

**BLATMAN, BOBROWSKI, HAVERTY & SILVERSTEIN, LLC**  
— ATTORNEYS AT LAW —

9 DAMONMILL SQUARE, SUITE 4A4  
CONCORD, MA 01742  
PHONE 978.371.2226  
FAX 978.371.2296

**PAUL J. HAVERTY**  
Paul@bbhslaw.net

August 17, 2022

**Via Email**

Virginia Crocker Timmins, Chair  
Chelmsford Select Board  
Town of Chelmsford  
50 Billerica Road  
Chelmsford, MA 01824

RE: Minutes Policy

Dear Chair Crocker Timmins:

You have requested my opinion regarding the appropriate process for the approval and release of executive session minutes. Specifically, you have asked whether minutes documenting a vote to approve executive session minutes not to be released to the public can itself be released without subjecting the approved minutes to exposure from a public records request. As we discussed in our conversation last week, so long as the minutes relating to the approval of the executive session minutes simply note the fact that the minutes were approved and deemed to not be releasable, the underlying minutes should not be subject to public records requests under the Open Meeting Law. This would also be true if the minutes segment indicating approval with minutes not to be released are included in a document containing votes on separate segments of executive session minutes that have been deemed to be released. The fact that the vote on such minutes is included in a single document containing votes on other executive session minutes to be released should not impact the status of the minutes not to be released under the executive session privilege. This approach clearly furthers the intent of the Open Meeting Law, as it provides a public record of which sets of records have been voted to be released, and which have been voted not to be released under the executive session privilege.

You also requested that I review the proposed procedure documenting the vote for release of executive session minutes against the recently adopted Select Board Policy on Posting Meeting Notices, Agenda's and Minutes. I have reviewed this policy, and see no conflict with this proposed procedure.

If you have any questions regarding this correspondence, please feel free to contact me.

Very Truly Yours,

  
Paul J. Haverty

Cc: Kristina Bruce (via email)