

Executive Session Meeting Minutes regarding Paper 218-24
Executive Session Review and Release of Minutes
April 30, 2024

Order: That the City Council will vote 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; council vote is required prior to release of the executive session minutes of the following dates:

May 20, 2014

June 17, 2014

August 19, 2014

September 30, 2014

October 14, 2014

November 18, 2014

In so convening in Executive Session, the City Council will act under the Open Meeting Law MGL c. 30A, Sec. 22(g)(2), to determine whether the Executive Session minutes referenced above warrant continued non-disclosure. And if so allowed by the Body, to admit Maria Luise, Special Assistant to the Mayor.

(Roll Call Required)

During the Council meeting on April 30, 2024, a motion was made by Councillor Crowe, seconded by Councillor Taylor to enter into Executive Session, order was approved by an 9-0 roll call vote.

Yea- Colón Hayes, Condon, Crowe, Linehan, McDonald, Sica, Simonelli, Taylor, Winslow

Nea- Zero

Absent- Councillors O'Malley and Spadafora were absent.

In attendance were Councillors Colón-Hayes, Condon, Crowe, Linehan, McDonald, Sica, Simonelli, Taylor, Winslow.

Councillors O'Malley and Spadafora were absent.

Also in attendance was City Clerk Carol Ann Desiderio, Clerk of Committees Lisa Cagno, and City Solicitor Alicia McNeil.

The meeting opened with City Solicitor Alicia McNeil giving a reminder to all parties present that Executive Session (ES) must remain in confidence only between the parties who are in attendance. What is discussed in this session may not be shared with staff, spouse, or anybody for that matter. The City of Malden has active cases ongoing and nothing should be done that would risk leaking the City's position, for any reason at all. Attorney McNeil offered an opportunity to those present to ask further questions on ES or the laws pertaining to ES; no one responded so she proceeded.

City Clerk Desiderio recapped for the Body the need to periodically review for release past Executive Session minutes. The minutes for this evening's purpose are six months of ES minutes from 2014, all having to do with the negotiations of the new City Hall (215 Pleasant) and Police Station (800 Eastern). There are other outstanding ES minutes that also need to be reviewed but this particular batch was approved for review by Council vote two years ago which was never followed up on. The task at hand is for all Councillors to read, review, decide if they may be released as is or if there is a need for any redactions, or if these minutes have just cause to remain confidential.

Clerk Desiderio handed out a set of six meeting minutes to each Councillor and instructed them to hand them all back to her before leaving the room at the end of the meeting. Solicitor McNeil further explained State law requiring a two-stage review process on Executive Meeting minutes.

First, the Body must determine if the ES purpose continues to warrant confidentiality. If the purpose no longer warrants confidentiality, then the Body must determine whether the attorney-client privilege or one or more of the exemptions under the Public Records Law apply to withhold the minutes, or a portion thereof, from disclosure.

Councillor McDonald asked if the City used eminent domain at 110 Florence Street. The City utilized what is called a 'friendly taking' for that parcel. Councillor Winslow explained that is not unusual for a municipality when purchasing a building to utilize eminent domain, called confirmatory taking. Confirmatory taking allows for negotiation of a price and the taking of absolute title. Councillor McDonald asked if there was standing to redact conversations about eminent domain, if we could still be held liable for any suits. It was the consensus of the Body that because this was a friendly taking, the release of eminent domain information does not expose the City legally.

A motion was made by Councillor Sica, seconded by Councillor Crowe, to release the six sets of Executive Session minutes for public review, pending any necessary redactions by the City Solicitor. The motion passed by the following roll call vote:

Yea- Colón Hayes, Condon, Crowe, Linehan, McDonald, Sica, Simonelli, Taylor, Winslow

Nea- Zero

Absent- O'Malley, Spadafora

With the close of discussion, a motion was made by Councillor Sica, seconded by Councillor Taylor to exit Executive Session, motion passed by the following roll call vote:

Yea- Colón Hayes, Condon, Crowe, Linehan, McDonald, Sica, Simonelli, Taylor, Winslow

Nea- Zero

Absent- O'Malley, Spadafora

Executive Session was adjourned at 8:48 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 Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 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 a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

After the one-month review period had expired, on September 29, 2024, Council President Winslow authorized the approval of all draft executive session minutes. Among those fourteen drafts, this set was included.

Approval process organized and overseen 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, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 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.