

Executive Session Meeting Minutes regarding Paper 222-25  
Response to OML Complaint Against Karen Colón Hayes Regarding Benevolent Botanicals  
April 29, 2025

Order: The City Council will vote whether to go into Executive Session with Legal Counsel in accordance with Exemption One, Massachusetts General Laws Chapter 30A Section 21(a)(1), and 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, specifically to comply with the provisions of Massachusetts General Laws Chapter 30A Section 23(b), to act on the pending Open Meeting Law Complaint filed by Jadeane Sica of 12 Cleveland Street on February 27, 2025 against the City Council related to the February 25, 2025 duly posted Executive Session on the matter of Benevolent Botanicals and 926 Eastern Avenue v. The City of Malden where such discussion in open meeting may have a detrimental effect on the litigation position of the City.  
(Roll Call Required)

During the City Council meeting on April 29, 2025, a motion was made by Councillor Colón Hayes, seconded by Councillor Sica to enter into Executive Session, order was approved by a 11-0 roll call vote.

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

The meeting was called to order at 8:28 PM. In attendance were Councillors Colón Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Taylor, and Winslow.  
Also in attendance was Assistant City Clerk Morgan Hunte, Clerk of Committees Lisa Cagno, City Solicitor Alicia McNeil, and Assistant City Solicitor Zaheer Samee.  
Absent- Spadafora

Councillor O'Malley began by stating the purpose of this meeting is to review the response drafted Attorney Samee to the Open Meeting Law Complaint filed by Councillor Sica and to vote on the response to the complainant and Attorney General.

City Solicitor Alicia A. McNeil gave a reminder to all parties present that Executive Session (ES) must remain in confidence only between the parties who are in attendance. She proceeded to explain that Attorney Samee was tasked with investigating and drafting this response to the Open Meeting Law Complaint. She had received feedback from Councillor Colón Hayes that in her opinion there were some things in the response that shouldn't be included.

Councillor Colón Hayes did agree with the findings of the investigation Attorney Samee conducted. However, she expressed her opinion that the third section of the draft response shouldn't be included in the response as it's not related to the Open Meeting Law but would be beneficial to the City Council as a separate guideline for all to follow.

Councillor Sica expressed her opinion that the third section should remain in the response as it relates to part of her complaint. She went on to say the part where it states that she testified at a hearing shouldn't be included because it's irrelevant to the Open Meeting Law Complaint.

Councillor McDonald had concerns about how the response was written. They felt this response was written more as a memo to the City Council from the Legal Department and less as a response to the complainant from the City Council drafted by the Legal Department. Compared to previous City Council responses to past Open Meeting Law complaints, they found the format of this one confusing.

Councillor Sica respectfully disagreed with Attorney Samee's drafted response, being in the opinion that the Open Meeting Law was violated by Councillor Colón Hayes. She then read a few slides regarding Open Meeting Law and social media from a presentation about the Open Meeting Law made by KP Law.

<https://www.mma.org/resource/navigating-public-records-and-open-meeting-laws/> (17:25)

Based on the guidance provided by KP Law, Councillor Sica is of the belief that Councillor Colón Hayes' post on social media was a violation of the Open Meeting Law.

Councillor Linehan agreed that the response could be simplified to exclude the irrelevant information pointed out by other Councillors. Her main issue with the draft response was the mention of what's said on social media can or cannot reach a quorum which goes against training on the Open Meeting Law the Council has had previously. She felt if something can be posted on social media it should be assumed that a quorum could be able to view it. Stating otherwise in the response could potentially set a bad precedent.

Councillor O'Malley read aloud the first two sections of the drafted Open Meeting Law response.

Attorney Samee agreed with the concerns Councillor McDonald had about the response being written with advice to the Council in some parts. He proposed he could do a revision to take out the advice from section three so it could be a memo to go along with the response as a separate document instead.

Councillor Taylor stated the City Council needs a guideline on what from Executive Session needs to remain confidential.

Solicitor McNeil reiterated that everything spoken in Executive Session must remain confidential otherwise there would be no purpose for going into Executive Session.

Councillor Simonelli agreed everything must remain confidential in Executive Session. He proposed creating certain Executive Session rules and consequences for violations of those rules. He went on to state he disagreed with the draft response and is of the belief that the Open Meeting Law was violated.

Attorney Samee stated the guidance to the City Council as outlined in section three of the drafted response needed to be included so there is more clarity to the Body on how to avoid these situations in the future. He explained of these situations make the job of the Solicitor's Office harder. Councillor Colón Hayes reiterated that she didn't speak about matters discussed in Executive Session with anyone. She agreed with revision of the response and creating norms for Executive Session.

Councillor McDonald also agreed with the Body needing norms for Executive Session and added there should be guidelines about what can and can't go on social media. Councillor McDonald then made a motion to have the Solicitor's Office revise the response to the Open Meeting Law Complaint to only include the introduction, sections one and two, and the parts of the conclusion that relate to the Open Meeting Law Complaint of the draft response. Further, section 3 of the draft response be expanded to be memorandum to the City Council regarding Executive Session decorum. The motion was seconded by Councillor Colón Hayes and carried by an 8-2 roll call vote. Yea- Colón Hayes, Crowe, Linehan, McDonald, Simonelli, Spadafora, Taylor, Winslow, and O'Malley  
Nea- Condon, Sica  
Absent- Spadafora

A motion was made by Councillor Sica, seconded by Councillor Crowe to exit Executive Session, motion carried by a 10-0 roll call vote.  
Yea- Colón Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Simonelli, Taylor, and Winslow  
Nea- Zero  
Absent- Spadafora  
Executive Session was adjourned at 9:15 PM  
Minutes compiled by Assistant City Clerk Morgan Hunte

At a duly posted Executive Session on February 10, 2026, a motion was made by Councillor O'Malley, seconded by Councillor Taylor to approve the above meeting minutes, motion passed by an 11-0 roll call vote.  
Yea- Colón Hayes, Condon, Crowe, Linehan, Luong, McDonald, O'Malley, Sica, Simonelli, Taylor, and Winslow  
Nea- zero  
Absent- zero

At a duly posted Executive Session on February 10, 2026, a motion was made by Councillor Sica, seconded by Councillor Simonelli, to retain the above noted minutes in continued non-disclosure until the City Solicitor has determined the time frame for the appeal process has been exhausted, motion passed by a 10-1 roll call vote.  
Yea- Colón Hayes, Condon, Crowe, Linehan, Luong, McDonald, Sica, Simonelli, Taylor, and Winslow  
Nea- O'Malley  
Absent- Zero

Minutes released from non-disclosure March 11, 2026.