

## **ARTICLE 3. MINUTES**

(Amended 2011.)

**3.1 Minutes to be Kept; Content of Minutes.** A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

**3.2 Secret Ballot Forbidden; Votes at Executive Session to be by Roll Call.** No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

**3.3 Minutes to be Created and Approved in a Timely Manner and Posted on the Town Website.** Minutes of all open sessions shall be created, approved and posted on the Town website in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within ten days.

**3.4 Documents and Other Things to be Part of the Official Records.** Documents and other exhibits, such as photographs, recordings or maps, used by the public body at an open or executive session shall, along with the minutes, be part of the official record of the session.

**3.5 Minutes as Public Records.** The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under G.L. c. 7, § 4, cl. 26. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on their professional competence, provided they were not created by the members of the public body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

**3.6 Minutes of Executive Session.** The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under G.L. c. 4, § 7, cl. 26(a) as long as publication may defeat the lawful purposes of the executive session, but no longer, provided, however, that the executive session was held in compliance with G.L. c. 30A, §21.

**3.7 Declassifying Executive Session Minutes.** When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or one or more of the applicable exemptions to the Public Records Law, G.L. c. 4, § 7, cl. 26, apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or one or more of the applicable exemptions to the Public Records Law, G.L. c. 4, § 7, cl. 26, apply to withhold these records, or any portion thereof, from disclosure.

### **3.8 Executive Session Minutes to be Reviewed at Reasonable Intervals and at Least Annually:**

- a. The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if continued non-disclosure is warranted. Such determination shall be announced at the public body's next meeting and such announcement shall be included in the minutes of that meeting.
- b. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the public body shall respond to the request within ten days following receipt and shall release any such minutes not covered by an exemption, provided, however, that if the public body has not performed a review pursuant to the above paragraph (a), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the public

body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.