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OML 2025 – 132

**VIA EMAIL ONLY**

James Driscoll, Chair  
Dalton Fire District Board of Water Commissioners  
James.Driscoll@daltonfiredistrict.org

**RE: Open Meeting Law Complaint**

Dear Chair Driscoll:

This office received two complaints from Christian Tobin on July 24, 2025,<sup>1</sup> alleging that the Dalton Fire District Board of Water Commissioners (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Board on or about June 20. The Board did not respond to the complaints.<sup>2</sup> The complaints allege that the Board 1) failed to list or keep “many documents, handouts, and exhibits used during public meetings”; 2) included an insufficiently specific executive session topic on the notice for its June 23 meeting; and 3) failed to periodically review executive session meeting minutes for release.<sup>3</sup>

Following our review, we find that the Board violated the Open Meeting Law by failing to announce and record the results of any periodic review of its executive session minutes. We decline to review whether the Board failed to list or keep unidentified records for the reasons set forth below, and we find no violation with respect to the notice for the Board’s June 23 meeting.

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<sup>1</sup> All dates are in 2025, unless otherwise stated.

<sup>2</sup> We remind the Board that when an Open Meeting Law complaint is properly filed, the public body has fourteen business days to review the complaint, respond in writing to the complainant, and provide our office with a copy of the complaint and response. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). The failure to properly respond to an Open Meeting Law complaint is itself a violation of the Open Meeting Law. *See, e.g.*, OML 2024-253 (finding a violation for failure to respond to Open Meeting Law complaints). If a public body needs additional time to respond to a complaint, it may request an extension of time for good cause from our office prior to the expiration of the 14 business days. G.L. c. 30A, § 23(b); 940 CMR 29.05(5).

<sup>3</sup> In further communications with our office, including in the request for further review, the Complainant raised additional concerns. We decline to review allegations that were not raised in a formal complaint filed with the Board. *See* G.L. c. 30A, § 23(b); 940 CMR 29.05(1); OML 2019-76, n.2; OML 2012-92.

In reaching this determination, we reviewed the Open Meeting Law complaints, the request for further review, and additional communications from the Complainant. We also reviewed minutes for 17 Board meetings held between July 30, 2024, and May 13, 2025, inclusive.

To begin, we decline to review the allegation that the Board failed to list or keep “many documents, handouts, and exhibits used during public meetings.” Open Meeting Law complaints must allege violations with a degree of specificity as our office will not conduct broad audits of public bodies based on generalized allegations. Where the allegation does not identify any particular documents, handouts, or exhibits the Board is alleged to have failed to list and retain, we decline to review this allegation. Furthermore, although the Open Meeting Law requires that meeting minutes list the documents and other exhibits used at a meeting, and although the Open Meeting Law provides that such documents and exhibits are part of the official record of the session and are public records, retention of such records is governed by the Municipal Records Retention Schedule, § 01.080. Complaints involving municipal records retention may be resolved by contacting the Supervisor of Records within the Secretary of the Commonwealth’s Office. See OML 2025-3; OML 2017-79.<sup>4</sup>

Next, we find no violation with respect to the allegation that the notice for the Board’s June 23 meeting included an insufficiently specific executive session topic where the meeting was canceled.<sup>5</sup> When a public body does not actually deliberate on a noticed topic, the public body cannot violate the Open Meeting Law with respect to the sufficiency of that topic, even if it would have been insufficiently specific had the public body proceeded with its deliberation. See OML 2023-200; OML 2020-149; OML 2020-53; OML 2015-63. Although we find no violation here, we remind the Board that when convening in executive session under G.L. c. 30A, § 21(a)(2), a public body must identify the collective bargaining unit or nonunion personnel with whom it will be negotiating, if doing so will not compromise the lawful purpose for secrecy. See G.L. c. 30A, § 21(b)(3); 940 CMR 29.03(l)(b); OML 2019-118; see also District Attorney for N. Dist. v. Sch. Comm. of Wayland, 455 Mass. 561, 567 (“[a] precise statement of the reason for convening in executive session is necessary under the open meeting law because that is the only notification given to the public that the school committee would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper.”).

Finally, with respect to the allegation that the Board failed to periodically review its executive session minutes to determine whether they must be released to the public or may continue to be withheld, we find that the Board violated the Open Meeting Law. The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions.” G.L. c. 30A, § 22(a). Minutes must set “forth the date, time and place [of the meeting], 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.” Id.

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<sup>4</sup> Open Meeting Law determinations may be found at the Attorney General’s website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).

<sup>5</sup> On June 18, the Board posted notice for the June 23 meeting. On June 20, the Board updated that notice to indicate that the meeting had been canceled.

The Law provides that minutes of executive sessions may be withheld from the public for “as long as publication may defeat the lawful purposes of the executive session, but no longer.” G.L. c. 30A, § 22(f). The Law requires that minutes of executive sessions be reviewed “at reasonable intervals” to determine whether continued nondisclosure is warranted. G.L. c. 30A, § 22(g)(1). Although “reasonable intervals” is not defined by the Law, our office has found a quarterly review or a review every six months to be appropriate. See OML 2019-45; OML 2017-104. At the meeting following each periodic review, the public body must announce which executive session minutes will be released and which will continue to be withheld, and this announcement must be recorded in the minutes. G.L. c. 30A, § 22(g)(1). A public body’s obligation to review executive session minutes for possible release is ongoing. If a public body reviews executive session minutes and determines that the purpose for the executive session remains such that the minutes may continue to be withheld from the public, it must continue to review those executive session minutes at reasonable intervals until it determines that the reason for secrecy has expired. See OML 2020-101; OML 2019-133.

The procedural requirements surrounding executive session, including periodic review of executive session minutes, are critical to advancing the transparency goals of the Open Meeting Law because the public has no other way of knowing what was discussed or voted on during these closed-door sessions. See OML 2024-67; OML 2020-15; OML 2019-133. Similarly, announcing the outcome of the review of executive session minutes advances the goal of transparency by informing the public that such records are available. See OML 2024-67; OML 2012-2.

A review of 17 sets of open session minutes for Board meetings held between July 30, 2024, and May 13, 2025, inclusive, reveals that during this ten-month period the Board made no announcement regarding the results of a periodic review of its executive session minutes. Therefore, we find that the Board either failed to periodically review its executive session minutes to determine if they must be released to the public or failed to announce and record the results of such a review. As such, we find that the Board violated the Open Meeting Law.

We order the Board’s immediate and future compliance with the Open Meeting Law and caution that similar future violations may be considered evidence of an intent to violate the Law. Additionally, we order that within 30 days of the date of this letter the Board review any executive session minutes it continues to withhold to determine if those minutes must be released to the public and that the Board announce the result of this review at an open session meeting, recording the announcement in the minutes of that meeting. Finally, we order the Board to certify to our office that it has complied with this order.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Elizabeth Carnes Flynn  
Assistant Attorney General  
Division of Open Government

cc: Melanie Roucoulet, Treasurer/Clerk  
(via email: [Melanie.Roucoulet@daltonfiredistrict.org](mailto:Melanie.Roucoulet@daltonfiredistrict.org))  
Heather Hunt, Town Clerk (via email: [hhunt@dalton-ma.gov](mailto:hhunt@dalton-ma.gov))  
Christian Tobin (via email: [REDACTED])

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.**