for release. The open session minutes shall reflect such declaration.
4. The Board shall produce executive session minutes, that the Board has determined such release will not defeat the purpose of the executive session, within ten (10) calendar days of a public records request. If the Board has not recently determined whether the requested executive session minutes are subject to continued non-disclosure, it must do so at its next meeting, or within thirty (30) days, whichever is sooner. If such meeting will be held more than ten (10) calendar days from the date of the request, the Board must notify the requestor of the date that the determination will be made within the ten (10) calendar day period. Within three (3) calendar days after such meeting, the Board must either produce the minutes or inform the requestor that such minutes are not subject to disclosure. Any response denying access to the executive session minutes must be in compliance with the *Public Records Law*.

**IMPLEMENTATION PROCEDURE:**

1. The Board shall include in their agenda postings the specific *Open Meeting Law* clause under which they are planning to go into executive session.

2. If the executive session will be convened under Purpose 1,<sup>i</sup> the individual in question must receive written notice 48 hours in advance of the executive session and must be afforded all the rights outlined under the *Open Meeting Law*.
3. Procedure for entering into executive session:
  - a. The Board must first convene in open session.
  - b. The Chair requests a motion to enter into executive session. The motion should:
    - i. Identify the purpose for the executive session;
    - ii. For Purposes 3, 6, and 8,<sup>ii</sup> include the requisite declaration that having such discussion in open session would have a detrimental effect on the specific purpose of the executive session;
    - iii. Invite any non-members to join the executive session for some or all agenda topics; and
    - iv. State whether the Board will reconvene in open session to adjourn the meeting or to continue with the regular open session meeting.
4. The vote to enter executive session, all votes taken while in executive session, and the vote to leave executive session shall be by roll call and recorded in the minutes as such.
5. The Board shall review all executive session minutes and records quarterly to determine if public non-disclosure is still warranted, and such determination must be announced at the next meeting of the Board and recorded in the minutes of that meeting.
6. The released minutes and any public records used at that meeting, shall be forwarded to the Town Clerk for public filing and review within ten (10) business days of their release. Such minutes shall be posted online.

#### **DEFINITION**

As defined in M.G.L., Chapter 4, Section 7, Clause 26 "Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pension for any current or former employees of the commonwealth or any political subdivision as defined in section 1 of chapter 32, unless such materials or data fall within the allowed exemption.

#### **REGULATORY / STATUTORYS REFERENCES:**

This policy is subject to the requirements set forth in *M.G.L. c.4, § 7, cl 26*.

This policy is subject to the requirements set forth in *M.G.L. c.30A, §§ 21 and 22*.

**Administrative  
Policy and  
Procedure**

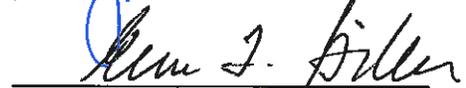
**Board of Selectmen  
EXECUTIVE SESSION POLICY  
Approved - March 13, 2017**

**APPROVED BY:**

*Board of Selectmen, Chair:* Marjorie R. Freiman



*Board of Selectmen:* Ellen Gibbs



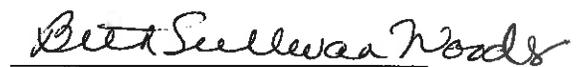
*Board of Selectmen:* Jack Morgan



*Board of Selectmen:* Thomas H. Ulfelder



*Board of Selectmen:* Beth Sullivan Woods



**Original date:** ..... February 15, 2017

**Revised dates:** .....

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<sup>i</sup> Purpose 1: To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.

<sup>ii</sup> Purpose 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body.

Purpose 6: To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Purpose 8: To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a preliminary screening.