

Executive Session Meeting Minutes regarding Paper 143-25
Review of Minutes Benevolent Botanicals et al v. City of Malden
March 11, 2025

Paper 143-25 Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those Executive Session minutes listed herein to determine if release of records is appropriate at this time or if continued non-disclosure is warranted.

Council vote is required prior to release of the executive session minutes of the following dates:

- March 4, 2025, 117-25
- February 25, 2025, 116-25
- February 11, 2025, 83-25
- February 4, 2025, 61-25
- September 26, 2023, 335-23
- September 12, 2023, 316-23
- October 25, 2022, 425-22

(Roll Call Required)

During the City Council meeting on March 11, 2025, a motion was made by Councillor Sica, seconded by Councillor Simonelli to enter into Executive Session to address Paper 143-25. Order was approved by an 10-0 roll call vote.

Yea- Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow

Nea- zero

Absent- Condon

In attendance were Councillors Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow.

Absent was Condon

Also in attendance was City Clerk Carol Ann Desiderio and Assistant City Solicitor Zaheer Samee.

The meeting was called to order at 8:40 PM. The business as outlined below did not take place until approximately 9:25 PM because Paper 142-25 was taken up as the first order of business. Those meeting minutes are outlined in a separate document titled "142-25 Executive Session to Review OML on Colon Hayes".

A motion was made by Councillor Crowe, seconded by Councillor Taylor to approve the Executive Session meeting minutes from February 25, 2025, Paper 116-25 regarding Benevolent Botanicals (BB) and 926 Eastern Avenue v. The City of Malden. Motion passed by a 10-0 roll call vote.

Yea- Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow

Nea- Zero

Absent- Condon

During the review of the Executive Session minutes from March 4, 2025, it was observed that Memmola was spelled incorrectly. Councillor O'Malley requested a correction prior to finalizing the document.

A motion was made by Councillor Spadafora, seconded by Councillor Sica to approve the Executive Session meeting minutes, as amended, from March 4, 2025, Paper 117-25 regarding Benevolent Botanicals (BB) and 926 Eastern Avenue v. The City of Malden. Motion passed by a 10-0 roll call vote.

Yea- Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow

Nea- Zero

Absent- Condon

Councillor O'Malley introduced Paper 143-25 by stating regular, periodic reviews of past Executive Session minutes must be conducted to determine if release of records is appropriate or if continued non-disclosure is warranted.

This evening's review was initiated by an Open Meeting Law request made by Brian DeLacey of 1 Earl Street, Malden. Some of the minutes listed on Mr. DeLacey's request are repetitive from a previous OML request made by him and had been reviewed on February 11, 2025.

Discussion on this request was extremely limited. The case of Benevolent Botanicals is still pending as the judge has not yet ruled on the case, nor has the appeal period expired, attorney-client privilege remains intact. For all these reasons, release of records would defeat the lawful purpose of the stated Executive Session. The consensus of the room was clear and there was no debate.

A motion was made by Councillor Taylor, seconded by Councillor Crowe, to retain the above noted minutes in continued non-disclosure and also to empower the Council President to reject any future requests made by Mr. DeLacey for release of Benevolent Botanicals ES minutes until the City Solicitor has determined the case is closed and the appeal process has been exhausted.

Any requests for release of Benevolent Botanicals ES minutes made after those conditions have been met will be given new consideration at a duly held Executive Session meeting of the Council. Motion passed by a 10-0 roll call vote.

Yea- Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow

Nea- Zero

Absent- Condon

A motion was made by Councillor McDonald, seconded by Councillor Crowe to exit Executive Session and adjourn the Council, motion passed by a 10-0 roll call vote.

Yea- Colón Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, and Winslow

Nea- Zero

Absent- Condon

Executive Session was adjourned at 9:40 PM.

Minutes compiled by City Clerk Carol Ann Desiderio

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, on March 9, 2026 eleven members of the Malden City Council were offered a one-month period of time to review seven sets of executive session minutes in the privacy of the City Clerk's Office.

It was explained that any questions or amendments may be submitted to the City Clerk and if needed a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, Council President Linehan would be tasked with the approval of said minutes on behalf of the Full Council.

After the one-month review period had expired, on April 9 Council President Linehan authorized the approval of all seven draft executive session minutes. Among those drafts, this set was included. Concurrently, a periodic review was completed to determine if a number of minutes warranted continued non-disclosure. Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, 3/8/2022, 2/28/2023, 4/30/2024, 6/25/2024, 7/24/2024, and **3/11/2025**.

Approval process organized and overseen by City Clerk Carol Ann Desiderio.