

Alicia A. McNeil  
City Solicitor



Zaheer A. Samee  
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Assistant City Solicitor  
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Special Counsel

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April XX, 2026

**SENT VIA EMAIL: [info@opencommonwealth.org](mailto:info@opencommonwealth.org)**

Bruce Friedman  
8 Marvin St.  
Malden, MA 02148

**Re: Response to Open Meeting Law Complaint  
April 7, 2026 & April 9, 2026 City Council Executive Session**

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Mr. Friedman:

This is in response to your Open Meeting Law complaint dated April 7, 2026 related to the Malden City Council's entry into executive session on that date. Your complaint alleges that the notice of the executive session failed to provide "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 C.M.R. 29.03.

Paper 200-26 of the Malden City Council's April 7, 2026 agenda stated that the Council would vote to go into executive session with its attorney and others pursuant to G.L. c. 30A, § 21(a)(3) "for the purpose of discussing strategy as to possible future litigation related to budgetary constraints." <sup>1</sup>

This purpose for entering executive session "... offers the narrow opportunity to discuss strategy with respect to litigation that is pending or clearly and imminently threatened *or otherwise demonstrably likely ...*" [emphasis added]. OML 2024-22 Belmont Middle and High School Building Committee at 3; OML 2023-68 Martha's Vineyard Commission at 3-4; OML 2024-144 Needham Select Board and the Planning Board at 4; OML 2025-137 Newburyport City Council at 4. The Atty. Gen. has also determined that when "entering

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<sup>1</sup> A video of the entire April 7, 2026 meeting of the Malden City Council can be viewed on YouTube here: <https://www.youtube.com/watch?v=YAFTEjX-7e4&list=PLH-ccu2nqmdZo25Jvj5BNoWla6iaAlge0&index=1>. The discussion on paper #200-26 begins at 1:39:51 into the meeting.

executive session pursuant to Purpose 3, a public body must identify the litigation matter or bargaining unit that it intends to discuss, if doing so *will not* compromise the executive session purpose [emphasis added].” OML 2025-71 Framingham City Council at 2. That Atty. Gen. generally gives deference to the public body whether identifying the litigation would compromise the purpose of executive session. OML 2024-22 Belmont Middle and High School Building Committee at 3.

In this case, the City Solicitor reasonably believed that it was proper to meet in executive session to discuss possible litigation regarding budgetary concerns which, if discussed in open session, would have compromised the purpose of the executive session. The possible litigation fell within Purpose 3 and “was imminently threatened or otherwise demonstrably likely”. Thus, this was an exception to the general rule that entering executive session under Purpose 3 requires identification of the litigation. Whether and how much particular members of the public body knew or did not know about the litigation matter to be discussed in the executive session is not determinative.

Unlike the case that Mr. Friedman attached to his complaint, OML 2011-44, the purpose stated for the Malden City Council convening in executive session was specific enough, (budgetary concerns) without compromising the executive session purpose, (possible litigation).

The executive session minutes for April 7, 2026 have not yet been released because the matter discussed in the executive session is still ongoing and is not concluded. As it has done in other instances (see, e.g., OML 2025-71), the Atty. Gen.’s office is welcomed to reach out to me as part of its investigation into this complaint.

Sincerely,

*Alicia A. McNeil*

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Alicia A. McNeil

Encl: Open Meeting Law Complaint on 4.7.2026 & 4.9.2026 by Mr. Friedman with his attachments

cc: Attorney General’s Office (with above enclosures).



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Attorney General's Division of Open Government interprets and enforces the Open Meeting Law, Chapter 30A of the Massachusetts General Laws, Sections 18-25. Below is the procedure for filing and responding to an Open Meeting Law complaint.

#### Instructions for filing a complaint:

- o Fill out the attached two-page form completely. Sign and date the second page. File the complaint with the public body within 30 days of the alleged violation. If the violation was not reasonably discoverable at the time it occurred, you must file the complaint within 30 days of the date the violation was reasonably discoverable. A violation that occurs during an open session of a meeting is reasonably discoverable on the date of the meeting.
- o To file the complaint:
  - o For a local or municipal public body, you must submit a copy of the complaint to the chair of the public body AND to the municipal clerk.
  - o For all other public bodies, you must submit a copy of the complaint to the chair of the public body.
  - o Complaints may be filed by mail, by email, or by hand. Please retain a copy for your records.
- o If the public body does not respond within 14 business days and does not request an extension to respond, contact the Division for further assistance.

#### Instructions for a public body that receives a complaint:

- o The chair must disseminate the complaint to the members of the public body.
- o The public body must meet to review the complaint within 14 business days (usually 20-22 calendar days).
- o After review, but within 14 business days, the public body must respond to the complaint in writing and must send the complainant a response and a description of any action the public body has taken to address the allegations in the complaint. At the same time, the body must send the Attorney General a copy of the complaint and a copy of the response. The public body may delegate this responsibility to an individual member of the public body, its counsel, or a staff member, but only after the public body has met to review the complaint.
- o If a public body requires more time to review the complaint and respond, it may request an extension of time for good cause by contacting the Division of Open Government.

#### Once the public body has responded to the complaint:

- o If you are not satisfied with the public body's response to your complaint, you may file a copy of the complaint with the Division by mail, by email, or by hand, but only once you have waited for 30 days after filing the complaint with the public body. Mail may be sent to: The Division of Open Government, Office of the Attorney General, One Ashburton Place - 20<sup>th</sup> Floor, Boston, MA 02108. Emails may be sent to: [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).
- o When you file your complaint with the Division, please include the complaint form and all documentation relevant to the alleged violation. You may wish to attach a cover letter explaining why the public body's response does not adequately address your complaint.
- o The Division will not review complaints filed with us more than 90 days after the violation, unless we granted an extension to the public body or you can demonstrate good cause for the delay.

If you have questions concerning the Open Meeting Law complaint process, we encourage you to contact the Division of Open Government by phone at (617) 963-2540 or by email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).



## OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Ext. \_\_\_\_\_

Email: \_\_\_\_\_

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/  
town, county or region, if applicable): \_\_\_\_\_

Specific person(s), if any, you allege  
committed the violation: \_\_\_\_\_

Date of alleged violation: \_\_\_\_\_

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

## Review, sign, and submit your complaint

### **I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

**Publication to Website.** As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

### **II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### **III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*For Use By Public Body  
Date Received by Public Body:*

*For Use By AGO  
Date Received by AGO:*

**Subject:** Improper Notice - City Council Agenda 4-7-2026 - Paper 200-26  
**Date:** Thursday, April 2, 2026 at 9:30:41 PM Central Daylight Time  
**From:** Bruce Friedman <Bruce@AmyAndBruce.com>  
**To:** Amanda Linehan <alinehan@cityofmalden.org>  
**CC:** Paul Condon <pcondon@cityofmalden.org>, Peg Crowe <pcrowe@cityofmalden.org>, Ryan O'Malley <romalley@cityofmalden.org>, Ari Taylor <ataylor@cityofmalden.org>, Stephen Winslow <swinslow@cityofmalden.org>, Chris Simonelli <csimonelli@cityofmalden.org>, Jadeane Sica <jsica@cityofmalden.org>, Michelle Luong <mluong@cityofmalden.org>, Karen Colón Hayes <kcolonhayes@cityofmalden.org>, Carey McDonald <cmcdonald@cityofmalden.org>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>  
**Priority:** High  
**Attachments:** 2011 - OML 2011-44 - STOUGHTON SCHOOL COMMITTEE.pdf, City Council Agenda April 7 2026.pdf, 4-7-26 Agenda.jpg

Greetings Council President and Paper 200-26 sponsor:

I have attached the agenda, the substantive determination of the Massachusetts AGO's division of open government regarding the specificity requirements of notice to the public.

Your agenda item states:

“Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City for the purpose of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) for the purpose of discussing strategy as to possible future litigation related to budgetary constraints, where such discussion in open meeting may have a detrimental effect on the litigation position of the City, if so declared by the chair. And if so allowed by the Body, to admit Special Assistant to the Mayor Maria Luise, Chief Strategy and Innovation Officer Ronald Hogan, and the Honorable Mayor Gary Christenson. (Roll Call Required)”

The substantive determination of the Massachusetts AGO's division of open government in OML-2011-44 states verbatim:

“The Open Meeting Law requires a public body to post a meeting notice 48 hours in advance of a meeting and include, a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 20, § 20(b). Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03. We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand what the nature of the public body's discussion will be.”

Not a single person whom I have spoken to understands the nature of what will be discussed in this executive session, including multiple city councilors. To illustrate this point clearly, I have attached a recent discussion about this on the social media platform,

Reddit, where clearly the bar established by the AGO has not been met here.

I am trying to avoid yet another OML violation complaint, however if you do not change this agenda item to include sufficient specificity where a reasonable member of the public could read the agenda item and understand what the nature of the public body's discussion will be, you will leave me no choice but to file a complaint, and this notice will serve to further the argument that the violation is intentional.

Govern yourself accordingly,

- Bruce Friedman



# City of Malden

Malden City Hall  
215 Pleasant Street  
Malden, MA 02148

## Meeting Agenda - Final City Council

*Council President Amanda Linehan  
Councillor at Large Karen Colon Hayes  
Councillor Paul Condon  
Councillor Peg Crowe  
Councillor at Large Michelle Luong  
Councillor at Large Carey McDonald  
Councillor Ryan O'Malley  
Councillor Jadeane Sica  
Councillor Chris Simonelli  
Councillor Ari Taylor  
Councillor Stephen Winslow*

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Tuesday, April 7, 2026

7:00 PM

City Council Chambers  
215 Pleasant Street  
Malden, MA 02148

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Watch the meeting with Teams: <https://tinyurl.com/9w5f5mcw>

### 1. CALL TO ORDER

### 2. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE IN HONOR OF SERVICE MEMBERS

### 3. ROLL CALL

### 4. PUBLIC COMMENT

### 5. CONSENT AGENDA

[183-26](#)

Minutes for the meeting of March 10, 2026

[184-26](#)

Minutes for the meeting of March 17, 2026

[185-26](#)

Minutes for the meeting of March 24, 2026

*Recommendation is the previous Council minutes be approved*

[186-26](#)

Petition: Amusement Machine: Kiddleton, Inc., 423 Main Street, Malden, 3 machines (Renewal)

[187-26](#)

Petition: Class II: John MacMillen dba MacMillen Automotive, 388 Eastern Avenue, Malden, 15 cars (Renewal)

- [188-26](#) Petition: Lodging House: Top Tier Properties, LLC dba Sir Carlton LLC, 33 Maple Street, Malden, 44 rooms (Renewal)
- [189-26](#) Petition: Outdoor Parking: Robert McNulty, 28 Cedar Street, Malden, 12 spaces (Renewal)
- [190-26](#) Petition: Pool Tables: Loyal Order of Moose, Lodge 1910, 562 Broadway, Malden, 2 tables (Renewal)
- [191-26](#) Petition: Pawnbroker: Gold & Diamonds etc. Inc, 27-29 Pleasant Street, Malden (Renewal)
- [192-26](#) Petition: Second-Hand Dealer: Gold & Diamonds etc. Inc, 27-29 Pleasant Street, Malden (Renewal)
- [193-26](#) Petition: Self-Service Gas Station: Gibbs Oil Company, LP, 728 Main Street, Malden (Renewal)
- [194-26](#) Petition: Self-Service Gas Station: Snap Mart, Inc., 245 Main Street, Malden (Renewal)
- [195-26](#) Petition: Taxi Driver: James Phelan, 5 Island Hill Avenue, Apt. 212, Malden (Renewal)  
*Recommendation is the previous ten petitions be referred to the License Committee*

## **6. MOTIONS, ORDERS, AND RESOLUTIONS**

- [196-26](#) Order: That the Finance Committee engage in discussions regarding the City's current self-insured status and consider possible options for a comprehensive insurance policy. The discussions shall include costs involved, cash reserves needed, and procedures required for any updates in our current status.

**Sponsors:** Karen Colon Hayes

- [197-26](#) Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 6.08.070 C(2) LICENSING OF MARIJUANA ESTABLISHMENTS is hereby amended by inserting ' , provided that no fewer than five marijuana retailer licenses shall be made available.' after 'Mass. Gen. Laws ch 138 § 15'.

**Sponsors:** Karen Colon Hayes

[198-26](#)

Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) 12.12.030 USE REGULATIONS is hereby amended as follows to update the existing Table of Use Regulations by:

Striking the "N" designation for Self-Storage Facilities in the Industrial 1 (I1) and Industrial 2 (I2) zoning districts and inserting in place thereof the "SP" designation.

This amendment shall restore the status of such use of Self-Storage Facilities to its state prior to the 2023 amendment as was ordained with Paper 198 Series of 2023 and shall take effect upon its passage following the completion of the public hearing process as required by M.G.L. Chapter 40A, Section 5.

**Sponsors:**

Jadeane Sica

**7. COMMITTEE REPORTS**[199-26](#)

Committee Report: The Standing Committee on Finance to whom was referred Paper 160 Series of 2026, having considered the same make the following report: Committee recommends this paper out favorably to the Full Council.

[160-26](#)

Order: That Three Hundred Ninety-Eight Thousand Six Hundred Seventy-Four Dollars and Twenty Five Cents (\$398,674.25) is appropriated from available Water Sewer Enterprise Fund retained earnings to fund principal only debt payments due to the MWRA in May 2026.

**Sponsors:**

Carey McDonald

**8. TABLED PAPERS**[150-26](#)

Petition: Massachusetts Electric Company dba National Grid Plan No. 31200905 - National Grid to install underground facilities on Main Street. Customer to trench and install (6) 4" conduit from MH A/34 on Main Street to proposed switching module, approximately 55 feet on public right of way. 204 Main Street, Malden, MA.

(Hearing Required)

**Attachments:**

[204 Main Street Petition](#)

[Abutters 204 Main Street](#)

[Hearing Notice 204 Main Street](#)

[151-26](#)

Petition: Massachusetts Electric Company dba National Grid Plan No. 31186713 - National Grid to install underground facilities on Main Street. Trench and install (2) 4" concrete encased conduit from MH A/34 on Main Street to pad located on 213 Main Street approximately 220'. Malden, MA.

(Hearing Required)

**Attachments:**

[213 Main Street Petition](#)

[Abutters 213 Main Street](#)

[Hearing Notice 213 Main Street](#)

[153-26](#)

Petition: Massachusetts Electric Company dba National Grid Plan No. 31239416 - National Grid to install underground facilities on Main Street. Trench and install (6) 4" concrete encased conduit from MH A/1 18 to switchgear located on 1100 Main Street approximately 60' on public right of way. Malden, MA.

(Hearing Required)

**Attachments:**

[1100 Main Street Petition](#)

[Abutters 1100 Main Street](#)

[Hearing Notice 1100 Main Street - Updated March 25, 2026](#)

**9. EXECUTIVE SESSION**[200-26](#)

Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City for the purpose of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) for the purpose of discussing strategy as to possible future litigation related to budgetary constraints, where such discussion in open meeting may have a detrimental effect on the litigation position of the City, if so declared by the chair.

And if so allowed by the Body, to admit Special Assistant to the Mayor Maria Luise, Chief Strategy and Innovation Officer Ronald Hogan, and the Honorable Mayor Gary Christenson.

(Roll Call Required)

**Sponsors:**

Amanda Linehan

**10. PERSONAL PRIVILEGE****11. ADJOURNMENT**

**CAROL ANN DESIDERIO, CITY CLERK**

If you would like to request a reasonable accommodation, please contact Maria Luise, ADA Compliance Coordinator at [mluise@cityofmaiden.org](mailto:mluise@cityofmaiden.org) or 781-397-7000 Ext. 2005

For instructions on enabling live translated captions in Teams, please visit:  
[www.cityofmaiden.org/captions](http://www.cityofmaiden.org/captions)

**Dramatic\_Dimension88** OP · 8h ago

City Councillor Colón Hayes

UPDATE: I missed this very important item! Vote to go into executive session for the purpose of discussing strategy as to possible future litigation related to budgetary constraints.

3 ↑ Reply Award Share ...

**TomBradysThrowaway** · 7h ago

Bellrock Top 1% Commenter

the purpose of discussing strategy as to possible future litigation related to budgetary constraints.

I'm a bit confused what this means. The first half makes me think it's about the cannabis lawsuit or maybe Tufts, but the end clause makes me think this is override related?

1 ↑ Reply Award Share ...

**Dramatic\_Dimension88** OP · 7h ago

City Councillor Colón Hayes

I have no idea what it means either. I can't believe I missed it. It was way down on the bottom of the page. A couple of things came to mind, but I really don't have any further information on this. I was thinking maybe it had something to do with our unions since I've always questioned whether or not we could lay off folks now that they are in a union, I don't want to guess too much so I will stop, should be interesting.

1 ↑ Reply Award Share ...

**TomBradysThrowaway** · 7h ago

Bellrock Top 1% Commenter

Maybe it's "we should stop fighting lawsuits we're gonna just lose anyway"

5 ↑ Reply Award Share ...

**Dramatic\_Dimension88** OP · 7h ago

City Councillor Colón Hayes

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THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY  
ATTORNEY GENERAL

(617) 727-2200  
www.mass.gov/ago

October 31, 2011

OML 2011 - 44

Darren Klein, Esq.  
Kopelman and Paige, P.C.  
101 Arch St.  
Boston, MA 02110

**RE: Open Meeting Law Complaint**

Dear Attorney Klein:

This office received a complaint from Maria Capobianco and the Stoughton Teachers Association dated December 23, 2010, alleging that the Stoughton School Committee (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on or about October 25, 2010, listing Ms. Capobianco as the sole complainant and alleging violations relating to the Committee's September 28, 2010 meeting.<sup>1</sup> Specifically, the October 25, 2010 complaint alleges that 1) the notice for the September 28, 2010 meeting "did not include 'a listing of topics that the chair reasonably anticipates will be discussed at the meeting'"; 2) the Committee "met in executive session without the chair first stating 'the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called'"; and 3) the Committee "met in executive session to discuss the professional competence of the Superintendent." The Committee responded to the original complaint in a letter dated November 10, 2010. The Complainant subsequently alleged an additional violation in the December 23, 2010 complaint, relating to the specificity of the Committee's notice for its October 12, 2010 meeting.

We reviewed the complaints dated October 25, 2010 and December 23, 2010; the Committee's November 10, 2010 response; the meeting notice, open and executive

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<sup>1</sup> The Memorandum attached to the October 25, 2010 complaint stated, "Complainant reserves the right to amend this list of violations as more information becomes available." The Office of the Attorney General will not investigate allegations raised for the first time in a complaint filed with the Office. Potential violations discovered after a complaint has been filed with a public body should be alleged in a subsequent complaint filed with that body. This allows the public body an opportunity to investigate and take appropriate remedial action with regard to the additional allegations.



session minutes, and video recording of the open session portion of the Committee's September 28, 2010 meeting; a January 26, 2011 letter from the Committee to our office in response to a request for documents; the open and executive session minutes from the August 24 and September 14, 2010 meetings; the open session minutes from the October 12 and October 26, 2010 meetings; a February 13, 2011 letter to our office from School Committee Member Dr. Erdem Ural; a March 1, 2011 letter from the Complainant to our office; and a March 2, 2011 letter from the Committee to our office. Finally, we conducted telephone interviews in April 2011 with Committee Chairman Thomas Colburn, Committee Member Dr. Erdem Ural, and Superintendent Dr. Marguerite Rizzi. We appreciate the patience of the parties as we considered this complaint.

Following our review, we find that the Committee violated the Open Meeting Law in three separate instances. The Committee failed to list topics with sufficient specificity in its meeting notice for the September 28, 2010 meeting, as required by G.L. c. 30A, § 20(b) and 940 CMR 29.03(1)(b).<sup>2</sup> In addition, the Committee failed to follow proper procedures for entering executive session during that meeting, in violation of G.L. c. 30A, § 21(b). Finally, while we find that the Committee acted appropriately when it entered executive session to conduct contract negotiations with the Superintendent, we find that the Committee violated the Open Meeting Law when it voted on the Superintendent's contract extension in executive session rather than during an open session.

### FACTS

Based upon our review of the material listed above, the facts are as follows. On June 30, 2010, Dr. Rizzi completed her first year as Superintendent of the Stoughton Public Schools. The term of Dr. Rizzi's employment, according to her original contract, was three years – from July 1, 2009 until June 30, 2012.

On August 24, 2010, the Committee met and the open session minutes reflect that "Superintendent's evaluation" was a topic of discussion under "Old Business." At this time, according to the minutes, Dr. Rizzi had completed "a report for the first one hundred days." The Committee discussed timing for sharing that report. Later in the meeting, "the Committee was polled and a unanimous roll call vote taken to adjourn the open session and convene in Executive Session for the purpose of a negotiations, grievance update and pending litigations."<sup>3</sup> During the executive session, the Superintendent's evaluation was discussed further. The minutes reflect that, "[t]he process in which the superintendent will be evaluated was discussed. Deliberation will be in open session and contract discussions will be in executive session."<sup>4</sup>

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<sup>2</sup> Though the violation was not properly alleged in a complaint with the public body, it does appear that the notice for the October 12, 2010 meeting similarly failed to include specific detail.

<sup>3</sup> We note that the same reason was cited as the purpose for executive session in each of the five meetings whose minutes we reviewed.

<sup>4</sup> Though not raised in the complaint, we note that procedures for conducting an evaluation are not an appropriate subject for executive session.

The Committee met again on September 14, 2010. The open session minutes for this meeting also reflect discussion of the Superintendent's evaluation. The "Superintendent's End of Year Report-2010," a self-evaluation prepared by Dr. Rizzi, was discussed in some detail. According to the minutes, Committee Member Sovinee "listed areas [where] she has seen positive growth" and Chairman Colburn noted that "He would like to see continued improvement on providing information to the community." Chairman Colburn then stated he would "collect the evaluations from the School Committee members and review with Dr. Rizzi." Later in the meeting, "the Committee was polled and a unanimous roll call vote taken to adjourn the open session and convene in Executive Session for the purpose of a negotiations, grievance update and pending litigations." During the executive session, "Dr. Rizzi's potential contract length and salary increases" were discussed. The executive session minutes do not provide any detail of the discussion beyond that single sentence, however in his interview with this office, Dr. Ural stated that they discussed Dr. Rizzi's request to raise her salary so it was in line with comparable superintendents, and possibly other Town officials.

Sometime after the September 14, 2010 meeting, but before the Committee's September 28, 2010 meeting, Committee members submitted their individual written evaluations of the Superintendent to Chairman Colburn for compilation into a single document. During that same time period, Dr. Rizzi indicated to Chairman Colburn that she was being courted by at least one other school system, but wanted to stay in Stoughton if she could obtain some assurance of job security. According to Dr. Rizzi, she did not want to wait until the end of her contract term to look for another position, if that were to become necessary.

The Committee next met on September 28, 2010. The meeting notice, dated September 24, 2010, listed twelve topics for discussion, including "2. Old Business – Superintendent Evaluation" and "11. Executive Session: Level III Grievance & Negotiation Updates; Possible Litigation." The notice did not state that the Superintendent's contract would be a topic of discussion during the executive session. According to Chairman Colburn, the meeting notice was created by the Superintendent and her staff, with his input. Both he and Dr. Rizzi knew at the time it was created that a potential contract extension for the Superintendent would be a topic of discussion during the executive session.

During the open session portion of the September 28, 2010 meeting, Chairman Colburn stated that he was compiling the Superintendent's evaluation, and would be meeting with Dr. Rizzi in the near future.<sup>5</sup> At several points during the meeting, Committee members praised Dr. Rizzi's good work, such as when they heard updates on items including MCAS scores and the retention of a grant writer. At the end of the meeting, Chairman Colburn took a vote to enter executive session "for the purpose of

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<sup>5</sup> The open session minutes from the September 28, 2010 do not reflect any conversation about the Superintendent's evaluation, though it was on the meeting agenda and the video recording shows it was briefly discussed by Chairman Colburn.

Level III grievance and negotiation updates, [] possible litigation” and noted there would be “the opportunity to go back into open session if we need to for any voting.” The Chair did not state that the Superintendent’s contract would be a subject of the closed session. A roll call vote was then taken and the members voted unanimously to enter executive session.

The executive session was convened at 8:41 p.m. and adjourned at 10:15 p.m. Although it lasted for more than an hour and a half, the minutes from the September 28, 2011 executive session are extremely sparse and take up only one third of one page.<sup>6</sup> It appears the Committee discussed at least one grievance, as well as contract negotiations with personnel, including the Superintendent. No litigation matters were discussed.

Dr. Rizzi and Chairman Colburn both stated during interviews with this office that they knew they could not discuss the Superintendent’s evaluation behind closed doors, and made this fact clear to others on the Committee at some point prior to the September 28, 2011 meeting. Under “Superintendent Review”, the executive session minutes state only that “A discussion took place regarding Dr. Rizzi’s potential contract length and salary increases. Possible tie with teacher salary increases will be discussed publicly at a later date.” Discussion of Dr. Rizzi’s job performance during the executive session appears to have been minimal. According to Chairman Colburn, the discussion was limited to whether a longer contract was good for the school system. Dr. Ural stated that several Committee members also commented that the Superintendent was doing a good job and it would be a shame to lose her. Dr. Ural further noted that Dr. Rizzi raised the matter of a possible pay increase during this meeting, and discussion then turned to tying her salary to the teachers’ pay increase. After this idea was rejected, Dr. Rizzi then asked for an extension of her contract. Dr. Rizzi proposed specific terms for a contract extension and the Committee adopted them. The minutes reflect that Committee member Husseinini made a motion to extend the Superintendent’s contract by four years, beginning at the end of the current contract. Chairman Colburn did not recall the Committee asking Dr. Rizzi any questions, and stated that the vote on her contract extension “seemed totally procedural.” Chairman Colburn also stated that the vote may have been somewhat premature given that they had not yet done an evaluation of the Superintendent, but since there was “no money attached” he felt there was no reason to delay the vote. Dr. Ural stated that he argued no action needed to be taken on Dr. Rizzi’s contract at that time, but the rest of the Committee was amenable and the motion passed with three in favor and one opposed.

On October 12, 2010, the Committee held another meeting. During the open session portion of this meeting, Chairman Colburn discussed the contract extension and stated his belief that the vote was appropriately taken in executive session. A representative from the Stoughton Teacher’s Association then read a statement regarding a recent vote of no confidence in the Superintendent, and requested that the Committee reconsider its vote to extend Dr. Rizzi’s contract. A discussion followed regarding the

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<sup>6</sup> The minutes from the September 14, 2010 executive session, which also lasted for an hour and a half, are equally brief, comprising only one third of one page.

possibility of re-voting in public, and a motion was made by Chairman Colburn to reconsider the vote on Dr. Rizzi's contract. Following additional statements by the public in support of and opposition to the extension, a vote was taken to reconsider the contract extension. The motion failed, and the vote was not reconsidered.

On October 26, 2010, the Committee met again and the evaluation of Dr. Rizzi that Chairman Colburn compiled was presented. It is unclear from the meeting minutes whether the evaluation was discussed in any depth at that time.

### DISCUSSION

The complaint alleges three violations of the Open Meeting Law stemming from the Committee's meeting on September 28, 2010. We address these issues in turn.

1. Notice for the September 28, 2010 Meeting did not Contain Sufficient Specificity to Reasonably Advise the Public of Issues to be Discussed

The Open Meeting Law requires a public body to post a meeting notice 48 hours in advance of a meeting and include, a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 20, § 20(b). Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03. We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand what the nature of the public body's discussion will be.

We find that the Committee's September 24, 2010 meeting notice was not sufficiently specific to advise the public of the issues the Committee planned to discuss during its executive session. The notice for the September 28, 2010 meeting described the executive session topic only as "Executive Session: Level III Grievance & Negotiation Updates; Possible Litigation." The Committee stated in its November 10, 2010 response that it "acknowledges that both the agenda and motion could have been more artfully crafted but both clearly state that one of the purposes of going into executive session was for negotiations." Nevertheless, the meeting notice still fell short of the requirement that the Committee state "all subjects that may be revealed without compromising the purpose for which the executive session" will be called. G.L. c. 30A, § 21(b)(3); See District Attorney for Northern Dist. v. School Committee of Wayland, 455 Mass. 561, 567 (Mass. 2009) ("[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").

Because Chairman Colburn was aware at the time the meeting notice was created that Dr. Rizzi's contract would be a topic of discussion, the meeting notice should have specifically stated that the Committee would be meeting in executive session to negotiate

a contract extension with Dr. Marguerite Rizzi. Providing the public with this additional information would not have been detrimental to the Committee's negotiating position, particularly as Dr. Rizzi was aware of the session and planned to attend. It would, however, have put any interested member of the public on notice that there was a specific individual with whom the Committee was negotiating.

2. Chairman Failed to Make a Sufficiently Detailed Statement of the Purpose for the September 28, 2010 Executive Session

Prior to entering executive session, the chair of the public body must "state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called." G.L. c. 30A, § 21(b)(3). For the same reasons that the meeting notice was deficient, Chairman Colburn's verbal statement of the reason for the executive session also did not meet the requirements of the Open Meeting Law. Chairman Colburn announced that the Committee would enter executive session, "for the purpose of Level III grievance and negotiation updates, [] possible litigation". This statement failed to provide enough information so that a member of the public would understand the nature of the executive session. The Chairman should have publicly stated that the executive session was being held for the purpose of conducting contract negotiations with Dr. Marguerite Rizzi. Doing so would have made clear that the Committee intended to meet to conduct contract negotiations with specific non-union personnel, rather than discuss general non-union negotiating strategies.

As a final matter, the reason for an executive session as stated in the meeting notice and verbally by the chair should reflect items that the chair reasonably expects to discuss during that session. The statement should not, as appears to have been the case here, be a "catch-all" statement that is listed on every meeting agenda. Such boilerplate statements do not give the public sufficient notice of topics that will be discussed at that particular meeting.

3. The Committee did not Meet in Executive Session on September 28, 2010 to Discuss the Professional Competence of the Superintendent, but did Take an Improper Vote on Contract Extension

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). However, the Open Meeting Law permits public bodies to enter executive session and conduct deliberations outside of the public view for ten specific purposes. See G.L. c. 30A, § 21(a). When meeting in executive session, a public body may only address subjects related to the narrow executive session purpose the public body cited when entering executive session. See District Attorney for the Northwestern Dist. v. Board of Selectmen of Sunderland, 11 Mass. App. Ct. 663, 666 (1981) (executive session may not be used as a blanket reason to deliberate on matters other than those pertaining to the specific purpose for which executive session was called). One appropriate purpose for executive session is "[t]o

conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.” G.L. c. 30A, § 21(a)(2) (“Purpose 2”).

On September 28, 2010, the Committee entered executive session for the purpose of "Level III grievance and negotiation updates, [] possible litigation." Although minutes from the executive session are sparse, it appears the Committee discussed contract negotiations with personnel, including the Superintendent. Complainant alleges that the Committee also discussed the Superintendent's professional competence during the executive session, stating that it "belies comprehension as to how a decision to renew the Superintendent's contract can be undertaken without any discussion of her professional competence. Professional Competence is intrinsically and inseparably tied to the issue of contract extension." Complaint Memorandum, p. 6.

While a vote to extend an employment contract does itself make a statement about the performance of the person whose contract is being extended, the fact of such a vote does not constitute concrete evidence that a discussion of that employee's performance preceded. Certainly, it makes pragmatic sense for a public body to evaluate an employee's performance before making decisions regarding the future of that person's employment and, here, an in depth discussion of the Superintendent's job performance in open session may have been helpful to members of the public wishing to know why the Committee felt it necessary to extend her contract at that time. On the evidence before us, however, it appears that no substantive discussion of the Superintendent's professional competence was held in executive session prior to the September 28, 2010 vote on the Superintendent's contract. Some discussion of the Superintendent's performance did occur during the September 14, 2010 meeting, but the September 28, 2010 meeting appears to have been limited to the negotiation of the contract extension. These types of discussions are appropriate under Purpose 2. See Wayland, 455 Mass. at 568 ("While professional competence must first be discussed in an open session, how that evaluation will factor into a contract or salary negotiation strategy may be a suitable discussion for an executive session."). Therefore, had the meeting notice and the Chairman's statement at the time of the vote to enter executive session been tailored to the specific topics the Chairman anticipated discussing and included sufficient detail about the session's purpose, the Committee would have acted appropriately in holding this discussion in executive session.

Although the Committee's negotiation of the Superintendent's contract was an appropriate subject for executive session, once the negotiation reached fruition the Committee had an obligation to return to open session in order to vote on whether or not to extend the contract. The law allows a public body to conduct contract negotiations with non-union personnel in executive session, but does not authorize a public body to approve a contract in executive session. Therefore, while a public body may reach an agreement on the terms of a contract in executive session, it must subsequently vote to approve or ratify such agreements in open session before they become effective. See OML 2011-28 (finding that school committee violated the Open Meeting Law by voting to approve superintendent's contract addendum in executive session). Chairman

Colburn's statement at the time the September 28, 2010 executive session was convened that there would be "the opportunity to go back into open session if we need to for any voting" suggests that he was, at least to some degree, aware of this requirement.

If a vote is improperly taken in executive session, a public body may cure the violation of the Open Meeting Law. To do so, the public body must take independent, deliberative action, and not merely engage in a ceremonial acceptance or perfunctory ratification of a secret decision. See Pearson v. Board of Selectmen of Longmeadow, 49 Mass.App.Ct. 119, 125 (2000) (citing Tolar v. School Bd. of Liberty County, 398 So.2d 427, 429 (Fla.1981)). Here, although an open session discussion of the merits of the contract extension did occur on October 12, 2011, this was insufficient to cure the earlier violation because the Committee did not re-vote on the contract extension during that meeting. Allowing public comment on an action already taken without publicly reconsidering the vote cannot cure a violation of the Open Meeting Law.

Because the vote on Dr. Rizzi's contract extension was not taken in public, and because the meeting notice did not provide the public with sufficient detail to know that such a vote was even a possibility during this meeting, the Committee acted inappropriately.

As a final matter, although not raised by the complainant, we note that the Committee's meeting minutes do not satisfy the requirement that minutes include "a list of documents and other exhibits used at the meeting." G.L. c. 30A, § 22(a). The minutes from the September 28, 2010 meeting did not include a list of any documents or exhibits used by the Committee, though the open session video recording shows the Committee discussed specific documents, such as a grant sheet which was handed out during the meeting. Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. At minimum, meeting minutes must set forth "the date, time and place, 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." G.L. c. 30A, § 22(a). A transcript of the discussion is not required, but minutes should be sufficiently detailed to allow a person who was not in attendance to determine the essence of the discussion and what documents were used.

### CONCLUSION

The Committee violated the Open Meeting Law by failing to provide sufficient detail about the purpose for its executive session, both in its meeting notice and when it convened in executive session during the September 28, 2010 meeting. The Committee further violated the Open Meeting Law by failing to ratify in open session a contract extension agreed to between the Committee and the Superintendent during executive session.

We accordingly order immediate and future compliance with the Open Meeting Law and caution the Committee that a determination by our office of similar violations in

the future may be considered evidence of intent to violate the Open Meeting Law. We also order the Committee to attend a training on the Open Meeting Law, G.L. c. 30A, §§ 18-25, within 90 days of receipt of this letter, to be conducted by an attorney or organization familiar with the requirements of the Open Meeting Law and approved by this office. Finally, we order the Committee to amend its September 28, 2010 meeting minutes to include "a list of documents and other exhibits used" at the Committee's September 28, 2010 meeting.

The Committee did not have the benefit of our decision in OML 2011-28<sup>7</sup> at the time of this meeting, therefore we decline to take the further remedial action requested by the complainant, namely nullifying the action taken by the Committee in approving Dr. Rizzi's contract. While we do not order nullification, in the interest of transparency, we strongly recommend that the Committee reconsider the vote on the contract extension during an open session meeting. In addition, we caution the Committee that future similar violations may result in nullification of any action taken.

We now consider this matter closed. If you have any questions regarding this letter, or believe any of the facts in this letter are inaccurate, please do not hesitate to contact our office.

Sincerely,



Amy L. Nable  
Assistant Attorney General  
Director, Division of Open Government

cc: Maria Capobianco  
Ashley Walter, Esq., Shavel & Krems, LLP

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<sup>7</sup> OML 2011-28 found that a school committee violated the Open Meeting Law by, amongst other things, agreeing to a contract addendum during an executive session and failing to subsequently ratify that agreement in open session.

[00:12:37.22]

The council will come to order.

[00:12:39.19]

All rise and salute the flag.

[00:12:42.14]

I pledge allegiance to the flag  
of the United States of America.

[00:12:45.55]

And to the Republic for which it stands,  
one nation under God, indivisible,

[00:12:51.19]

with liberty and justice for all.

[00:12:53.48]

Please remain standing for a moment  
of silence in honor of our veterans,

[00:12:57.00]

service members, and those who have  
given the ultimate sacrifice.

[00:13:04.38]

The clerk will now call the roll.

[00:13:09.48]

Councilor Colon-Hayes.  
Here.

[00:13:11.26]

Councilor Condon.  
Here.

[00:13:12.43]

Councilor Crowe?  
Here.

[00:13:13.58]

Councilor LaWong?  
Here.

[00:13:15.10]

Councilor McDonald?  
Here.

[00:13:16.46]

Councilor O'Malley?  
Here.

[00:13:17.58]

Councilor Cicco?  
Here.

[00:13:19.19]

Councilor Simonelli?  
Here.

[00:13:21.00]  
Councilor Taylor?  
Here.

[00:13:22.26]  
Councilor Winslow?  
Here.

[00:13:23.38]  
Council President Linehan?  
Here.

[00:13:27.43]  
Okay, under the provisions of the open  
meeting law,

[00:13:30.05]  
for those of you in attendance,  
please be informed

[00:13:32.21]  
that UMAA Urban Media Arts  
will be recording this evening's meeting.

[00:13:36.19]  
We've also been notified  
that Malden News Network will also be

[00:13:39.41]  
recording this evening, so just be aware  
There will be audio and video

[00:13:43.36]  
recordings of tonight's meeting.

[00:13:45.36]  
First order of business:  
Mayor Gary Christianson will appear before

[00:13:50.26]  
the council to provide an update  
on the fiscal year 2027 budget.

[00:13:55.48]  
All rise to recognize the mayor.

[00:14:02.14]  
Mayor, you have the floor.

[00:14:09.36]  
As you know,  
a week ago tonight, Malden residents voted

[00:14:13.43]

down an increase in property taxes  
to help stabilize city finances

[00:14:19.29]  
and maintain city services.

[00:14:22.38]  
Although Question 1A was defeated  
by a narrow margin of 124 votes,

[00:14:28.53]  
the community has spoken,  
and I respect the outcome.

[00:14:33.19]  
There is no interest in revisiting  
the past,

[00:14:36.46]  
only a continued commitment to building  
a stable and sustainable

[00:14:41.55]  
financial foundation for Malden.

[00:14:45.02]  
I remain hopeful that we can set aside our  
differences and work together

[00:14:50.22]  
in the best interest of our community.

[00:14:53.38]  
Our team is now working  
on a proposed fiscal year 2027 budget.

[00:14:59.43]  
There has been some discussion about  
the need to revise the net school spending

[00:15:04.34]  
number for fiscal year 2025,  
and I'll comment more on that later.

[00:15:10.12]  
But let me assure you this:  
any representation

[00:15:14.46]  
that the budget situation is significantly  
better than what was presented

[00:15:20.07]  
is simply unsubstantiated by the facts.

[00:15:24.17]  
As I have stated,

The greatest challenge in municipal

[00:15:28.10]  
budgeting, especially ours,  
is that the most significant line items

[00:15:33.50]  
are moving targets and continue to be,

[00:15:37.43]  
even as we undertook extensive efforts

[00:15:40.55]  
to educate the community about  
the financial challenges we were facing.

[00:15:46.58]  
For example,  
our anticipated savings from our

[00:15:50.24]  
transition to the GIC  
have always been estimates

[00:15:55.17]  
and will not be finalized  
until enrollment concludes in early May.

[00:16:02.02]  
We also did not know that Malden would  
experience a reduction of more than \$5

[00:16:07.34]  
million in state education aid

[00:16:11.00]  
from fiscal year 2026 to fiscal year 2027.

[00:16:16.17]  
Additionally,  
our Northeast Voc enrollment increased

[00:16:20.14]  
significantly requiring a higher  
contribution than last year.

[00:16:26.43]  
None of these factors were known  
at the outset, yet each materially affects

[00:16:32.43]  
the city's financial outlook.

[00:16:35.26]  
This is, unfortunately,  
an inherently imprecise process,

[00:16:41.24]  
and again, one that remains  
a moving target.

[00:16:45.29]  
Regarding the net school spending deficit  
as another one of those many variables,

[00:16:51.48]  
The previously issued fiscal year 2025  
end-of-year report

[00:16:57.29]  
will require an amendment to accurately  
reflect healthcare costs for school

[00:17:03.12]  
employees, which were  
unintentionally understated.

[00:17:08.29]  
This was a regrettable but honest human  
error,

[00:17:13.02]  
and we are reviewing additional internal  
controls to prevent similar

[00:17:17.41]  
issues in the future.

[00:17:20.10]  
It is also important to note  
that the year-end report is a highly

[00:17:25.14]  
detailed document drawing from multiple  
data sources,

[00:17:30.22]  
much of which is manually compiled  
into Excel spreadsheets and put together

[00:17:37.05]  
in a compressed timeframe.

[00:17:39.50]  
While I acknowledged a change to one  
of the many variables discussed

[00:17:44.14]  
in the public meetings,  
It did not result in new revenue.

[00:17:49.31]  
Rather, it just shifted the expense  
from the city side to the school side.

[00:17:55.29]  
But the overall structural deficit remains the same.

[00:18:00.22]  
Let me repeat that.

[00:18:02.00]  
The overall structural deficit remains the same.

[00:18:06.26]  
As I mentioned, our team is working diligently

[00:18:10.10]  
on a proposed budget  
Eliminating the structural deficit was

[00:18:14.34]  
the purpose of the proposed override, and it remains

[00:18:18.46]  
the challenge before us now.

[00:18:21.34]  
We are working with department heads to address the cuts

[00:18:25.24]  
that will need to be made.

[00:18:27.58]  
Ultimately, the extent of those cuts will depend largely on how much

[00:18:34.24]  
the city utilizes in reserves.

[00:18:37.36]  
—an unsustainable practice we must move away from in this budget.

[00:18:44.36]  
It is my goal to submit a proposed budget earlier than

[00:18:49.00]  
past years to allow for meaningful collaboration and input.

[00:18:54.34]  
I look forward to working together to strike the right balance for Malden.

[00:19:00.12]

Make no mistake about it,  
there are no easy answers this year

[00:19:05.12]

or in the years ahead.

[00:19:07.26]

With less state aid and reduced federal  
support, inaction is not an option.

[00:19:15.02]

I am committed to addressing these  
challenges head-on

[00:19:18.46]

and to make decisions that strengthen this  
city for the long term,

[00:19:23.31]

rather than deferring them to the future.

[00:19:27.12]

Thank you.

[00:19:38.14]

Well, I want to thank  
the mayor for joining us.

[00:19:41.29]

Um, it's been my understanding that  
while the mayor is not able to join us

[00:19:46.22]

to answer questions from the council,  
of course we will have an opportunity

[00:19:49.53]

to do that as our budget  
gets started in the next couple of weeks.

[00:19:54.46]

And of course, that doesn't mean that we  
can't have a discussion amongst ourselves.

[00:19:59.07]

And I do have some lights on.

[00:20:00.24]

I'm going to take Councilor Winslow first.  
Mr. Hurst.

[00:20:03.31]

Yeah, I appreciate the mayor coming.

[00:20:05.05]

I mean, I think certainly we all want

to know a bit more about how the, um,

[00:20:10.00]

you know, the \$1.6 million related to school department healthcare, um, that,

[00:20:16.12]

that mistake was made,  
um, you know, who,

[00:20:19.00]

what staff was involved, and what steps are going to be done

[00:20:22.12]

to make sure that does not happen.

[00:20:23.39]

I mean, that's a pretty significant mistake, and, uh,

[00:20:26.17]

you know, and I, I can understand it can be hard to work with Excel spreadsheets,

[00:20:31.24]

and I don't know if someone was relying on a past year or whatever, but, you know,

[00:20:34.50]

really to get to the bottom of it, and so that we have, you know, multiple,

[00:20:39.02]

you know, key people double-checking the numbers is really important.

[00:20:42.38]

And, um, you know, it just really does make it hard.

[00:20:45.22]

And,  
um, you know, I do too will respect

[00:20:48.29]

the will of the voters as we go forward and consider the budget.

[00:20:52.19]

I mean, one of the things we all have to realize is that

[00:20:55.24]

there's not any true winners.

[00:20:58.26]

There's going to be people who survive,  
and there's going to be people

[00:21:01.41]  
whose lives are significantly changed.

[00:21:05.41]  
I was laid off  
from the Redevelopment Authority back

[00:21:08.10]  
after the dot-com bust, so I  
certainly know

[00:21:11.10]  
that my career took a little bit  
of a while to get back on track,

[00:21:14.26]  
but certainly it changes the course  
of people's lives, and that's what we're

[00:21:19.14]  
all— will weigh on us And  
that's, that's what we have

[00:21:23.17]  
to deal with the next few months.

[00:21:24.48]  
But the voters have spoken, and that's up  
to us now and the mayor to deal with that.

[00:21:30.05]  
So thank you.

[00:21:31.50]  
Thank you, Councilor Winslow.  
Councilor O'Malley.

[00:21:36.10]  
Thank you.

[00:21:36.36]  
So yeah,  
my question

[00:21:38.31]  
to the mayor and the administration would  
be,

[00:21:41.58]  
when was the miscalculation first known?

[00:21:45.00]  
I think that's a really important number.

[00:21:47.48]

Based on what I guess was talked about last night at the school committee,

[00:21:51.46]

it sounds like it was in March.

[00:21:53.14]

So just finding out when that happened would be helpful.

[00:21:56.48]

And I can understand how finding out something like that would be

[00:22:01.38]

concerning about how do you, like, how do you reveal that information?

[00:22:05.05]

But I think that, you know, I think we all as a council as well as the community

[00:22:09.12]

deserve to know that information, at least to understand it better.

[00:22:12.53]

I think the optics are challenging.

[00:22:16.29]

And the other question I would ask is, I'm having a hard time understanding how

[00:22:22.17]

insurance rates would impact this number, because I would just assume it would be

[00:22:28.12]

how much did you spend in total or in part on insurance last year.

[00:22:33.07]

So, like, I just don't understand how the rates come into play.

[00:22:36.48]

But I am also looking forward to learning more.

[00:22:39.10]

About this issue and others.  
Thanks.

[00:22:42.12]

Thank you, Councilor O'Malley.  
Councilor McDonald.

[00:22:45.14]

Yeah, I also want to thank the mayor  
for coming in and giving us

[00:22:48.50]

some basic information here.

[00:22:51.02]

There has been obviously  
a memo that folks have seen that we've all

[00:22:55.22]

received that outlines the specifics here.

[00:22:58.24]

You know, when I received this,  
my two questions were, so what is, what

[00:23:01.46]

is the impact on the choices before us?

[00:23:04.14]

I'm glad that at least this is an error  
that works in our favor

[00:23:07.58]

as opposed to against it.

[00:23:10.36]

But what I heard from the comments  
at the school committee and what I

[00:23:14.00]

understand about all of the structural  
problems that have created our budget

[00:23:18.48]

deficit is that all those things continue.

[00:23:22.19]

We don't have this catch-up payment.

[00:23:24.24]

All those things continue  
and they are greater than even had

[00:23:28.07]

the voters chosen to pass the 1B,  
we still would have been facing cuts.

[00:23:32.55]

It doesn't change that reality either.

[00:23:34.46]

So I think the big picture  
from my perspective remains the same.

[00:23:40.07]

And certainly this council has a role in financial oversight.

[00:23:44.02]

That's a big part of what we're here to do, not just to approve the budget.

[00:23:46.58]

And I am glad that the mayor took responsibility for the team,

[00:23:51.07]

however that error was made.

[00:23:54.29]

And I am glad to hear there's a plan to make sure that doesn't happen again.

[00:23:58.48]

And I just will want to know what that is.

[00:24:00.34]

I will want to make sure that we have some real clarity about how that— we're

[00:24:04.07]

going to avoid that in the future.

[00:24:05.19]

Because this is, you know, an honest mistake that is not about money

[00:24:11.34]

moving in places or not being found.

[00:24:13.43]

It's not an accounting issue, it's a reporting issue.

[00:24:16.36]

But reporting issues are still important.

[00:24:18.19]

So I just want to let folks know we will be meeting in the Finance Committee next

[00:24:22.31]

week to scope out the many different conversations we need to have.

[00:24:26.46]

Now that we've heard some setup from the mayor, that's going to be a great

[00:24:30.58]

time for folks to also bring the—  
what are the questions that you want

[00:24:34.26]  
to make sure we spend time talking about?

[00:24:37.22]  
No one of us at the council  
table makes decisions.

[00:24:39.50]  
We're all responsible  
for doing that together.

[00:24:41.39]  
So we want— I want to make sure that we  
are scoping out those conversations early

[00:24:46.36]  
so that we have time.

[00:24:47.22]  
I'm glad to hear we'll have a little bit  
more time than the typical mid- May

[00:24:52.19]  
presentation of the budget.

[00:24:54.48]  
And I would,  
I would just echo

[00:24:59.31]  
my colleagues' reflections that it  
is going to be a tough budget.

[00:25:03.53]  
People are going to lose their jobs.

[00:25:06.02]  
This is why it was so important  
for the voters to weigh in.

[00:25:09.43]  
And now we know  
what the challenge is ahead of us.

[00:25:14.24]  
So we'll have to have a lot  
more conversations like this.

[00:25:18.36]  
And do what we can to mitigate those  
losses without just getting ourselves back

[00:25:22.43]  
into a structural

hole that we cannot get out of.

[00:25:25.55]

So we'll talk a lot more next week,  
I'm sure, about this process.

[00:25:30.48]

Thank you, Councilor McDonald.

[00:25:31.55]

Councilor Colon-Hayes.

[00:25:33.12]

Thank you very much.

[00:25:36.02]

So yeah, now we know where we stand  
after this vote,

[00:25:40.07]

and I appreciate the mayor showing up.

[00:25:42.31]

I do wish he would have  
stayed for some questions.

[00:25:45.00]

I understand there's probably not a lot  
of answers right now, but at least to

[00:25:49.00]

answer some questions that I had,  
so I'll save those for another time.

[00:25:53.05]

But we definitely need to  
obviously figure out what happened here.

[00:25:57.50]

Nobody wants to  
beat someone when they make an error.

[00:26:03.05]

We've all done that before,  
but we definitely need to know where it

[00:26:06.10]

came from to be sure that it  
doesn't happen again.

[00:26:08.58]

And one of the things that I love to hear—  
I listened to the school committee.

[00:26:12.29]

I tried to make it, but I couldn't,  
but I did listen to it, and They did pass

[00:26:16.58]

an audit, the same audit that we had passed here, a DLS audit.

[00:26:21.36]

So that made me very happy that they're going to do an audit as well.

[00:26:26.02]

So the both of us looking into it is definitely a good thing.

[00:26:31.10]

And also that we're going to be meeting earlier because there's going to be

[00:26:34.28]

a lot of stuff that we need to discuss.

[00:26:36.19]

And I'm glad to hear that we're meeting earlier.

[00:26:38.38]

I think it's going to be very helpful.

[00:26:40.12]

Finance team is going to be very busy.

[00:26:41.48]

We're all going to be very busy.

[00:26:43.41]

We should be showing up definitely as a team and trying to get

[00:26:47.12]

through this because you're right, there are going to be layoffs.

[00:26:50.22]

It's hard.

[00:26:50.58]

I'm sure we've all been through a layoff at some time in our life.

[00:26:53.53]

It's not easy, but we need to hold each other accountable

[00:26:57.05]

and we need to figure out what happened here to build trust back up that I

[00:27:00.26]

believe we lost during this process.  
Thank you.

[00:27:04.17]  
Thank you, Councilor Colon-Hayes.  
Councilor Simonelli.

[00:27:08.24]  
Thank you, Madam President.  
I mean, most of us spoke already.

[00:27:12.02]  
I was just going to— if I had gotten  
the mic a little earlier,

[00:27:14.26]  
I would have just said maybe we should  
just wait and talk about these things

[00:27:19.53]  
as we grow into them.

[00:27:21.34]  
No doubt about it that we've got some  
serious work ahead of us,

[00:27:24.24]  
and we've all got to kind of roll up our  
sleeves now and do our due diligence

[00:27:28.12]  
to make sure, because we're  
all in this thing together.

[00:27:30.29]  
So the bill didn't pass.

[00:27:34.48]  
So now we've got to kind of like,  
you know, figure out what

[00:27:37.22]  
we're going to do here.

[00:27:38.19]  
And without a doubt, there's  
going to be some layoffs here.

[00:27:40.46]  
And I know there's some, you know,  
money can come from revenue reserve.

[00:27:43.50]  
I've reached out to a couple of councilors  
already and let them know what my ideas

[00:27:48.41]

were on being able to  
make up some shortfalls.

[00:27:55.19]  
Pretty much a one-time thing,  
so it'll get us through another year,

[00:27:58.22]  
hopefully, if it works out.

[00:28:00.50]  
So we all got to start to, you know,  
look around and see how we can all work

[00:28:04.34]  
this thing out together,  
because that's where we are.

[00:28:06.34]  
We're all in this thing together.

[00:28:08.24]  
I wish the mayor would have  
stayed around a little bit longer.

[00:28:10.03]  
I don't know if Marie is  
the point person tonight to talk about any

[00:28:14.53]  
of these things, and that's why I would  
just say that I think we should just wait

[00:28:18.07]  
until we start to take things up in your  
committee, Councilor McDonald,

[00:28:23.48]  
in the Finance Committee,  
so that we do have some of these questions

[00:28:27.12]  
and answers tonight,  
because it's just it makes no sense for us

[00:28:31.12]  
to bring them up now if the mayor's  
not here to answer them.

[00:28:33.55]  
So I mean, let's— like I said,  
unless Maria, if you're going to answer

[00:28:36.55]  
some of these questions that some of these  
councilors have, I would just say we have

[00:28:40.19]

a full docket tonight, so we should probably get on to the docket.

[00:28:44.41]

And, uh, just to let the citizens know that we all should be working together

[00:28:48.31]

on this thing along with the mayor's office,

[00:28:51.24]

uh, on seeing if we can roll up our sleeves and see if we can get as few

[00:28:55.22]

of layoffs as possible and few of cuts as possible and can think out of the box

[00:29:00.19]

on ways of generating some new revenue and some maybe even long-term revenue.

[00:29:05.29]

And we've done this before, I've done this before on some other budget

[00:29:08.28]

crunches, so, you know, I'd like to try and do it again.

[00:29:11.05]

Like I said, I've reached out to some of the councilors.

[00:29:13.19]

It would have never made it because we would have needed a home rule petition

[00:29:17.22]

to do it before the ballot question for March 31st, but now we do have time

[00:29:23.19]

enough to get it for next year's budget.

[00:29:26.17]

As you can hear the mayor say, that it's going to be a multi-tier

[00:29:30.55]

type of years coming up on the budget as far as being able to be fiscally

[00:29:35.36]

responsible and watching our pocketbook.

[00:29:38.53]

So again, you know, I wish I would have spoke a little bit sooner.

[00:29:43.48]

It's just the way it falls, right?

[00:29:46.00]

But I think that where we have a full agenda tonight, I think it's probably

[00:29:50.07]

important for us to get to that agenda than to be talking about, uh, things that

[00:29:55.12]

we don't have any answers for right now.

[00:29:57.10]

And I'm sure we will find them in your budget committees

[00:30:01.31]

and joint committees as well.

[00:30:03.17]

Thank you, Madam President.

[00:30:04.43]

Thank you, Councilor Simonelli.

[00:30:06.00]

Councilor Luong.  
Thank you so much.

[00:30:09.02]

I just, you know, I echo what everybody else has said, but I didn't— so not

[00:30:12.34]

to recap, but I did want to bring up two things that I hope that we will be

[00:30:16.50]

looking at at the financial Finance Committee, one would be our

[00:30:21.17]

municipal audit company that we have.

[00:30:23.34]

You know, why wasn't this type of error found during our audit?

[00:30:28.26]

Other things, what's the path?

[00:30:30.14]  
How do we do things?

[00:30:32.24]  
We have checks and balances in this city,  
and how did that all break down?

[00:30:36.31]  
And I hope we spend some  
time to really look at that.

[00:30:38.58]  
Because, you know,  
to hear about a \$1.6 million you know,

[00:30:44.50]  
mistake or whatever you want to call it,  
2 days after the vote and then

[00:30:48.07]  
I find out on Facebook.

[00:30:51.29]  
Wasn't fun, obviously.

[00:30:53.38]  
But I really look forward to delving  
into those things as we go next week.

[00:30:58.46]  
And, you know,  
we have a lot of work to do

[00:31:02.10]  
and we've all said this.

[00:31:04.10]  
The public does not trust us.

[00:31:05.26]  
They don't trust our processes.

[00:31:06.43]  
They don't trust what we say.

[00:31:08.36]  
And we need to really do a lot  
of work to bring that back.

[00:31:12.00]  
You know, I do have to say, you know,  
the mayor and his team have applied

[00:31:16.17]  
for the DLS financial review.

[00:31:19.41]

That did include the Malden Public Schools as part of that review.

[00:31:23.00]

It was approved.

[00:31:23.46]

It's docketed, or queued, I think they call it.

[00:31:26.17]

Queued, right? They queued it in for the fall.

[00:31:29.22]

So, and that's by the state. That's not us.

[00:31:31.36]

We asked for it as soon as possible, and that's what they gave us.

[00:31:34.07]

So I think going through the budget process, seeing where our process are,

[00:31:38.05]

and then letting them come in and, and do their thing.

[00:31:40.50]

I think it's going to go a long way to hopefully that repairs.

[00:31:44.53]

Thanks.

[00:31:47.12]

Thank you.

[00:31:47.41]

Oh, I see Councilor O'Malley for a second time.

[00:31:50.46]

Yeah, I just wanted to, to ask my fellow councilors if,

[00:31:53.58]

if my understanding of this was correct, because I know that we had the two

[00:31:57.34]

different ballot question numbers.

[00:31:59.53]

One was the 5.4  
and one was the \$8.2 million.

[00:32:04.36]  
And so my understanding was that \$8.2  
million took into consideration the,

[00:32:11.38]  
in part, this \$1.6 million  
that we had to spend above and beyond

[00:32:17.50]  
the normal net school spending,  
'cause it was like, air quotes, a penalty.

[00:32:21.50]  
And so I do think that  
this is \$1.6 million that we're

[00:32:25.50]  
not having to spend more.

[00:32:27.34]  
So it's a savings.

[00:32:29.46]  
But it's a savings from our free cash,  
from our savings account, the \$22 million.

[00:32:35.00]  
So the circumstances are not great.

[00:32:38.07]  
They bring up a lot of questions.

[00:32:39.36]  
But as has been cited,  
I think it is a \$1.6 million savings

[00:32:44.46]  
from what we were expecting to spend.

[00:32:47.14]  
That's just my understanding.

[00:32:49.10]  
And if I'm wrong,  
it would just be helpful.

[00:32:51.46]  
But I think I heard something different.

[00:32:54.05]  
And I just want to make sure I understand  
it correctly so the public also does.

[00:32:58.24]

Okay, I see a light by Councilor McDonald.

[00:33:01.36]

Yeah, I think that I heard two things that you were asking about, Councilor O'Malley.

[00:33:06.12]

My understanding is that yes, this does improve the situation, right?

[00:33:09.48]

It works in our favor.

[00:33:11.17]

And the place that it improves it to is still, you know, \$9 million.

[00:33:18.07]

I mean, that's to be expected because all of the structural factors that created

[00:33:24.00]

an \$8.5 million deficit this year are still in place and without taking

[00:33:29.22]

that \$1.6 million into account.

[00:33:30.48]

So it's, you know,

[00:33:36.07]

I think this is a liability of the,

[00:33:39.05]

if we don't spend this, we get billed by the state.

[00:33:41.17]

So we avoid this bill that we would have had to pay for either

[00:33:45.05]

out of reserves or out of operating funds and income.

[00:33:49.55]

I don't know where that would have come from.

[00:33:52.19]

We hadn't gotten that far yet.

[00:33:55.02]

But I do want to be clear that when we talked about this

[00:33:58.29]  
in the Finance Committee,  
that was part of why we— it was definitely

[00:34:02.07]  
one of the factors we used in talking  
about why a second tier

[00:34:05.34]  
was important to raise with voters.

[00:34:07.58]  
And we talked about other factors too.

[00:34:09.39]  
We talked about  
the increase in net school spending

[00:34:14.05]  
requirement for the future, not the look  
back, but what do we expect in the future?

[00:34:18.38]  
and we said we don't know  
how bad that's going to be.

[00:34:20.15]  
Well, that got significantly worse when we  
got the numbers from the state,

[00:34:24.10]  
and I will just speak for myself that part  
of the reason I thought it was important

[00:34:27.19]  
to have a second tier was the uncertainty  
that went along with all of these figures.

[00:34:32.26]  
So there were some that we had good  
estimates, that we thought we had good

[00:34:35.19]  
estimates about,  
and there were some that we thought we had

[00:34:37.40]  
less good estimates about,  
but I think that the—

[00:34:42.07]  
I just really want to state again,  
yeah, this helps, Maybe it would have been

[00:34:46.02]  
a \$10.5 million  
gap instead of a \$9 million gap

[00:34:50.07]  
if this hadn't— if we hadn't  
been able to find this error.

[00:34:55.50]  
And I'm very glad that we did.

[00:34:58.36]  
And we, you know, we will talk,  
I'm sure, more about that entire process.

[00:35:03.22]  
So it improves.

[00:35:04.41]  
The place it improves to is still worse.

[00:35:07.10]  
I don't know how we would have funded  
that additional piece because

[00:35:09.12]  
we hadn't gotten there yet.

[00:35:10.43]  
And again, I think the reason that the  
numbers had been created,

[00:35:15.55]  
the different steps had been created,  
had multiple inputs

[00:35:20.41]  
because there was so much uncertainty  
around many of these factors that we were—

[00:35:24.50]  
that we knew we had to consider.

[00:35:26.17]  
So that's my understanding.

[00:35:28.41]  
Thank you, Councilor McDonald.

[00:35:29.51]  
Councilor Colon-Hayes,  
for the second time.

[00:35:32.29]  
Yeah, thank you very much.

[00:35:33.27]  
So I just wanted to respond  
to the question because I think it was

[00:35:36.48]

actually— I think I made that motion  
in finance for the second question.

[00:35:42.10]

And so for me,  
that's exactly what it was based on.

[00:35:45.19]

So once we heard there was a shortfall,  
\$1.6 shortfall, plus a penalty,

[00:35:49.22]

what they call it, you know,  
we added that up along with other numbers

[00:35:53.19]

that Councilor McDonnell just said,  
and we thought this is what

[00:35:56.53]

we're looking at, right?

[00:35:57.46]

So we should,  
instead of coming back,

[00:36:00.53]

like just passing the shorter one,  
the lower one,

[00:36:04.00]

and come back again because we're still  
going to need it with these numbers,

[00:36:08.02]

we decided to put  
the second number on there.

[00:36:11.24]

You know, obviously now in hindsight,  
which, you know, we didn't know then,

[00:36:16.05]

it would have made it probably easier  
because the lower amount

[00:36:20.05]

did better in the vote.

[00:36:22.38]

So I don't know,  
maybe that if people didn't hear us say,

[00:36:26.50]

oh no, we found this 1.6,  
maybe more trust in passing the other one.

[00:36:31.29]

But I mean, we'll never know that.  
But that was my thought.

[00:36:34.02]

Thought process  
of adding that other question.

[00:36:37.22]

It was definitely based on those  
numbers that are now not right.

[00:36:41.17]

So that's not great,  
but that's where we are.

[00:36:45.46]

But thank you for asking that.

[00:36:47.41]

Thank you, Councilor Colon-Hayes.

[00:36:49.02]

Councilor Luong for the second time.

[00:36:51.17]

Quick question.  
This is to Councilor McDonald.

[00:36:54.22]

Not sure if you know the answer.

[00:36:56.02]

But when we didn't spend the over \$1.6  
million and we we received a penalty.

[00:37:02.22]

Do you know if we were  
charged the penalty?

[00:37:05.00]

And if so, would we still be  
charged a penalty of \$62,000?

[00:37:09.34]

Do you know that?

[00:37:10.43]

Yeah, so I think that goes into the  
calculations of what we owe for next year.

[00:37:14.58]

We need to make that up.  
So we hadn't gotten to making it up yet.

[00:37:18.50]

Right, we hadn't got there.

[00:37:20.03]

And I want to actually be clear,  
there's another piece of this whole

[00:37:23.14]

calculation that is the penalty, which is  
the underspending relative to the target.

[00:37:28.17]

Of how far away we are  
from the dream scenario that the state has

[00:37:32.22]

for us for how much  
local money we can spend.

[00:37:34.00]

So we talked about both of those things  
in the Finance Committee,

[00:37:37.50]

and so we hadn't paid it yet.

[00:37:42.10]

This is a kind of retrospective report  
that takes effect for the following year,

[00:37:47.17]

and so in checking these numbers over,  
I think my understanding is that's

[00:37:51.41]

how the error was discovered.  
So we're going to figure that out more.

[00:37:54.02]

How do we make sure that we  
catch these things earlier?

[00:37:56.36]

How do we make sure that we have  
the people in place who are going to be

[00:37:59.36]

able to reliably generate these reports?

[00:38:01.10]

All of those questions,  
those are the process questions.

[00:38:05.07]

But I don't think this changes  
the money out the door.

[00:38:07.03]

And also to your earlier point,

[00:38:09.31]

I'm curious what the auditors will say,

[00:38:14.29]

but I don't believe this is an accounting issue because no money moved.

[00:38:18.02]

It's a reporting issue that the state would have sent us a bill for.

[00:38:21.34]

But because no money moved or was expected to move at this point,

[00:38:24.48]

it's not the kind of thing that auditors would even be taking a look at because

[00:38:29.41]

they're not looking at our state reporting, they're

[00:38:31.19]

looking at our accounts.

[00:38:32.53]

So that would be my understanding.

[00:38:36.17]

I'd love to know if that is correct.

[00:38:38.50]

But I do want to also just note that, I mean,

[00:38:41.48]

we have a lot of conversations about trust at this table, and trust is a big word

[00:38:45.50]

that means a lot of different things to a lot of people.

[00:38:48.03]

But to me, what it means is keeping your promises and being trustworthy.

[00:38:54.05]

And I think we all have a role in trying to promote enough,

[00:38:56.29]

enough trust that we can have basic conversations about the trade-offs we

[00:38:59.43]  
actually have to make,  
and that we do not use

[00:39:03.26]  
shredding trust to avoid the hard  
conversations and make it seem

[00:39:08.48]  
like we don't have to make choices.  
We do.

[00:39:10.38]  
The voters chose,  
and now we have to grapple with that.

[00:39:14.05]  
So I hope whatever we need to,  
whatever questions we want to put

[00:39:17.48]  
on the table, that we as city leaders  
are doing that in a way that helps, yes,

[00:39:22.07]  
us build trust and be trustworthy and,  
and raise those questions in good faith.

[00:39:27.10]  
I certainly hear us trying to do  
that tonight, but we all know

[00:39:29.53]  
that that has not always been the case.

[00:39:31.50]  
I think that's the only way that we're  
going to be able to make it through

[00:39:33.50]  
this difficult set of choices.

[00:39:35.38]  
So I just wanted to offer that.

[00:39:39.05]  
Thank you both for that.

[00:39:40.17]  
I just want to say from the chair,  
to echo some of the things that have been

[00:39:42.43]  
said, I  
I think all of us are feeling a little bit

[00:39:46.19]  
challenged by this because this has been  
a really— this has been a tough week.

[00:39:49.55]  
You know, a lot of us have given up  
most of our free time with our families

[00:39:54.02]  
to try to educate the community on  
what's been a very difficult vote.

[00:39:59.10]  
You know, we now have a budget that's  
a lot more difficult than we

[00:40:01.43]  
were hoping it was going to be.

[00:40:03.24]  
I think we're working as hard as we can  
to accelerate the timeline and to work

[00:40:08.05]  
a lot earlier than we typically do.

[00:40:10.19]  
With harder circumstances to be able to  
make decisions that none of us

[00:40:14.50]  
want to be up here having to make.

[00:40:17.17]  
And this is certainly not information  
that any of us wanted to be receiving,

[00:40:20.36]  
certainly not right after an election.

[00:40:23.00]  
And having to communicate this  
to the community is,

[00:40:27.26]  
I will say personally,  
was really, really difficult.

[00:40:30.36]  
You know, some folks have mentioned  
finding out on social media.

[00:40:33.24]  
That's not how anybody wants to find out  
something certainly not

[00:40:35.58]

something this difficult.

[00:40:37.41]

And I think to the extent that we can all  
row in the same direction and try to

[00:40:43.10]

promote that trust, I think is what  
we have to focus on moving ahead.

[00:40:47.10]

I'm certainly committed to that.

[00:40:48.24]

I've had— I mean,  
I feel like I'm in constant

[00:40:50.07]

communication with the mayor's office.

[00:40:51.55]

This is just going to be a tremendously  
difficult spring and summer as

[00:40:55.36]

we move into this budget cycle.

[00:40:57.50]

I'm working as hard as I can.

[00:41:00.10]

I know Councilor McDonald and I also speak  
so frequently about how we're going to

[00:41:04.36]

be transparent and make these  
meetings accessible to the public.

[00:41:09.17]

That's something that we're trying to make  
a commitment to and to bring our

[00:41:13.07]

colleagues in and make sure that this  
meeting process is something that

[00:41:16.58]

everybody can feel invested in.

[00:41:18.38]

I will say that folks have been very,  
very communicative with me.

[00:41:22.22]

The ideas that folks have shared already,  
I mean, you know, even just the morning

[00:41:26.31]  
after the vote failed,  
folks picked up the phone and, you know,

[00:41:31.14]  
we're all at work the next day trying  
to get back to our regular life and

[00:41:34.53]  
people are brainstorming what can we do,  
how can we mitigate the impact of this,

[00:41:39.02]  
how can we do everything we can to make  
sure the community is as safe and healthy

[00:41:42.53]  
as possible and I want to appreciate  
that publicly because I want folks

[00:41:47.17]  
in the community to hear how  
hard everybody up here is working to try

[00:41:50.48]  
to come up with solutions in this hard  
set of circumstances that we face.

[00:41:56.26]  
So I want to thank everybody  
for the comments tonight.

[00:41:59.17]  
Obviously this is not the conversation  
that we all wanted to be having having.

[00:42:02.38]  
I do appreciate that the mayor came in.

[00:42:04.26]  
I do wish that we could have asked  
questions, but I also recognize we may not

[00:42:08.07]  
have answers to all the questions  
that we want at this juncture.

[00:42:11.41]  
I know that there's going to be plenty  
of opportunities for us

[00:42:13.50]  
to convene in committee.

[00:42:15.24]  
I hope that we can really dig into things.

[00:42:17.22]

Um, I know it's not going to be easy,  
but I hope that we can get to that

[00:42:20.38]

when we start those budget meetings.

[00:42:22.41]

So seeing no other lights,  
I'm going to say that we can move

[00:42:25.48]

on to our next order of business.

[00:42:27.29]

And I appreciate all the dialog  
that we had here, so thank you.

[00:42:31.50]

Next order of business is public comment.

[00:42:35.22]

Public comment is allowed  
under council rules.

[00:42:38.19]

Each speaker is limited to the subject  
matter relevant to this evening's agenda,

[00:42:42.10]

and speakers must keep their  
comments to 2 minutes or less.

[00:42:45.05]

Clerk, do we have anybody signed  
up for public comment this evening?

[00:42:48.02]

We actually do.  
Muhammad Ubata.

[00:42:51.53]

Oh, let me put the podium light on.

[00:42:56.12]

Mohammed Abutaha, you have the floor.  
190 Mountain Avenue.

[00:42:59.26]

Yes, thank you.  
190 Mountain Avenue.

[00:43:04.29]

My name is Mohammed Abutaha.

[00:43:06.36]

I live at 190 Mountain Avenue.

[00:43:11.05]

Like many residents, I voted no  
on the tax override,

[00:43:15.12]

not because I don't support the services  
of the city or the school,

[00:43:19.12]

but because many families in our community  
are already struggling to keep

[00:43:22.53]

up with the rising costs.

[00:43:24.48]

For them, another tax increase right  
now would have been a real burden.

[00:43:30.17]

The voters have spoken clearly.

[00:43:32.26]

Now responsibility shifts to all of us,  
the city leaders and residents,

[00:43:37.17]

to work together on real solutions.

[00:43:40.29]

We need transparency,  
we need accountability, and most

[00:43:44.05]

importantly, we need a clear plan.

[00:43:47.26]

Residents want to understand  
what went wrong on the budget.

[00:43:51.14]

What steps are being taken to fix it  
and how we will move forward without

[00:43:55.24]

placing more pressure on working families.

[00:43:59.07]

This is not about blame.

[00:44:01.12]

This is about trust, responsibility,  
and leadership.

[00:44:04.55]

Thank you for your time

and thank you for your service.

[00:44:07.36]

Thank you.

Thank you.

[00:44:10.26]

Clerk, did we receive any items by email?

We did.

[00:44:13.43]

So we have a comment that was submitted by Brian Delacey.

[00:44:16.48]

Of 1 Earl Street.

[00:44:18.41]

Regarding agenda item number 4, the clerk received a written public

[00:44:22.53]

comment from Brian DeLacey of Malden News Network,

[00:44:25.29]

accompanied by a full written statement containing 16 numbered questions.

[00:44:29.38]

The submitter asks that the full document be entered into the record

[00:44:32.22]

and that the mayor be asked to respond to each question on the record tonight or

[00:44:35.53]

in writing within a reasonable and publicly stated time frame,

[00:44:39.02]

and that the following be read: the submission documents

[00:44:42.17]

the following timeline.

[00:44:43.17]

September 2025, mayor proposes a \$5.4 million override.

[00:44:48.14]

December 2025, the mayor arrives unannounced with his

[00:44:51.02]

full financial team, introduces a new \$1.6 million school spending crisis,

[00:44:56.31]  
and the override jumps to \$8.2 million.

[00:44:59.43]  
March 2026, both questions fail.

[00:45:02.12]  
April 2026, 2 days after the election,  
a memo revises the \$1.6

[00:45:06.24]  
million shortfall to \$62,730.

[00:45:10.29]  
A reporting error.

[00:45:12.00]  
Fixable with the journal entry,  
no voter authorization required.

[00:45:15.50]  
The 16 questions fall into 4 categories.

[00:45:18.31]  
On the books,  
when was the error identified

[00:45:20.28]  
and who found it and who verified the \$1.6 million before it went on the ballot?

[00:45:25.02]  
On the disclosure,  
why were the full council, the press,

[00:45:27.15]  
and the public the last to know?

[00:45:29.14]  
On the audit,  
have corrected entries been made?

[00:45:31.43]  
Has the external auditor been informed?

[00:45:33.58]  
On the budget going forward,  
the finance chair now projects

[00:45:36.33]  
a gap north of \$9 million.

[00:45:39.31]  
What is driving that number?

[00:45:41.02]

Was it known in December?

[00:45:42.53]

The central question is this: if the error had been found before March 31st,

[00:45:46.19]

would the second ballot question to raise their taxes by \$8.2

[00:45:49.58]

million have existed at all?

[00:45:52.22]

The full written statement is in the record.

[00:45:54.22]

The submitter asks that the mayor respond to all 16 questions on the record.

[00:45:58.00]

Thank you.

Brian DeLacy, Malden News Network.

[00:46:03.50]

Thank you.

Okay, next order of business.

[00:46:06.26]

Next order of business is the consent agenda.

[00:46:08.29]

This evening's consent agenda consists of meeting minutes to be approved and 10

[00:46:12.36]

petitions to be referred to the License Committee.

[00:46:15.10]

Does any councilor have a desire to remove any of these items from the consent agenda

[00:46:18.45]

for the purpose of further discussion?

[00:46:21.55]

Okay,

hearing none and seeing none,

[00:46:24.14]

I have a motion to approve the consent agenda by Councilor Seconded

[00:46:28.05]  
by Councilor Winslow.  
All in favor?

[00:46:30.38]  
Aye.

[00:46:32.05]  
Any opposed?  
Seeing none, the agenda is approved.

[00:46:35.00]  
Next order of business,  
Paper 196-26,

[00:46:38.34]  
order that the Finance Committee engage  
in discussions regarding the city's

[00:46:42.05]  
current self-insured status and consider  
possible options for a comprehensive

[00:46:47.10]  
insurance policy.

[00:46:48.50]  
The discussions shall include  
cost involved, cash reserves needed,

[00:46:53.14]  
and procedures required for any  
Updates to our current status.

[00:46:56.34]  
And this was sponsored  
by Councilor Colon-Hayes.

[00:46:58.48]  
Okay, Councilor Colon-Hayes for the paper.  
Thank you very much.

[00:47:02.22]  
So a couple of weeks ago, I had noticed

[00:47:08.58]  
there was a lot of questions about our

[00:47:10.48]  
insurance policies and what we've,  
you know, what we do here for the city.

[00:47:15.29]  
And we went,  
I put in an original paper, so

[00:47:20.07]  
we went back and forth with language with  
Mr. Rannigan and Mr. Hogan.

[00:47:24.50]  
And I'd like to—  
I can talk about it a little bit,

[00:47:27.43]  
but I also wanted to make it a change,

[00:47:30.22]  
ask for a vote to amend the wording.

[00:47:35.46]  
So basically what we're looking for,  
we are— yeah, we're, we're self-insured

[00:47:42.43]  
on, let's say, our automobiles.

[00:47:45.26]  
We have different  
insurance for other things.

[00:47:47.34]  
So rather than just hold  
the conversation to just a limited view.

[00:47:53.34]  
We wanted to open it up, hear from our

[00:47:57.10]  
insurance agent from the city,

[00:48:01.10]  
our finance people, our city solicitor,  
have them all present and discuss,

[00:48:08.02]  
learn about what we have,  
and then discuss possible ways, if any,

[00:48:11.36]  
that we can move forward with other  
insurances that might, you know,

[00:48:15.31]  
work better for us.

[00:48:17.12]  
Than being self-insured.

[00:48:18.12]  
So the wording that, um, Mr. Hogan had,  
uh, worked with me on to change— so this

[00:48:24.17]  
is what I would like to ask, um,  
to suggest it be changed to—

[00:48:29.05]  
did we read in the original one?  
We did, yes.

[00:48:31.43]  
Okay,  
so the suggested change is that

[00:48:34.26]  
the Finance Committee engage  
in discussions with the city's finance

[00:48:38.36]  
and legal team,  
as well as a representative

[00:48:41.50]  
from the insurance to discuss  
the city's current insurance policy.

[00:48:46.34]  
So it's broader because we didn't want  
to limit it, and,

[00:48:50.53]  
you know, because if something comes up  
that we want to talk about,

[00:48:53.17]  
we wanted to have in that.

[00:48:54.19]  
I also talked to our finance chair,  
our council president,

[00:48:58.19]  
before putting this forward.

[00:48:59.29]  
So, okay, so you're  
making a motion to amend?

[00:49:03.19]  
I'll second.

[00:49:05.05]  
Okay, so we have a motion to amend as  
stated by Councilor Colon-Hayes,

[00:49:08.26]  
seconded by Councilor Siegel.  
Good.

[00:49:09.43]

Does everybody understand  
what the amendment entails?

[00:49:12.36]

Okay, all in favor?  
Aye.

[00:49:15.00]

Any opposed?

[00:49:16.50]

Okay.

[00:49:17.22]

Could you email me that exact  
language because you read it so fast?

[00:49:21.22]

Thank you.  
Okay, so we'll email the language to the—

[00:49:23.43]

New York, when it came out.

[00:49:25.41]

Okay, are you all set with introducing?

[00:49:28.53]

Okay, so I'm going to take some  
lights with questions on the paper.

[00:49:31.02]

Councilor Winslow?

[00:49:32.38]

Yeah, actually, uh, you know,  
one of the things I did after I was laid

[00:49:35.36]

off for the redevelopment  
of the authority, actually set up a law

[00:49:38.03]

practice where  
part of my practice was dealing with

[00:49:41.36]

municipal liability issues like this.

[00:49:44.19]

And  
one of the things that—

[00:49:46.17]

Mass Municipal Association has a program  
called MIA, which is an insurance

[00:49:51.22]  
program for municipalities.

[00:49:54.19]  
And one of the things I learned  
at that time was

[00:49:58.07]  
basically it did not cover cities over,  
I think, 60,000 or whatever.

[00:50:02.55]  
Malden could not qualify.

[00:50:04.38]  
Lynn or Somerville could not qualify.

[00:50:06.12]  
It's really set up for,  
you know, towns that have smaller,

[00:50:11.00]  
you know, legal staffs,  
or maybe not much at all.

[00:50:15.17]  
Just a lot of towns and even some  
cities just have outside legal counsel.

[00:50:19.17]  
They don't have staff attorneys.

[00:50:23.07]  
And it was also very interesting to get  
the perspective of where public

[00:50:27.50]  
entities entities look at insurance.

[00:50:30.36]  
So one key and one role our legal  
department does,

[00:50:34.46]  
it's not just about lawsuits.

[00:50:37.29]  
A big thing they do is risk management.

[00:50:40.38]  
So an entity like the MBTA actually has  
someone called a risk manager

[00:50:46.12]  
in addition to their legal staff.

[00:50:47.41]

So it's just something that is complex.

[00:50:51.02]

And then when I worked in Somerville and was looking at getting— they didn't

[00:50:54.58]

have an admissible insurance policy.

[00:50:57.46]

And the difficulty is sometimes you can kind of get one-off policies

[00:51:01.31]

for an issue that you have.

[00:51:05.12]

But when you look at— and this is what we can talk about with our insurance agency—

[00:51:08.53]

when you get an all-in insurance policy, you know, there's a question

[00:51:13.53]

of cost and value.

[00:51:14.55]

I mean, you are ultimately— insurance policy at the heart

[00:51:17.55]

of it is just a guarantee to be able to hire outside legal counsel to pay

[00:51:22.07]

your bills to defend something sometimes.

[00:51:24.19]

So, so that is— and then there's also

[00:51:28.00]

liability limits of how much that insurance covers.

[00:51:30.22]

So it's a complex thing to see whether it is worth it or not.

[00:51:34.43]

So that's the type of thing it might seem, but because municipalities, it's,

[00:51:40.14]

it's not, uh, you're not making like,

you know, they're not like millions

[00:51:44.24]  
of people, like homes  
in cars that, that balances out.

[00:51:49.48]  
It's very specific, so it's,  
it's more complicated than

[00:51:53.14]  
you signing up for an auto insurance  
policy or something like that.

[00:51:56.05]  
So that's just something I'd  
be happy to sit in on those.

[00:51:58.36]  
So, but, you know, let's look at it.  
Doesn't hurt.

[00:52:01.48]  
I'd be good to get an update  
and hear what that is.

[00:52:03.55]  
I mean, something I dealt  
a little bit of the MRA too.

[00:52:06.38]  
So thank you.

[00:52:08.10]  
Okay, thank you, Councilor Wenzel.

[00:52:09.50]  
Uh, Councilor McDonald.

[00:52:12.05]  
Thanks.

[00:52:12.29]  
I just wanted to clarify for the public  
what I know from our exchange earlier,

[00:52:17.05]  
but this paper is not  
about health insurance,

[00:52:21.43]  
because some folks had asked me, well,  
aren't we moving away

[00:52:26.12]  
from being self-insured?

[00:52:27.43]  
Which we are,  
for the health insurance pool.

[00:52:30.29]  
This is actually about property  
and casualty insurance,

[00:52:34.53]  
general liability insurance,  
directors and officers insurance,

[00:52:37.34]  
those kinds of other types of insurance  
products, cybersecurity insurance,

[00:52:42.22]  
that you can carry.

[00:52:43.53]  
And so I'm happy to have us  
have some discussion about it.

[00:52:48.17]  
I know the city does carry some limited  
policies, and also we,

[00:52:52.12]  
as Councilor Winslow was saying,  
it can be challenging for municipalities

[00:52:55.17]  
to carry the kind of insurance  
that private businesses and organizations

[00:52:58.38]  
are able to buy on the open  
market for a range of reasons.

[00:53:02.05]  
So I'm happy to have us talk about  
that in the Finance Committee.

[00:53:05.02]  
I just want to make sure folks knew that  
we've already made choices

[00:53:08.24]  
about the health insurance.  
They're not revisiting that.

[00:53:11.14]  
but we are talking about this,  
whether purchasing additional insurance

[00:53:14.55]  
coverage, basically,

as I understand the question,

[00:53:17.22]

is a good use of resources  
and worth it at the moment.

[00:53:20.12]

And so, um,  
look forward to talking about that.

[00:53:24.36]

Thank you, Councilor McDonald.  
Uh, Councilor O'Malley.

[00:53:28.22]

Uh, thank you.

[00:53:28.51]

Yeah, I think I'd like to thank Councilor  
Colon-Hayes for bringing this forward.

[00:53:32.31]

Um, you know, my understanding in my time  
on the council is that we were

[00:53:36.19]

self-insured across the board.

[00:53:38.58]

So I wasn't actually aware that we  
had any insurance policies.

[00:53:43.02]

I was under the impression that we were,  
like I said, self-insured for our health

[00:53:46.53]

insurance, that we were self-insured for  
auto, that we were

[00:53:50.22]

self-insured for everything.

[00:53:52.17]

So to hear that there are  
insurance policies was news to me.

[00:53:57.29]

And so I think it is helpful for us  
to better do a deep dive into this,

[00:54:01.24]

like what insurance policies do we have  
and does it make sense for us to have

[00:54:05.53]

more, whether it's, you know,

I think maybe the ones we have might be

[00:54:09.36]

property insurance,  
but does it make sense to have

[00:54:12.48]

liabilities, errors and omissions,  
an umbrella policy if something happens?

[00:54:17.34]

I don't know.

[00:54:18.46]

As Councilor Winslow had identified,  
it really has to do with a cost-benefit

[00:54:23.29]

analysis,  
but I don't think that's going to be

[00:54:25.26]

a very hard cost-benefit analysis to do.

[00:54:27.53]

You just look back the last 10 years,  
how much money did you spend in lawsuits?

[00:54:31.12]

And how much  
is an insurance premium gonna cost.

[00:54:34.29]

I think it kind of helps us decide,  
does it make sense for us to get insurance

[00:54:38.26]

so that we don't have  
to pay out of pocket?

[00:54:40.29]

And the benefit,  
as Councilor Winslow identified,

[00:54:44.17]

is that you're not using the resources  
of our local council in-house.

[00:54:48.55]

'Cause the insurance company has a really  
big incentive to not pay that claim,

[00:54:53.00]

and so they're gonna  
defend you tooth and nail.

[00:54:55.00]

That's the whole way  
that they keep their money.

[00:54:57.10]

They cover you and they try not to have  
to pay out any claims

[00:54:59.50]

that you might be liable for.

[00:55:03.14]

That's all they do.

[00:55:04.19]

They don't have to worry about all of the  
myriad things that our in-house

[00:55:08.29]

legal counsel has to do.

[00:55:10.14]

I don't know if it's going to pan out  
in the end, but having

[00:55:12.38]

the conversation is really helpful.  
Thank you, Councilor Colon-Hayes.

[00:55:16.00]

Thank you, Councilor O'Malley.

[00:55:17.58]

Councilor Colon-Hayes again.

[00:55:19.48]

Thank you.

[00:55:20.07]

Just quickly, yeah, I should have probably  
mentioned that to those listening,

[00:55:23.24]

it's not health insurance.

[00:55:24.31]

But also, um,  
the reason why we didn't put all

[00:55:28.00]

the specifics that you're bringing up  
about insurance is

[00:55:31.31]

just because this is an open conversation.

[00:55:33.46]

We didn't want to make sure like things

weren't, um, left out,

[00:55:36.55]

um, and that we did learn.

[00:55:39.36]

It's going to be a learning experience  
about exactly what we have

[00:55:42.24]

and then what we need.

[00:55:43.36]

And it is, um, to Councilor Winslow's  
point, we know it's complicated.

[00:55:48.14]

That's why we're having our solicitor,  
our, you know,

[00:55:52.10]

the people who deal with this come before  
us to give us an overview before we get

[00:55:55.50]

into any discussions,  
because we are going to be learning.

[00:55:59.19]

You know, I talked to— we're small  
business owners,

[00:56:01.29]

my husband and I,  
and I spoke with him and he was talking

[00:56:04.50]

about how the reason why they get a big  
liability insurance for exactly what

[00:56:09.36]

Councilor O'Malley was saying,  
so that when something happens— he's

[00:56:12.50]

an architect firm, so like  
big major mistakes can happen there.

[00:56:16.58]

They're not fighting it, hiring a lawyer.

[00:56:19.14]

Um, they pay so that other people can  
fight that for them, and, um,

[00:56:23.26]

and it works out well.

But it might not work out for us.

[00:56:26.14]

That's the whole point  
of we're having a conversation.

[00:56:27.55]

So thank you.

[00:56:30.05]

Okay, thank you.  
So we will be looking for a voice vote.

[00:56:33.24]

Or you want to refer this  
to Finance Committee, is that right?

[00:56:35.51]

Okay,  
so on a motion by Councilor Colon-Hayes,

[00:56:38.31]

seconded by Councilor Sika, all in favor?  
Aye.

[00:56:41.53]

Any opposed?

[00:56:42.58]

That is referred to Finance.

[00:56:44.24]

Next order of business.

[00:56:45.36]

Paper 197-26.

[00:56:47.29]

Be it ordained by the Malden City Council  
that the code of the city of Malden,

[00:56:51.41]

6.08.070(c)(2),  
licensing of marijuana establishments,

[00:56:57.48]

is hereby amended by inserting,  
provided that no fewer than 5 marijuana

[00:57:02.10]

retail licenses shall be made available,  
after Mass.

[00:57:05.53]

General Law Chapter 138, Section 15.

[00:57:08.24]

Also sponsored by Councilor Colon-Hayes.

[00:57:10.17]

Okay, Councilor Colon-Hayes for the paper.

[00:57:12.53]

Thank you very much.

[00:57:13.41]

I won't be changing any wording in this one.

[00:57:16.12]

So a while back, um, I had noticed while I was doing some research on the city

[00:57:19.41]

website that there was a number, um, the cannabis license number that usually

[00:57:24.00]

said 5, um, for the amount of licenses we had, had changed to 4.

[00:57:28.07]

Um, so I reached out to Mr. Hogan, um, to understand how that happened,

[00:57:33.46]

when it happened, um, and why weren't we aware of that.

[00:57:37.26]

And, um, so our ordinance states that, um,

[00:57:43.34]

it's based on our— so our amount

[00:57:45.48]

of cannabis licenses is based on the amount of liquor,

[00:57:49.48]

um, licenses that we have.

[00:57:52.12]

And the liquor licenses in Malden dropped below to a point where it affected our,

[00:57:58.58]

um, cannabis licenses to to 4, and, and we just didn't hear about that.

[00:58:05.24]

I guess, um, there's not a clear way of letting us know when that happened

[00:58:08.36]  
because I had reached out  
to council president also.

[00:58:10.55]  
We— none of us were aware.

[00:58:12.14]  
So we were talking about ways to clarify  
that, and the language, um,

[00:58:17.07]  
suggested— so that  
we don't want to keep having to pay

[00:58:21.07]  
attention to when liquor license can  
go up and down, they can fluctuate.

[00:58:24.29]  
And so rather than, um,  
keep a constant eye on that to keep our 5,

[00:58:30.00]  
we figured to put in the wording that says  
provided that— so still going by the

[00:58:35.58]  
alcohol licenses, liquor license,  
but providing that no fewer than 5

[00:58:40.24]  
marijuana licenses shall be made available  
so we don't run into that problem.

[00:58:44.29]  
Thank you.  
Okay, thank you, Councilor Colon-Hayes.

[00:58:47.07]  
I see a light from Councilor Simonelli.

[00:58:50.05]  
Thank you, Madam President.

[00:58:51.46]  
I actually support that.

[00:58:53.22]  
And I think that we should be made aware

[00:58:57.48]  
of when the licenses drop or go up,

[00:59:01.12]  
indicating whether or not we have how many  
liquor stores in the geographical area.

[00:59:07.02]

I'll give you an example.

[00:59:08.03]

In my neighborhood alone,  
I got like 4 liquor stores,

[00:59:10.00]

but I can't have one,  
not to go back to this thing again,

[00:59:13.58]

but I don't have one marijuana shop in my  
neighborhood, but I have 4 liquor stores.

[00:59:18.46]

So I don't know how that all works out.

[00:59:20.41]

But I think that, that all being said,  
I think it's a good paper.

[00:59:23.58]

I will support that paper.

[00:59:25.29]

I think that we should be made aware of,  
especially right now,

[00:59:28.31]

and I know that the marijuana sales,  
I mean, I haven't seen the numbers,

[00:59:33.05]

but according to what everybody tells me,  
that the numbers haven't,

[00:59:38.12]

you know, aren't what they were supposed  
to be or what they want them to be.

[00:59:43.50]

Nevertheless, They still are numbers.

[00:59:46.22]

So under these trying times, uh,  
we should make sure that we're aware

[00:59:51.36]

of when those numbers go up or go down,  
uh, just so we're aware of it.

[00:59:55.34]

I don't know how that even helps us.

[00:59:57.14]

I don't know how that helps  
or hurt us with a lawsuit too.

[01:00:00.46]

We've got— I think we've got another one  
coming in too from the other one,

[01:00:03.36]

from the, uh, one on Taylor Street,  
the corner of Taylor.

[01:00:07.14]

Not to, you know, I don't want to mention  
any more about that,

[01:00:09.29]

but I think— I'm sure it's coming in.

[01:00:11.24]

Uh, so I don't know how that affects us,  
uh, that way.

[01:00:15.12]

Uh, you know, again, very confusing,  
but we should be made aware of it.

[01:00:20.05]

How we do that— I—  
what is it, the clack board?

[01:00:22.31]

Clack, the clack, clack, clack board.

[01:00:25.34]

I mean, they should just let our license,  
uh, committee chairman, uh, know, um,

[01:00:31.38]

when those things go up and down.

[01:00:33.03]

And, you know, uh,  
Council Seeker can advise us.

[01:00:36.26]

Uh, on occasion when they go up and down,  
I don't think that's a big thing to ask.

[01:00:41.07]

Why you?  
No, I'm just saying.

[01:00:44.24]

Well, because she's  
the chairman at the time.

[01:00:45.55]

If it's Mickey Mouse next year,  
then it's Mickey Mouse.

[01:00:48.19]

But I'm saying for now it's J.D. and Sika.

[01:00:50.17]

So I'm just saying she should be the one.

[01:00:53.24]

She's in charge of the  
license for us, right?

[01:00:55.03]

Why not?

Just to keep it up to speed.

[01:00:58.43]

Thank you, Councilor Simonelli.

[01:01:00.12]

Thank you, Councilor O'Malley.

[01:01:03.00]

Can I just say something?

Oh, yeah, yeah, sure.

[01:01:04.48]

You want to respond?

That's fine.

[01:01:06.17]

That's fine.

Apologize.

[01:01:07.31]

Okay.

[01:01:08.14]

So really quickly, I'm not quite sure  
that falls under the purview

[01:01:13.41]

of my license committee.

[01:01:15.36]

I think that that number probably changed  
because it, it's direct— it, it's directly

[01:01:22.00]

comes down from how many, how many  
package stores we have in the city.

[01:01:25.55]

So if the package storage

If the package stores fluctuate,

[01:01:30.55]

then I would assume the cannabis licenses would also fluctuate.

[01:01:34.41]

So if we don't have the exact amount that we need, then it would go down.

[01:01:40.48]

So if— I'm pretty sure it went from 5 to 4 because package licenses went down.

[01:01:47.31]

When we were discussing this in 2018, I think we were going back and forth

[01:01:51.05]

between 4 and 5, and we were at— 4.5,

[01:01:55.10]

based on the— if I remember, based on the amount of package stores we

[01:01:59.53]

had, we were at 4.5. So we as the council could have chose to go

[01:02:03.46]

to 4 or chose to go to 5.

[01:02:05.50]

We, we got to pick, um, and I think at that time we went to 5,

[01:02:10.19]

but since then it's been several years.

[01:02:12.48]

Maybe the package stores declined and hence why it went from 5 to 4.

[01:02:17.31]

That, um,

[01:02:20.19]

And so I don't necessarily think that I should be made aware as

[01:02:25.02]

the chair of license.

[01:02:25.53]

I think it would be nice for the council to— I mean, I did know that that happened,

[01:02:30.12]

but I'm in constant contact with,  
you know, the clerk, with this,

[01:02:36.07]

all different stuff going on.

[01:02:37.41]

So I, um, I was aware that that changed  
because our package stores went down.

[01:02:43.10]

So maybe just, you know, moving on,  
if We can just ask them if it was to ever

[01:02:47.58]

happen again, if our package stores  
keep decreasing and it decreases more.

[01:02:52.02]

But if we're going to have 4,  
it's not like we're going

[01:02:55.34]

to go down to 3 when we have 4.

[01:02:57.00]

We're going to keep it at the 4.  
Am I correct?

[01:02:59.29]

If we ended up getting 5 licenses  
and our package stores keep declining,

[01:03:04.46]

we're not going to change it from the 5.

[01:03:07.02]

We can't decrease it from the 5  
when we currently have 5.

[01:03:09.46]

Am I correct, Nelson?  
Does that sound right?

[01:03:12.14]

Okay, all right.  
So yeah, so thank you.

[01:03:14.41]

Sorry.  
Thank you, Councilor Sika.

[01:03:17.24]

Councilor O'Malley,  
oh, you got to— you, you want to respond?

[01:03:21.43]

Councilor O'Malley, are you okay?

Okay, you're welcome.

[01:03:24.02]

Thanks.

Thank you.

[01:03:24.46]

Again, good information.

I have no problem with it.

[01:03:27.50]

I'm just saying that would be a—

that's where I think it would go for us is

[01:03:31.41]

the License Committee so we

can be informed about it.

[01:03:33.46]

It's probably simple as just a memo

letting us know, but right now,

[01:03:36.38]

like I said, under these trying times I

mean, just what, what, uh,

[01:03:39.58]

Councilor Sika just said, and she— I

know she's been on top of this stuff.

[01:03:44.02]

It's confusing.

[01:03:44.50]

And when people are asking for answers

right now from us,

[01:03:47.10]

and we're talking about, you know, uh,

being transparent with people,

[01:03:51.38]

and they expecting 5 licenses and then

we're down to 4, we want to be

[01:03:54.48]

able to have the answers for them.

[01:03:56.05]

That's all I'm saying is,

so I think that we— when things like this

[01:03:59.10]

do happen,

there should be a mechanism to allow this

[01:04:02.22]

council to be aware of when,  
you know, the liquor store

[01:04:07.29]

formula increases, decreases,  
so that changes the outcome from the

[01:04:11.53]

marijuana status and stuff like that.

[01:04:14.17]

We should, we should have that information  
because, you know, when people ask us out

[01:04:17.36]

there like, oh,  
what are they doing with the, with the,

[01:04:20.07]

with the proceeds that they're getting  
for the marijuana sales and stuff?

[01:04:23.43]

I mean, as a city council,  
you should have the ability to be

[01:04:26.41]

able to answer those questions.

[01:04:28.00]

I think that's a, a good way of,  
of knowing about it.

[01:04:30.50]

And again, it just seemed like there was  
a situation just a few minutes ago on us

[01:04:35.19]

not being able to get this information,  
uh, and I thought that that was

[01:04:39.26]

just a good way of doing it.

[01:04:40.39]

If that's not the right mechanism,  
then fine, let's figure out another one.

[01:04:44.24]

But we should be  
made aware of when the formula changes

[01:04:48.12]

to see if the license is going to go  
from 5 to 4, from 5 to 6, from 4 to 3.

[01:04:53.55]

Who knows?

[01:04:55.05]

But I think we should be made aware of it.  
That's all.

[01:04:57.58]

Thank you, Council President.

[01:04:59.14]

And I hear you, and I think I can make  
sure to work with the clerk so

[01:05:01.53]

that we can get the information.

[01:05:03.19]

I'm— I think Councilor Sika is doing her  
due diligence and has

[01:05:07.00]

packet stores and an overlay and probably,  
you know, a little bit more incentive

[01:05:10.14]

to stay on top of it as well.

[01:05:12.00]

But we can make sure to get  
that information so everybody has it.

[01:05:14.39]

I don't think we need a paper  
to necessarily do that.

[01:05:17.43]

Okay, um, Councilor O'Malley,  
thank you for your patience.

[01:05:21.00]

You have the Yeah, I think, I think it  
was good, a good dialog and discussion.

[01:05:25.10]

And I think if I understand correctly what  
Councilor Colonies

[01:05:28.38]

is stating is that she would like to move  
it away from a purely percentage-based

[01:05:33.46]

formula to a fixed number so  
that there's not this ambiguity.

[01:05:39.14]

What I would say is that works for it going down, but it

[01:05:42.26]

doesn't work for going up.

[01:05:43.58]

So we have to have at least 20%.

[01:05:45.12]

So what I would say is probably what the language should be is 5 or 20%,

[01:05:50.24]

whichever is greater, something like that, so that there's a floor but not a ceiling.

[01:05:55.00]

Because if we end up having a ton of package stores that open up,

[01:05:58.10]

probably not going to happen, but it could,

[01:06:00.53]

that would require maybe more than 5.

[01:06:04.05]

So I appreciate that.

[01:06:05.36]

The reason why I was putting my light on, though,

[01:06:08.14]

is that one of the things I'd asked the council president and our legal

[01:06:12.46]

department is to give us an update on Driss and on Benevolent.

[01:06:16.43]

Um, without going into anything, you know, privileged, um, on March 25th, um,

[01:06:21.29]

there was a status conference with DRIS, um, and then Benevolent tuned in.

[01:06:27.34]

And, um, I've requested the transcript and audio.

[01:06:30.53]

Councilor O'Malley, I don't think this is relevant or appropriate to talk

[01:06:34.14]  
about on this paper though.

[01:06:35.34]  
Yeah, I mean, I'm going to explain why it's relevant, because—

[01:06:38.19]  
can you do that very quickly?

[01:06:39.31]  
Because I fear it's not really relevant.

[01:06:41.12]  
Oh yeah, no, it has to do with our marijuana ordinance.

[01:06:43.31]  
So, so basically I requested the transcript in audio.

[01:06:46.34]  
I found the transcript as part of a legal filing,

[01:06:50.00]  
but I think the audio is really important for y'all to hear what's

[01:06:52.45]  
going on in, in reality.

[01:06:55.29]  
Basically, the, the judge has serious concerns about

[01:06:59.34]  
what we're doing in terms of how we're handling the rewriting of our— I don't

[01:07:03.34]  
think this is appropriate— of our ordinance.

[01:07:07.43]  
You know, it's just because we're talking about rewriting the ordinance,

[01:07:11.58]  
and I'm just saying about numbers, though.

[01:07:14.10]  
No, correct.

[01:07:16.38]  
We're not talking about  
the Driss suit right now.

[01:07:19.19]  
This is not docketed.

[01:07:22.31]  
Correct.

[01:07:24.00]  
Councilor O'Malley, can you put in a paper  
and we can talk about this next week?

[01:07:29.00]  
Which is my next thing.

[01:07:30.46]  
We have to respond by April 20th.  
Second.

[01:07:34.17]  
And so I would ask— we don't have  
to respond to anything that we don't

[01:07:36.58]  
have a legal communication about.

[01:07:39.46]  
Yeah, so we have to respond as a city  
by April 22nd, and I would ask that next

[01:07:44.48]  
week we have a meeting to discuss  
the fact that something in our

[01:07:48.41]  
name has to be filed on April 22nd.

[01:07:50.50]  
So I just want to be really clear  
that you're talking about something

[01:07:53.29]  
that our legal department has received,  
not that this council has received.

[01:07:57.24]  
The city of Malden must respond to But  
what you're saying right now makes it seem

[01:08:02.43]  
to the public like the council is  
in receipt of something that necessitates

[01:08:06.53]  
us to hold a meeting.

[01:08:08.38]

We— that is, that is true.

[01:08:10.10]

That is not correct,  
or we would have scheduled a meeting.

[01:08:14.07]

My understanding is that the city,  
through our legal department,

[01:08:19.14]

has to come to us  
based on what was represented in court

[01:08:23.17]

for guidance about what  
will happen on April 22nd.

[01:08:26.38]

Thank you.

[01:08:27.31]

So as we're rewriting our zoning—

[01:08:30.24]

okay, I, I'm, I'm— we are not going  
to discuss this particular issue any

[01:08:34.00]

further, but I— if it's appropriate and if  
we do need to take action on it,

[01:08:37.29]

we either need a paper or we need  
for legal to speak to me about it.

[01:08:42.00]

So I'm not going to allow further  
discussion on Driss right now,

[01:08:45.58]

but I don't want us to  
talk about this anymore.

[01:08:49.29]

I would move—understood.

[01:08:50.50]

It just had to do with the  
rewriting of the ordinance.

[01:08:53.14]

But I don't, I actually don't think it's  
pertinent or appropriate because we're not

[01:08:56.43]  
talking about— Right,  
it's two separate things.

[01:08:59.55]  
I don't want to stifle debate on this,  
and we have other lights,

[01:09:04.22]  
and if we want to talk about this,  
we need to have it properly before us.

[01:09:07.17]  
Okay, so then I'm going to,  
just so I understand,

[01:09:09.00]  
through the chair and the clerk,  
I'm going to ask that we put

[01:09:12.17]  
that on the agenda next week.

[01:09:13.58]  
I will copy and paste  
a similar posting from a prior one.

[01:09:18.55]  
And I will please communicate to legal  
and myself and the clerk,

[01:09:23.22]  
and we can handle that offline tomorrow.  
Thank you so much.

[01:09:26.53]  
Okay, so I have two other lights,  
and then I do want to take the vote

[01:09:30.36]  
to refer this to ordinance.  
Councilor Winslow?

[01:09:33.43]  
Yeah, just a couple things.

[01:09:34.51]  
Um, yeah, I mean, this was, uh, this is,  
you know, about 7 or 8 years ago when,

[01:09:39.58]  
uh, this is really offered  
by Councilor Matheson at that time.

[01:09:43.26]  
So, and we knew what, like,  
as exactly what Councilor Sika said.

[01:09:46.48]

It was like we're at 4.5 at that time,  
and everybody kind of understood that,

[01:09:51.22]

that it might be 5.

[01:09:53.14]

So, um, so I think it is,  
you know, now that we— I always thought it

[01:09:57.14]

was tied to how many we could have  
and how many we actually had.

[01:10:00.38]

So I didn't think that it was something  
that would actually go down,

[01:10:03.31]

but I guess it does the way it works.

[01:10:05.26]

So, um, so, so that is one of the things.

[01:10:08.38]

So it makes sense to make it clear that,  
you know, so we kind of had set a floor

[01:10:12.19]

and not have kind of this  
weird fluctuation.

[01:10:15.26]

But it was sort of the intent  
of the council we might have up to 5

[01:10:18.36]

at that time when  
Councilor Matheson proposed this.

[01:10:21.24]

And I think that passed.

[01:10:22.50]

It was sort of one of the first things we  
took and related to,

[01:10:25.29]

you know, recreational cannabis.

[01:10:26.51]

The— yes, the other thing is like we do  
have coming out of rules and ordinance

[01:10:31.50]

the papers related to the zoning and,  
and this section, uh,

[01:10:36.41]  
of just the regular code, you know,  
Section 12, Section 12 related

[01:10:40.12]  
to cannabis and cannabis establishments.

[01:10:42.07]  
So, um,  
I, you know, I don't know whether we, um,

[01:10:46.22]  
I guess it's some of the timing of that is  
something we got to think about, is like

[01:10:50.34]  
obviously something on zoning has to go  
to a joint Rules and Ordinance Committee

[01:10:55.26]  
and planning.

[01:10:57.38]  
And the, you know, there are actually some  
of the something that's coming out

[01:11:01.05]  
of ordinance is actually  
related to this section too.

[01:11:02.55]  
So I don't know whether— I know  
Councilor Colon-Hayes

[01:11:05.31]  
reached out to me and said how to do this,  
and as I said, put it on— we weren't going

[01:11:08.45]  
to amend what was coming out of—  
it just has made sense to have it

[01:11:13.14]  
different than what's coming  
out of rules and ordinance.

[01:11:15.53]  
So, but we should sync them up.

[01:11:17.14]  
We should probably end  
up— I mean, I don't know.

[01:11:20.12]

I mean, my intent in rules and ordinance,  
if it gets referred,

[01:11:23.14]  
is that we would ultimately sync up  
and, you know, do

[01:11:27.48]  
go through the process of of getting  
the hearings for this Section 12 zoning

[01:11:32.48]  
changes for the related to the, um,  
you know, what we need to do to update our

[01:11:37.53]  
zoning because of the, um, beneficial,

[01:11:42.19]  
uh, benevolent botanicals decision.

[01:11:47.24]  
And then a vote, you know,  
sort of at the same time on Section

[01:11:52.24]  
12 changes and Section 6 changes.

[01:11:54.24]  
So that's— that would be just let you  
know what the process I see going ahead.

[01:11:58.05]  
So, all right, thank you.

[01:11:59.22]  
Okay, thank you, Councilor Winslow.

[01:12:01.12]  
Um, Councilor Simonelli.

[01:12:02.19]  
Thank you, uh, Madam President.

[01:12:04.58]  
You know, I just, uh,  
I agree with Councilor Winslow.

[01:12:07.58]  
I think we should take that paper up  
again, but I think that, you know,

[01:12:10.27]  
the paper has already been taken up.

[01:12:12.46]  
I think it may have died in committee, uh,

and I think it was, uh, Council President,

[01:12:17.48]

uh, Amanda Lenahan's paper originally,  
because I know that when we We were

[01:12:21.10]

discussing this thing when I first got on,  
and there was talk about Drizz opening up

[01:12:26.07]

on Taylor Street, so I kinda went through  
that thing, and we went back

[01:12:29.24]

and forth for a little while.

[01:12:30.53]

No, no, I'm just saying,  
I'm saying I think that,

[01:12:33.14]

I'm saying that I think that if that's  
what he wants to do is

[01:12:37.29]

resurrect that paper,  
move it forward for the future so we can

[01:12:41.02]

start working on that,  
if that's what he wants to do.

[01:12:43.07]

We really can't talk about Drizz.

[01:12:46.41]

Please.  
Okay, I'll second it.

[01:12:48.43]

I will second her motion.

[01:12:51.10]

Thank you.

[01:12:53.48]

All right, on a motion  
by Councilor Colon-Hayes, seconded

[01:12:56.07]

by Councilor Sika, to refer to ordinance.  
All in favor?

[01:12:59.19]

Aye.

[01:12:59.58]  
Any opposed?

[01:13:01.43]  
Okay, that is referred.

[01:13:02.50]  
Next order of business, Paper 198-26.

[01:13:05.41]  
Be it ordained by the Malden City Council  
that the Code of the City of Malden

[01:13:08.53]  
12.12.030, Use Regulations,  
is hereby amended as follows: to update

[01:13:14.17]  
the existing table of use regulations  
by striking the N designation

[01:13:17.53]  
for self-storage facilities  
in Industrial 1 and Industrial 2 zoning

[01:13:21.43]  
districts and inserting in place  
thereof the SP designation.

[01:13:25.58]  
This amendment shall restore the status  
of such use of self-storage facilities

[01:13:29.50]  
to its state prior to the 2023 amendment,  
as was ordained with Paper 198,

[01:13:34.29]  
Series of 2023, and shall take effect upon  
its passage Following the completion

[01:13:38.53]  
of the public hearing process as  
required by MGL Chapter 48, Section 5.

[01:13:43.34]  
Councilor Sika is the sponsor.

[01:13:45.55]  
Okay, Councilor Sika for the paper.

[01:13:48.12]  
Thank you, Council President.

[01:13:49.55]  
So really quickly, I'm,  
I'm going to just briefly

[01:13:53.34]

talk about why this paper is  
on the agenda, and then I'm

[01:13:55.46]

hoping to refer it to committee.

[01:13:57.31]

I did ask our building commissioner Nelson  
to come to the meeting tonight just

[01:14:01.50]

in case anybody had any questions before  
before we refer it,

[01:14:04.55]

but it's been brought to my attention  
that we have two public—

[01:14:10.12]

two self-storage units that are currently  
operating in the City of Malden.

[01:14:15.14]

One is on Easton Ave at the old Hostess,  
the U-Haul, and one is in Mywood up on

[01:14:21.46]

Route 1 on Linehurst behind the Cappy's.

[01:14:25.55]

They are both looking currently to expand  
their business,

[01:14:31.14]

and the zoning that we changed a few  
years back prevents them from doing that.

[01:14:37.53]

So I'm hoping to maybe  
make some provisions to

[01:14:43.22]

what we voted on before to allow,  
you know,

[01:14:47.50]

self-storage units that are currently  
already in business in the City of Malden

[01:14:52.43]

to be able to come before the planning  
board for a special permit

[01:14:57.29]

to expand what they currently have.

[01:15:01.22]  
In no way, shape,  
or form am I looking to change, you know,

[01:15:04.58]  
the, the way you guys voted years ago.

[01:15:07.26]  
I, I think I might have been the lone  
person who voted against it,

[01:15:10.46]  
but it is what it is.

[01:15:12.02]  
I'm okay being that lone  
person on that island.

[01:15:14.41]  
But I do, um, I don't want to hinder two  
businesses that we currently have

[01:15:19.36]  
operating here in the city, especially  
the one in my ward on Linehurst.

[01:15:24.17]  
No one even knows it's in Malding.

[01:15:25.46]  
It's the perfect place for a  
self-storage unit to be put.

[01:15:30.24]  
Can I have Nelson come up and just throw  
some two cents in before

[01:15:33.29]  
you take questions?

[01:15:34.50]  
Sure, Nelson.  
Come on up, Nelson.

[01:15:36.31]  
You can say that so  
much better than I can.

[01:15:43.50]  
And they— I have not heard from anybody.

[01:15:46.43]  
They actually contacted the building  
office, so he'll be able to—

[01:15:50.17]

Okay, Nelson, can you introduce yourself?

[01:15:52.24]

Hi, Nelson Miller, building commissioner.  
Thank you.

[01:15:55.53]

Yeah, so when the change was made a few years back which prohibited, you know,

[01:16:02.38]

storage facilities in the city,  
the way our zoning works,

[01:16:05.31]

when you prohibit a use entirely, you also prohibit the expansion of that use.

[01:16:10.31]

That's the way our zoning reads.

[01:16:12.02]

So just as an example,  
if you have a storage facility and it were

[01:16:16.26]

completely destroyed, let's say in a fire,  
you could get a special permit

[01:16:20.02]

to build it back the way it was.

[01:16:22.02]

But in this case with these two facilities  
where they have existing

[01:16:26.10]

buildings they want to make larger,  
our zoning doesn't allow— there's no

[01:16:29.31]

mechanism to move forward  
and make them larger.

[01:16:32.55]

So Councilor Sika, you know,  
asked about how to sort of alter our

[01:16:38.22]

our zoning to allow the expansion.

[01:16:40.12]

Then we also had the discussion about,  
you know, allowing them— allowing

[01:16:43.43]

new ones in other places.

[01:16:45.41]

You don't have to do both.

[01:16:46.55]

You could craft this ordinance  
if you didn't want to allow

[01:16:50.53]

the new ones in new locations.

[01:16:53.14]

You could craft it to just allow  
the existing ones to expand, you know,

[01:16:56.55]

through a special permitting process  
through the planning board or through the

[01:16:59.19]

city council, however you want to do it.

[01:17:02.41]

Thank you.  
Okay.

[01:17:04.36]

Well, I have a lot of lights.

[01:17:06.22]

Okay, I'm gonna go  
to Councilor Winslow first.

[01:17:09.12]

Yeah, I mean, this,  
uh, you know, I appreciate that some

[01:17:13.17]

of the thought behind this,  
but, you know, it's just back

[01:17:16.22]

in 2023 where we had a discussion.

[01:17:18.26]

So, um,  
and, you know, at that time, I mean,

[01:17:21.26]

you know, we, we, we,  
you know, we had just in Ward 6,

[01:17:27.19]

we had just had a pretty big property  
a storage thing, and one of the things

[01:17:33.00]

that really concerned me about  
that business was sitting here and hearing

[01:17:38.10]  
the businesses joke about  
they're in the business of death,

[01:17:43.12]  
displacement, and divorce,  
and displacement is really

[01:17:45.31]  
about when people get evicted.

[01:17:48.24]  
And I thought,  
is this the type of businesses we

[01:17:51.19]  
should be really to encourage expanding?

[01:17:54.02]  
And that was really, you know, Hey,  
we got the new one.

[01:17:57.36]  
But I think it is the type of thing of,  
you know, we are planning

[01:18:01.17]  
to do a master plan.

[01:18:02.58]  
And we now do have an economic  
development committee.

[01:18:05.58]  
So I think it's the type of thing of  
these, you know, whether this really

[01:18:11.22]  
fits into the plan for the master plan.

[01:18:13.14]  
Like, I am a bit concerned about the one,  
you know, the U-Hauls next to the trail.

[01:18:17.43]  
They're good, you know, tenants there.

[01:18:19.41]  
They help out with the,  
fridge and stuff like that.

[01:18:23.17]  
But another storage building on  
Eastern Avenue is exactly, I think,

[01:18:29.50]  
what we didn't want to see.

[01:18:31.31]  
So, and a bigger one.

[01:18:33.50]  
These are, you know,  
I think that's the type of thing.

[01:18:38.10]  
We are missing potential.

[01:18:39.43]  
So I really think it's,  
that's kind of my view.

[01:18:42.22]  
I think maybe,  
I think it's, we got to think about

[01:18:45.43]  
it a little bit more as a council.

[01:18:47.10]  
So my suggestion was,  
and I reached out to Councilor Sikow,

[01:18:50.17]  
maybe having  
the Economic Development Committee look

[01:18:52.50]  
to make some decision about what we do.

[01:18:55.05]  
I mean, we're trying to get some more tax  
revenue, so this is, you know,

[01:18:58.53]  
the reality is this is where, you know,  
the only things people might be building

[01:19:03.22]  
besides data centers  
or something like that.

[01:19:05.07]  
So, but I would sort of put that to  
the Economic Development Committee

[01:19:09.38]  
to weigh, you know, what do we do in the  
short term and what What do we hold off?

[01:19:15.00]

I mean, one part of a master plan is to say there's going to be some different

[01:19:18.41]  
things that are going to happen.

[01:19:20.10]  
So that's really, you know, just my concern that we are on this track

[01:19:23.36]  
to get high-quality commercial development that is more valuable.

[01:19:28.14]  
I mean, talking about hotels and other type of things that not only generate

[01:19:31.38]  
property tax, but generate other things.

[01:19:33.41]  
So it's something that that's part of what we didn't want to see Baldwin become.

[01:19:39.14]  
you know, all this, you know,

[01:19:40.46]  
have the storage places that are getting forced out of Cambridge and Somerville

[01:19:43.58]  
because they're doing great development come here.

[01:19:46.07]  
So it is the type of thing we have to think about, and that's why we voted

[01:19:50.02]  
on— so, but, you know, I, I want to, you know, have the council consider

[01:19:53.43]  
that before we put it on a joint rules and ordinance and,

[01:19:57.34]  
and planning board committee, because I, I'd rather have the discussion before,

[01:20:01.43]  
you know, dragging the planning board into this.

[01:20:03.31]

Thank you.  
Great.

[01:20:04.34]

Thank Thank you, Councilor Winslow.

[01:20:07.41]

Councilor O'Malley.

[01:20:08.55]

Councilor Winslow did a pretty good job  
of highlighting kind

[01:20:11.07]

of where I'm feeling on this.

[01:20:13.12]

You know, these are very  
predatory business models.

[01:20:17.26]

People put their things in here,  
as he was stating, death,

[01:20:22.10]

you know, divorce,  
displacement,

[01:20:25.10]

and people put their stuff in there  
thinking that it's going to be temporary,

[01:20:28.36]

and then it gets so  
onerous and difficult difficult to move

[01:20:31.14]

their stuff out that it  
stays there for a long time.

[01:20:34.50]

And oftentimes people lose  
stuff because of that.

[01:20:37.48]

Because if you miss a month's payment,  
then they sell your stuff.

[01:20:43.12]

It's just not the type of business that I  
think— and I know people who have lost

[01:20:47.10]

like family heirlooms through this.

[01:20:49.10]

And so it's just not the type of business model that I think we

[01:20:51.29]  
want to have in Malden.

[01:20:53.43]  
It is the lowest and worst use in my opinion.

[01:20:56.55]  
Higher and better uses would be commercial properties that bring jobs,

[01:21:00.50]  
housing, high-quality development.

[01:21:03.36]  
And the other thing is like, let's say you miss a payment and you want

[01:21:05.48]  
to try to like correct it, they never have anyone there.

[01:21:09.02]  
There's never anyone on site.

[01:21:10.46]  
It's like if you actually want to try to pay your bill,

[01:21:13.29]  
or if you actually want to try to do anything,

[01:21:15.43]  
trying to get a hold of someone is, they intentionally make it almost impossible.

[01:21:20.38]  
So I can't support doing this But I can definitely support

[01:21:23.38]  
having the conversation.

[01:21:24.41]  
I wouldn't want to prevent having this conversation.

[01:21:27.17]  
I just could not support expanding anything like this because I think

[01:21:31.46]  
my hope would be some of these uses would

turn over in the future to something

[01:21:35.36]

that's actually bringing jobs and real tax revenue to the City of Malden.

[01:21:41.10]

But I would never stifle the ability to have that conversation.

[01:21:45.34]

Thank you, Councilor O'Malley.

[01:21:47.12]

Councilor Taylor.

[01:21:49.19]

Thank you.

[01:21:50.53]

So I had a chance to discuss this a little bit with Nelson earlier and

[01:21:59.02]

did some thinking on it as the chair of Economic Development just to see

[01:22:03.29]

what made sense.

[01:22:04.41]

And while I'm not okay with more storage units

[01:22:09.17]

and that being the only business that we have, I do think we really need to take

[01:22:12.45]

a look at at how to manage the businesses that we have

[01:22:17.36]

and what's coming in and what we're getting for commercial taxes and if

[01:22:24.34]

there's a way to increase that using this.

[01:22:26.24]

So I would like to see more of a conversation with this,

[01:22:29.19]

whether it goes to ordinance and then to the planning board in that joint

[01:22:32.28]  
committee or at economic development.

[01:22:35.34]  
But  
I don't think this is something that we

[01:22:38.00]  
want to just shoot down right away without  
looking at it further.

[01:22:45.05]  
Thank you, Councilor Taylor.  
Councilor Leung.

[01:22:48.22]  
Thank you.

[01:22:49.43]  
I look at this maybe a little bit on both  
sides, not to just be

[01:22:53.31]  
in middle of the road.

[01:22:54.50]  
And I agree that we don't want more  
storage units, but both of these companies

[01:23:00.14]  
have been in— they're in our business,  
they're in our city,

[01:23:03.50]  
they pay taxes, they have have, you know,  
large amounts of property,

[01:23:07.58]  
and I feel like if they want to— if we  
have the ability to let them expand

[01:23:12.41]  
their business,  
then I think it needs to be looked

[01:23:15.48]  
at before we say no and then we lose them.

[01:23:19.02]  
Exactly.

[01:23:20.19]  
I would love to lose them.

[01:23:22.53]  
I mean, you would like to,  
but I think economically right now we

[01:23:26.17]  
can't afford to lose that tax revenue.

[01:23:29.10]  
So do I think I have the floor.

[01:23:35.53]  
My point is we should— I mean,  
I'm not thrilled to have more storage

[01:23:39.48]  
facilities, but I think we need to,  
you know, need to keep what we have.

[01:23:45.58]  
Thank you, Councilor LeWong.

[01:23:47.36]  
And I'm sorry I talked over you as well.  
Councilor Crowe.

[01:23:50.24]  
Thank you.

[01:23:52.34]  
And, um, you know, one of the businesses  
had reached out to me,

[01:23:56.38]  
and that's why asked Nelson Mothax  
if they were a business.

[01:23:59.46]  
And I do agree that we don't want,  
maybe not new ones, but as Mr. Miller just

[01:24:03.50]  
had mentioned it, we can craft it in a way  
they are businesses that are already

[01:24:07.55]  
here that want to do some expansion.

[01:24:11.48]  
Do we limit that in some way?

[01:24:14.07]  
I think we can do that.

[01:24:15.17]  
You know, maybe we don't want a lot  
of more big ones, but people that are,

[01:24:20.05]  
we do want to keep these businesses,  
and if we can grow some of their business

[01:24:24.48]  
for tax base, then we need  
to at least have those conversations.

[01:24:28.22]  
But just saying absolutely no  
when, again, we don't want them to be

[01:24:33.10]  
leaving the city and then we'll  
just have an empty building.

[01:24:36.12]  
The,  
you know, it is

[01:24:38.24]  
a conversation to look at to actually try  
to keep businesses in Malden and growing.

[01:24:45.31]  
Thank you, Councilor Crowe.  
Councilor McDonald.

[01:24:49.05]  
Oh, I have the same flavor of comment  
on the same thing, but

[01:24:53.24]  
I would just say I do think that it is,  
it's hard to dislodge storage facilities.

[01:24:59.07]  
The whole point is they're a room full  
of people's stuff, so it's like

[01:25:02.29]  
I don't worry about them leaving.

[01:25:04.29]  
That's the problem actually,  
is it's very difficult to get them

[01:25:06.58]  
to leave because it's an easy business  
model, and it is somewhat predatory,

[01:25:12.36]  
and it doesn't create jobs,  
but it does create some taxes.

[01:25:15.34]  
So I just think they're good points.

[01:25:17.26]  
I'm open to the conversation about this.

I haven't made up my mind.

[01:25:20.24]

I do think, you know, Councilwoman Moser,  
your point about the U-Haul is a good

[01:25:25.22]

example of a property  
that's in a corridor that we are

[01:25:28.10]

likely targeting for development.

[01:25:30.02]

And I think it's important to not make  
the problem worse, again, because

[01:25:33.53]

it is hard to dislodge a storage facility.

[01:25:37.19]

And that may be different  
for other parts of the city.

[01:25:40.31]

Where the zoning is different,  
where the thinking is different

[01:25:43.31]

about what we hope to see.

[01:25:45.02]

So, yeah, open to the conversation,  
trying to be fair to our businesses here.

[01:25:50.48]

Thank you, Councilor McDonald.  
Councilor Simonelli.

[01:25:53.36]

Thank you, Madam President.

[01:25:55.41]

Listen, you know, I'll be fair, I'll let  
it go to committee and I'll listen to it.

[01:25:58.55]

And I feel the same way  
that Councilor Winslow

[01:26:01.53]

and several other councilors,  
Councilor O'Malley feel about the same

[01:26:04.45]

thing, is that, you know,  
I just think that once again, you know,

[01:26:09.38]

Malden always wants to sell itself short because it's the only game in town.

[01:26:15.50]

You know, I've got— I haven't got— you know, nobody sat and talked to me.

[01:26:19.10]

I like when the councilors up here sit and talk about like

[01:26:22.19]

how they get aggravated when other councilors poke their noses

[01:26:26.05]

into their wards and stuff.

[01:26:27.19]

It's been like a thing going on for like 100 years.

[01:26:29.53]

I take it with a grain of salt because You know, it's good for some

[01:26:33.05]

but not good for others. Holsters happens to be in my ward.

[01:26:36.53]

I actually got like 3 of them in my ward.

[01:26:41.07]

So, and in a short corridor of Route 60.

[01:26:45.38]

So, I don't know where they'd be able to expand to.

[01:26:48.55]

I mean, they'd have to build up, and I don't know if I really want to build

[01:26:52.12]

up high stories for storage facilities. They don't bring any jobs.

[01:26:57.43]

Jobs.

[01:26:58.07]

I think they got like one person that works one shift, uh,

[01:27:02.19]  
maybe two shifts out of the day.  
That's about it.

[01:27:05.26]  
Uh, so they don't bring any— I mean,  
it's warehouse rate revenue of tax base

[01:27:09.36]  
that we're bringing in,  
not the commercial or,

[01:27:13.17]  
uh, uh, highway business type of, uh,  
tax base that we're looking

[01:27:17.24]  
to bring in to solve this problem.

[01:27:19.17]  
I don't know how many there are  
in Melrose, but I know there's

[01:27:21.22]  
not as many as there is in Malden.

[01:27:23.43]  
So, you know, like I said, I'll sit, I'll,  
you know, I'll talk about it because,

[01:27:27.50]  
you know, and I, and I do, you know,  
I feel for Councilor Cicco a little bit

[01:27:31.26]  
because she does have a large corridor  
on Broadway,

[01:27:34.19]  
and I think she kind of missed the boat  
a little bit with the construction.

[01:27:37.12]  
Not her fault, but, you know,  
because of construction that went on over

[01:27:40.26]  
there, that it would have probably been  
a good area over there for a storage

[01:27:45.07]  
facility over there.

[01:27:46.05]  
But as far as I'm concerned,  
for my constituents in my neighborhood,

[01:27:49.07]

I'd have to fight this thing tooth  
and nail and say absolutely not.

[01:27:51.43]

Because my neighborhood don't want it.

[01:27:54.36]

They've had enough.  
It brings nothing to the community.

[01:27:57.12]

And I've been looking at the Route 60  
corridor and I said that

[01:28:00.50]

for 16 years I've been in office,  
I have been talking about Route 60 being

[01:28:05.05]

the new mecca of businesses,  
being for people to be, because people

[01:28:08.50]

want easy access on and access off.

[01:28:12.26]

All right, they don't want  
to come to Malden Square no more.

[01:28:14.24]

I mean, you The businesses that are there,  
the restaurants, they do okay,

[01:28:17.24]

but you hear it all the time  
about parking and inconvenience.

[01:28:21.00]

So they want a place like a Route 60  
that they can come off and on

[01:28:26.02]

and be able to do some things.

[01:28:27.36]

So I'm looking to do some  
serious development over there.

[01:28:32.07]

And been talking with a lot of people  
that own a lot of buildings over there.

[01:28:35.50]

From where the storage unit is across  
from where Honeydew is,

[01:28:41.22]  
all the way down to the police station.

[01:28:42.53]  
And we're talking about doing some,  
like, you know, affordable housing,

[01:28:48.12]  
affordable home ownership,  
multi-dwelling type of lofts,

[01:28:53.24]  
and things like that,  
which I'd rather see something like

[01:28:56.14]  
that come in than just to have some open  
space that anybody from any city can come

[01:28:59.58]  
in and just store their stuff there and  
brings nothing to the neighborhoods.

[01:29:04.12]  
So, you know, again, you know, I will,  
you know,

[01:29:08.41]  
I'll be fair and I'll listen  
to my colleagues and hear what

[01:29:11.38]  
they have to say about it.

[01:29:12.41]  
But like I said, you know,  
there's no room, uh, in,

[01:29:15.50]  
in my neighborhood for it to go up higher.

[01:29:17.38]  
And I'm going to tell you something,  
you know, the gloves are going to start

[01:29:20.14]  
to come off soon because  
I'm going to start going into other

[01:29:23.12]  
people's neighborhoods where they're  
having meetings and they have

[01:29:26.12]  
a controversial issue,  
and I'm going to step in on that

[01:29:28.48]  
and see how they feel real soon.

[01:29:31.31]  
So thank you, Council President.  
Thank you.

[01:29:34.38]  
Can I just— Don't do it.

[01:29:36.29]  
No, I'm going to, Councilor Simelli,  
because I am not going into your ward,

[01:29:43.02]  
and I apologize if you think that I am.

[01:29:45.58]  
But did you hear me mention  
the old Hostess on Eastern Ave

[01:29:50.50]  
and Linehurst Road in Ward 8  
on the highway, on Bennett Highway?

[01:29:55.50]  
I never mentioned anything about Route 60.

[01:29:58.58]  
Hostess isn't your ward.

[01:30:01.34]  
I thought it was— okay, let's not—  
my apologies, I thought it was Ward 5.

[01:30:09.55]  
Councilor Crowe, would you like to speak?  
I would.

[01:30:12.46]  
It was— well, because Councilor Simonelli,  
I would have called you.

[01:30:18.38]  
I am actually— I did reach out  
to Councilor Taylor because I—

[01:30:23.31]  
you told me it was—

[01:30:24.19]  
I thought it was in Ward 5,  
and I said, you know, it's the hostess.

[01:30:27.02]  
So just to kind of let her know.

[01:30:29.22]

So if I had known it was in Ward 7, seems—

[01:30:32.48]

I'm going to call the vote if we  
don't stop yelling over each other.

[01:30:35.36]

We're, we're literally yelling about—  
refer it to committee.

[01:30:38.17]

Refer it to committee.

[01:30:39.15]

I make a motion to refer  
it to ordinance, please.

[01:30:42.31]

I have to speak.

[01:30:45.05]

I want to speak.  
Yeah, me too.

[01:30:46.31]

All right, let's keep it really brief.

[01:30:47.55]

Councilor Condon,  
thank you for your patience.

[01:30:49.39]

Oh, thank you.

[01:30:53.50]

To be honest with you,  
this conversation is ridiculous, okay?

[01:30:58.26]

Because the people that brought  
it up, they are run by like one person,

[01:31:05.53]

all right?

[01:31:06.12]

You get no jobs,  
they draw in rodents, okay?

[01:31:12.36]

And if you ever had one in your ward,  
you know what I'm talking about.

[01:31:17.17]

But just look at the size  
of that building on Eastern Ave.

[01:31:21.41]

and try to picture what could be there  
and how many jobs it could create,

[01:31:27.43]

you're looking at— you're  
being short-sighted, people.

[01:31:34.24]

You know, you really don't want those  
kind of businesses in your ward.

[01:31:39.10]

You're not going to throw them out,  
but I mean, if I have a neighbor about it.

[01:31:45.17]

I know I went through it with Peg  
at the old Marlboro News, and we just

[01:31:51.00]

didn't want it in the ward, you know.

[01:31:53.17]

So, and if you do put it in your ward,

[01:31:58.00]

believe me, you'll pay.

[01:32:03.46]

You will pay the price  
because people do not want it.

[01:32:10.10]

Okay, that's all.  
Thank you, Councilor Condon.

[01:32:12.55]

Okay, Councilor Colon-Hayes,  
this is going to be our, our—

[01:32:15.46]

this going to be quick.  
Yeah, no problem.

[01:32:18.14]

Um, I was going to say that I would  
just to,

[01:32:22.38]

um,  
repeat that this was not talking about

[01:32:25.31]

anything new, so everybody  
just— anything new.

[01:32:29.29]

And then if we refer it someplace else,  
I'd love to talk more just

[01:32:33.05]

to see what we're talking about.

[01:32:34.07]

Like, I don't even know how big  
of an expansion, where it is.

[01:32:37.31]

I was I'm trying to look up where you said  
the address just to see, because

[01:32:41.36]

if we do talk about, like, allowing this,

[01:32:47.02]

obviously nothing about new ones.  
It would be by special permit.

[01:32:51.24]

That's what I was going to say.  
By special permit.

[01:32:54.02]

I was just typing that down.

[01:32:55.05]

You said by special permit,  
and then maybe if we could make sure

[01:32:58.12]

that it also follows certain rules,  
like maybe expansion no bigger than blah,

[01:33:04.48]

blah, blah, or, you know.  
Yeah, exactly.

[01:33:06.50]

So I'm fine with passing that on.

[01:33:09.10]

I want to hear more about that.

[01:33:10.22]

And just to make sure that it's not new, I  
just want to clarify that with everybody.

[01:33:14.41]

Okay.  
Thank you.

[01:33:14.58]

Okay.

[01:33:15.17]

So I heard two different proposals, though.

[01:33:17.10]

Someone had said— Nelson had his hand up.

[01:33:18.43]

Oh, I'm sorry, Nelson. I didn't see that.

[01:33:20.50]

I just wanted to clarify because from some of the comments I heard,

[01:33:24.36]

I get the impression that maybe everyone feels like I'm a member

[01:33:27.50]

of the Self Storage Facility Society of America or something like that.

[01:33:32.29]

I'm just here to answer zoning questions.

[01:33:34.24]

So we brought up Melrose for some reason, I don't know, but I'm

[01:33:40.24]

not advocating for this.

[01:33:41.38]

I'm just here to answer questions. That's all.

[01:33:44.02]

And we appreciate it.

[01:33:47.34]

Motion to refer this to ordinance.

[01:33:50.50]

Okay, so I did hear a proposal to send this to Economic Development though.

[01:33:54.34]

Are we sending this to ordinance or Economic Development?

[01:33:57.10]

To send it to ordinance.

[01:33:58.29]

Okay, do I have a second  
to send it to ordinance?

[01:34:01.02]

Okay, on a motion by Councilor Sika,  
seconded by Councilor Simonelli,

[01:34:05.00]

to send it to ordinance committee.  
All in favor?

[01:34:08.46]

Aye.

[01:34:09.43]

Any opposed?  
No.

[01:34:16.07]

Was that two people that said no?

[01:34:21.36]

I'm actually going to vote no as  
Do we need to revote that?

[01:34:26.43]

Isn't we good?

[01:34:27.58]

Winslow, Condon, and Linehan are no,  
and it's not joint planning,

[01:34:34.46]

it's just ordinance.

[01:34:38.07]

So that would be an 8-3 vote.

[01:34:40.05]

It was referred to ordinance.  
Thank you.

[01:34:42.46]

Next order of business,  
199-26 committee report.

[01:34:46.29]

The Standing Committee on Finance— to whom  
was referred paper 160 series of 2026.

[01:34:51.05]

Having considered the same,  
make the following report: committee

[01:34:54.19]

recommends this paper out  
favorably to the full council.

[01:34:57.29]

Okay, on a motion by Councilor McDonald,  
seconded by Councilor Taylor,

[01:35:00.26]

to receive the committee report.

All in favor?

[01:35:03.12]

Aye.

[01:35:04.00]

Committee report is received.

[01:35:06.36]

Paper 160-26, order that \$398,674.25

[01:35:13.31]

is appropriated from available water sewer

[01:35:15.26]

enterprise fund retained earnings to fund  
principal-only debt payments

[01:35:19.29]

due to the MWRA in May 2026.

[01:35:23.34]

Okay, Councilor McDonald for the—  
for the committee report.

[01:35:27.48]

Yes, this is an appropriation  
to pay the bills that we owe.

[01:35:33.50]

We have in the past regularly authorized  
loans and lines of credit from

[01:35:39.29]

the Massachusetts Water  
Resources Water Authority.

[01:35:42.02]

They are the ones, of course,  
who supply our water.

[01:35:45.24]

Most of this appropriation is for  
all kinds of just standard water

[01:35:51.12]

replacement work that has to happen,  
and a subset of it is for

[01:35:56.14]

lead pipe replacement.

[01:35:57.17]

As folks may remember,  
we have a specific lead service line loan

[01:36:01.19]

that is zero interest and great terms.

[01:36:03.34]

So there's a portion of this that is  
lead service lines.

[01:36:07.00]

But that's not the majority.

[01:36:08.43]

So it's to pay,  
it's to authorize the payment of the loans

[01:36:12.34]

that we had already authorized  
us to take out from the fund.

[01:36:18.12]

This does not clean out the fund.

[01:36:19.17]

There's still a few hundred thousand  
dollars left in the

[01:36:21.12]

Water Sewer Enterprise Fund.

[01:36:23.34]

And so we had a quick and easy discussion  
about this in the Finance Committee

[01:36:27.43]

and unanimously recommended  
approval of this order.

[01:36:31.26]

Okay, any questions?  
I see Councilor O'Malley.

[01:36:35.14]

I just wanted to confirm,  
so this doesn't have to do anything

[01:36:38.24]

with paying the Tufts situation?

[01:36:40.53]

This is not related  
to the Tufts situation.

[01:36:44.10]  
But does this replace,  
so this is a completely separate thing

[01:36:47.53]  
that we would have had to pay regardless?

[01:36:51.05]  
Yes, that's correct.

[01:36:51.53]  
I mean,  
we use the earnings from the Water Steward

[01:36:55.43]  
Enterprise Fund for multiple purposes.

[01:36:58.07]  
This is one we have,  
historically often done

[01:37:02.14]  
is borrow money at a good rate  
from the MWRA,

[01:37:05.36]  
use it to finance capital improvements,  
and pay it back

[01:37:08.38]  
with the retained earnings in the fund.

[01:37:11.07]  
And is there a reason why  
this isn't appropriated during the annual

[01:37:15.12]  
budget, but we're doing it mid-year?

[01:37:19.55]  
There are timings of when these payments  
are due, and also it doesn't

[01:37:25.00]  
impact the city's bottom line.

[01:37:26.43]  
So it's not something that I would expect  
to need to consider as

[01:37:29.00]  
part of the annual budget.

[01:37:30.26]  
It's not an operating expense.

[01:37:33.00]

But we do know when it would come in regularly, like these are—

[01:37:36.55]

You know, we didn't ask that question.

[01:37:38.19]

I didn't hear anybody ask that question in the Finance Committee about like,

[01:37:41.03]

well, when were the invoices incurred?

[01:37:44.10]

It's been a normal in the course of business kind of appropriation

[01:37:47.29]

and payment in the past because it's from a restricted fund that is

[01:37:50.58]

restricted for this purpose.

[01:37:53.29]

And so there were no concerns about the timing.

[01:37:56.24]

As I said, it's not an operating expense.

[01:37:58.03]

It's a one-time capital kind of expense to pay back loans we already authorized.

[01:38:03.26]

And I appreciate you answering the questions.

[01:38:05.50]

I just think it's just something that we need to start now asking, like,

[01:38:09.12]

how many times are we expecting to see this payment come in every year?

[01:38:14.00]

And then I think we should be able to, like, say, okay, if we expect to see it

[01:38:16.57]

every quarter, then, you know, during the annual budget,

[01:38:20.26]

we should be knowing that we're

appropriating the appropriate amount.

[01:38:23.43]

It could be a cash flow issue.

[01:38:25.36]

Maybe it's that we don't have the money in the water and sewer account when we're

[01:38:29.31]

doing the annual budget to actually appropriate it that far in advance,

[01:38:33.12]

and we need to wait for people to pay their water rates.

[01:38:35.22]

That could be the reason why.

[01:38:38.14]

My understanding from the controller is that the reason that we don't appropriate

[01:38:42.31]

it is because we don't know how much to pay.

[01:38:44.46]

And we don't want to give a blanket authorization to pay.

[01:38:46.46]

We wait until we get the invoices, then we authorize payment of the invoices.

[01:38:49.43]

Great, I appreciate you talking me through this.

[01:38:52.17]

Okay, thank you, Councilor O'Malley. I'll second.

[01:38:54.50]

Any other questions?

[01:38:55.48]

Okay, seeing no other lights, we have a motion by Councilor McDonald,

[01:38:58.28]

seconded by Councilor Simonelli, to adopt the order.

[01:39:03.50]

And we need a roll call.

[01:39:06.10]  
Councilor Colon-Hayes?  
Yes.

[01:39:07.50]  
Councilor Condon?  
Yes.

[01:39:09.12]  
Councilor Crowe?  
Yes.

[01:39:10.12]  
Councilor LaWong.  
Yes.

[01:39:11.41]  
Councilor McDonald.  
Yes.

[01:39:12.53]  
Councilor O'Malley.  
Yes.

[01:39:14.05]  
Councilor Sika.  
Yes.

[01:39:15.14]  
Councilor Simonelli.  
Yes.

[01:39:17.12]  
Councilor Taylor.  
Yes.

[01:39:18.36]  
Councilor Winslow.  
Yes.

[01:39:19.58]  
Council President Linehan.  
Yes.

[01:39:21.24]  
That order has been adopted  
by a unanimous vote.

[01:39:24.41]  
Okay, next order of business,  
Paper 200-26, order that the City Council

[01:39:31.31]  
will vote whether to go into executive  
session with legal counsel for the city

[01:39:35.55]  
For the purpose of exemption 3,  
Massachusetts General Law Chapter 30A,

[01:39:40.02]  
Section 21A(3),  
for the purpose of discussing strategy as

[01:39:44.55]  
to possible future litigation related  
to budgetary constraints,

[01:39:48.26]  
with such discussion in open meeting may  
have a detrimental effect

[01:39:51.55]  
on the litigation position of the city,  
if so declared by the chair.

[01:39:56.34]  
And if so allowed by the body,  
to admit Special Assistant

[01:39:59.22]  
to the Mayor Mary Louise,  
Chief Strategy

[01:40:01.53]  
and Innovation Officer Ronald Hogan,  
And the Honorable Mayor Gary Christianson.

[01:40:07.43]  
Okay, I see a couple of lights.

[01:40:09.31]  
Do we have questions on this?

[01:40:12.00]  
All right, Councilor— oh,  
I have a lot of lights.

[01:40:13.38]  
Councilor Sika.

[01:40:15.24]  
Thank you, Council President.

[01:40:16.41]  
So, um, after hearing  
a bunch of back and forth on this

[01:40:20.41]  
particular agenda item,  
out of abundance of caution,

[01:40:24.38]

I am asking that we table this paper until we dot our i's and cross our t's

[01:40:29.24]  
to make sure that the wording of it is appropriate for, for what we need to do.

[01:40:35.31]  
So I'm making a motion to table executive session for this evening.

[01:40:39.22]  
Okay, that takes precedence.

[01:40:40.48]  
Can we take— we can't take discussion, or we can?

[01:40:43.07]  
You can take discussion, but okay, it takes precedence over any other motion.

[01:40:46.10]  
Okay, I'll take Councilor Winslow next.

[01:40:48.34]  
Yeah, I mean, I just— in addition to that, what Councilor Sika has raised,

[01:40:53.38]  
I think we should also think I mean, the question I would have is to,

[01:40:59.05]  
even if we get the language, I would want to know that either there's

[01:41:04.41]  
some sort of correspondence we've had received related to potential litigation,

[01:41:10.34]  
or someone is filing a notice of a lawsuit.

[01:41:15.34]  
The voters just voted against raising taxes.

[01:41:20.50]  
and we really need to make sure we're transparent and build trust.

[01:41:27.12]  
And to have maybe the first discussions being in executive session,

[01:41:31.31]

I don't know if that really sits well.

[01:41:33.34]

So I, I'm kind of almost leaning not to have this discussion in executive session.

[01:41:38.17]

So it's something we have to think about.

[01:41:40.07]

Um, so that, that's my concern, that we, we actually need to work with our,

[01:41:46.12]

you know, the mayor our staff through their unions,

[01:41:50.22]

but we need to make sure that the public has a view of that.

[01:41:55.46]

They just, just the situation this city is in,

[01:42:00.29]

they're looking over our shoulders, and trust is something that came up

[01:42:06.22]

several times as we were talking about, you know, the mayor being

[01:42:10.41]

presented and Mohammed presenting.

[01:42:13.00]

Trust, building trust, we may need to have these discussions

[01:42:17.41]

out in the open so people do not think that there's something

[01:42:21.22]

happening behind the thing.

[01:42:22.34]

So that's just, so that's my comment that it's something

[01:42:25.12]

that, you know, when this comes back up next week or whatever, we should be

[01:42:28.41]

able to hear those answers of that.

[01:42:31.12]

I just,  
you know, we can make up reasons to try

[01:42:34.17]

to have these discussions  
outside of a public session.

[01:42:39.14]

We may not want to.

[01:42:41.38]

That's an option, and we may  
not want to as a council.

[01:42:45.10]

Thank you, Greg.  
Thank you, Councilor Winslow.

[01:42:47.22]

Councilor O'Malley.

[01:42:50.10]

Yeah, it's a delicate balancing act.

[01:42:53.41]

What Councilor Winslow is referring to  
is if we are defending against litigation.

[01:42:59.22]

It gets a little bit more complicated if  
we're talking about initiating litigation.

[01:43:02.41]

I know we've in the past talked about,  
It's not fair with Chapter 70,

[01:43:06.17]

should we be suing DESE, like,  
is there a proposal to sue the unions?

[01:43:10.14]

I have no idea what this is about.

[01:43:12.10]

And I would like to know  
going in at least some basic information

[01:43:16.29]

so I can prepare  
and at least be able to field some

[01:43:19.43]

questions that people are asking.

[01:43:21.29]

And so I don't know what this is about.

[01:43:23.05]

It's very broad.

[01:43:24.46]

And obviously we have to be careful what we broadcast, but I think there's a way

[01:43:28.50]

to add a little bit more information.

[01:43:30.31]

We know roughly what we're going in to talk about, or at least

[01:43:35.41]

roughly what it has to do with.

[01:43:37.50]

I'm not saying to air litigation strategy, but I think everyone knows that I don't

[01:43:42.26]

think we would be upset to sue DESE. That's not a secret.

[01:43:45.10]

I think DESE knows that.

[01:43:46.50]

Thank you.

[01:43:48.31]

Thank you, Councilor O'Malley. Councilor Colon-Hayes.

[01:43:51.17]

Oh, thank you.

[01:43:53.26]

Yeah, so I had similar questions.

[01:43:54.48]

I had reached out to the council president.

[01:43:57.26]

Clerk, and I was already saying I was going to vote no

[01:44:01.10]

to go into executive session just because I don't know what we're talking about.

[01:44:05.48]

Um, and without more information,  
I don't know whether or not it

[01:44:10.10]  
deserves to go into executive session.

[01:44:11.53]  
I was told, so I give it,  
that we have done this in the past,

[01:44:14.10]  
so I'm going to give that up.

[01:44:15.12]  
We had, um,  
done this— I can't even say what it

[01:44:18.24]  
was about, but we did go in the past.  
I almost said it.

[01:44:21.07]  
Um, we did go into executive session  
with similar wording,

[01:44:25.29]  
but I question that now for the exact  
reasons that I'm hearing

[01:44:28.24]  
my counselors too.

[01:44:29.48]  
It's— at the time,  
maybe I thought that was okay.

[01:44:32.05]  
I don't think that's okay now.

[01:44:34.17]  
And so without— for our conversations need  
to be held in public, before the public,

[01:44:39.46]  
as much as possible.

[01:44:41.05]  
So I did second a tabling vote, but I  
don't know what, what happened there.

[01:44:45.43]  
So we'll just— we'll take  
it up after discussion.

[01:44:47.48]  
Okay, thank you.  
Thank you, Councilor Councilor McDonald.

[01:44:52.46]

I certainly, of course, agree.

[01:44:54.26]

We need to have budget discussions in public.

[01:44:55.53]

I don't think this is a budgeting discussion.

[01:44:58.10]

It's a litigation discussion, and I also don't know what it is, which

[01:45:01.48]

frankly, I would like to go into executive session to hear what it is, the topic.

[01:45:06.29]

We have a chicken and egg problem.

[01:45:07.50]

We can't talk about the thing, we can't talk about it,

[01:45:09.48]

but we can't talk about talking about it either because we're not

[01:45:12.07]

in executive session.

[01:45:12.55]

So I just want to know what we're talking about.

[01:45:15.43]

I think if we could go into executive session, then we could talk about it,

[01:45:19.07]

And then if we were like, we should do this in open session,

[01:45:21.41]

we could adjourn executive session and come back and do it in open session,

[01:45:25.50]

and that would be our judgment.

[01:45:26.48]

But right now, I feel like we're having an argument

[01:45:29.04]  
with phantoms  
because we can't go into executive session

[01:45:32.05]  
and hear what it is  
that the administration wants

[01:45:34.09]  
to bring to our attention.

[01:45:35.53]  
So I would, I'm in favor of at least  
hearing what the topic is

[01:45:39.10]  
and then deciding if we want to proceed.

[01:45:41.38]  
We have a tabling motion.

[01:45:42.41]  
We have a tabling motion, so  
I will vote against tabling

[01:45:45.38]  
right now because I would like to know  
what the topic is,

[01:45:49.00]  
and then we— it's not a motion.

[01:45:51.14]  
I can't make a motion because  
tabling takes precedence.

[01:45:54.19]  
If the tabling motion fails,  
then we could have the opportunity to hear

[01:45:58.24]  
what the topic is and decide whether we  
would like to discuss

[01:46:00.55]  
it in executive session.

[01:46:02.34]  
If we table it, I don't,  
I don't know where that leaves us.

[01:46:06.14]  
I guess trying to further get more info,  
get more info, except that if we

[01:46:12.55]  
can't get more info because it's

appropriate for executive session,

[01:46:17.38]

we will be right back here in a week.  
Reword it.

[01:46:20.14]

So I don't know that rewording—  
my perspective is rewording this because

[01:46:24.38]

people are concerned about the docketing  
of this,

[01:46:27.12]

if we've already done this before,  
do— can I— is it okay if I ask our legal?

[01:46:31.55]

Yeah, the language comes from legal,  
but I'm happy to explain.

[01:46:34.55]

Can I ask our legal representative,  
do you have any concerns about

[01:46:37.50]

the docketing of this, because—  
They did docket it.

[01:46:40.41]

You did docket it.

[01:46:42.26]

Has anything changed your judgment about  
whether this is

[01:46:45.26]

an appropriately docketed item?

[01:46:48.07]

Because if the docketing  
is the problem, yes, we should fix it.

[01:46:51.36]

But if the issue is we don't know whether  
this issue is appropriate for executive

[01:46:54.19]

session, I don't know how we find that out  
until we go into executive session.

[01:46:56.55]

Thank you, Ali.  
Can you introduce yourself?

[01:46:58.27]

Yes, I'm Alicia McNeil,  
the city solicitor.

[01:47:01.38]  
I didn't hear the entire, um, discussion.

[01:47:04.36]  
I was in the back, so I'm sorry.

[01:47:06.48]  
My question was just,  
I know that the legal

[01:47:09.02]  
department docketed this issue.

[01:47:11.12]  
Since you docketed it,  
do you— have you had any concerns about

[01:47:15.02]  
whether we should be revising it, or does  
it still seem properly docketed to you?

[01:47:20.24]  
It seems properly docketed to me.

[01:47:22.14]  
Okay,  
so that's not a thing we can fix because

[01:47:24.36]  
it's not a problem  
because it's properly documented.

[01:47:28.22]  
So anyways, that's what I think.

[01:47:30.02]  
We, um, Solicitor McNeil,  
we have a motion on the floor to table

[01:47:33.53]  
this item because the councilors have  
asked if the description is

[01:47:37.31]  
sufficiently specific enough.

[01:47:39.55]  
And I've explained that this—  
the clerk and I have

[01:47:43.31]  
received this from the mayor's office,  
and that this

[01:47:47.05]  
language has undergone review from your  
office, and that it's identical to

[01:47:52.58]  
similar litigation discussions that we've  
undertaken in the past year when—

[01:48:00.14]  
I mean, I think we've been as specific as  
we can related to

[01:48:06.00]  
future potential litigation.  
Yes.

[01:48:08.07]  
It's not related to discussing the budget.

[01:48:10.50]  
Yes.

[01:48:11.15]  
And I've checked  
with determinations with the Secretary

[01:48:15.53]  
of State, and I'm comfortable  
with the language that we proposed.

[01:48:20.41]  
And that if we  
—do not discuss—if we convene in executive

[01:48:25.38]  
session  
and we—to Councilor McDonald's

[01:48:29.05]  
question—and we  
decide that it's information that we would

[01:48:32.58]  
prefer to discuss in open session,  
may we do that, or

[01:48:36.43]  
is that something that we would have  
to determine once we're in executive

[01:48:39.34]  
session if that's appropriate or not?

[01:48:41.38]  
I don't actually know the answer to that.  
Okay.

[01:48:44.10]

I don't actually know the answer to that.

[01:48:46.19]

Okay, that's helpful.

[01:48:50.41]

We could re-docket it for next week.

[01:48:52.55]

Okay.

[01:48:55.19]

Okay.

[01:48:59.00]

We have— we actually still have a lot of lights to get through before we can

[01:49:02.43]

take the vote on the tabling motion.

[01:49:05.07]

Thank you for answering those.

[01:49:06.53]

I'm going to take Councilor Condon.

[01:49:11.38]

Thank you, Madam President.

[01:49:14.00]

Uh, does anybody think that it's right

[01:49:19.48]

that Revere

[01:49:21.58]

and Everett should get \$20 million more than the city of Malden, Chapter 70?

[01:49:30.05]

No.

[01:49:33.12]

No.

[01:49:34.00]

No.

Is this related to the tabling motion?

[01:49:36.43]

Well, I'd like to— I'd like to tell you I'd like to tell you, because

[01:49:42.07]

I don't think it's fair either.

[01:49:44.48]

And we've talked about the city

[01:49:49.07]

of Marlborough getting screwed by those

[01:49:52.53]

reps and senators up in the statehouse.

[01:49:59.12]

And we all know that the formula  
is messed up, really messed up.

[01:50:04.55]

But nobody wants to admit it.

[01:50:07.24]

Nobody wants to point fingers  
at the higher-ups.

[01:50:13.02]

So,  
you know, we're gonna just go down a road

[01:50:16.14]

that if we're not willing to fight or push  
forward and let people know

[01:50:21.55]

that it's wrong, and it is wrong,  
then we get nothing.

[01:50:28.46]

So.

[01:50:30.10]

I'm in favor of it,  
any way you want to talk about it,

[01:50:34.46]

because everybody says, yeah,  
I know the formula is wrong.

[01:50:41.12]

Well, no one wants  
to do anything about it.

[01:50:44.43]

We're the losers.

[01:50:50.22]

You really can't say that.  
What?

[01:50:55.55]

I'm asking Councilor Simonelli

to keep it down.

[01:50:58.53]

Okay.

[01:50:59.48]

Sorry, Paul.

[01:51:03.26]

Are you all set?

Yeah.

[01:51:04.36]

Okay, thank you, Councilor Condon.

[01:51:06.34]

Councilor O'Malley for the second time.

[01:51:08.38]

Yeah, and I agree with Councilor Condon.

[01:51:10.34]

I want to have that conversation anywhere,  
and if we're talking about suing DESI,

[01:51:14.48]

I think we can talk about that out here.

[01:51:16.53]

Obviously we shouldn't be talking about  
litigation strategy specifically,

[01:51:20.10]

but it's not a secret that the City  
of Malden is pissed and wants to sue DESE.

[01:51:24.36]

So I don't know what we could possibly say  
that would hurt our litigation strategy,

[01:51:28.36]

having that conversation in public.

[01:51:30.14]

And I think it would actually  
build a lot of trust

[01:51:33.31]

and a lot of confidence that we're doing  
something as a city rather than

[01:51:36.43]

having it behind the scenes.

[01:51:38.34]

So in hindsight, Councilor Sika,  
I probably won't support the tabling

[01:51:42.31]  
motion, but I would vote not to go  
into executive session with the hopes

[01:51:46.17]  
of having that conversation  
here in open session.

[01:51:47.46]  
Session.

[01:51:48.26]  
Thank you.

[01:51:49.34]  
Thank you, Councilor O'Malley.  
Councilor Simonelli.

[01:51:51.58]  
Hang on one second.  
You're all set?

[01:51:53.55]  
Okay.  
Councilor Winslow.

[01:51:56.19]  
Yeah, no, I just,  
I don't know if Solicitor McNeil heard

[01:51:59.55]  
the questions that I was raising about  
my kind of confusion about what's here.

[01:52:06.02]  
So, you know,  
specifically why I asked was,

[01:52:11.46]  
have we received either any correspondence  
for notice saying that there may be

[01:52:18.24]  
potential litigation against the city

[01:52:20.29]  
because of the future litigation  
due to budget constraints?

[01:52:26.46]  
Has that something—  
has anybody communicated to your office,

[01:52:30.02]  
the mayor's office, and is that why we're  
meeting, or is it a proactive thing?

[01:52:33.10]  
I guess that's just to me,  
that is the type of thing that, you know,

[01:52:38.48]  
what is— is this just something we're  
thinking of, or is it something

[01:52:42.19]  
we're having to react to?

[01:52:44.02]  
And what is the, I mean,  
likelihood of that happening?

[01:52:47.34]  
I mean, is there actually  
been a lawsuit filed?

[01:52:49.24]  
I mean, that's the type of thing of,  
you know, it's speculative.

[01:52:54.12]  
That's the thing that gets me.

[01:52:55.46]  
So that's— is that something  
you feel like you can answer?

[01:52:59.46]  
Oh, did you turn your light off?  
Hang on.

[01:53:01.36]  
Sorry.  
Okay.

[01:53:02.05]  
So there has been no communication  
from my office to anyone.

[01:53:07.17]  
I I can't speak for the mayor's office.

[01:53:10.36]  
I guess if you all didn't receive any  
communication, then there hasn't been any.

[01:53:15.34]  
But has anybody— oops,  
sorry, go ahead, Steve.

[01:53:17.53]  
Has anybody communicated to you  
or the mayor, like any union

[01:53:25.46]  
or other entity,  
communicated a threat of litigation

[01:53:30.24]  
or filed any written thing?

[01:53:32.17]  
I mean, that's what I'm  
trying to figure out.

[01:53:33.12]  
Figure out, is this something that we're  
anticipating litigation?

[01:53:38.02]  
Are we reacting?  
Are we being proactive?

[01:53:40.43]  
That's— I just— that is what I'm asking.

[01:53:50.48]  
Let me see if I can answer  
that question without—

[01:53:58.02]  
it's— we're being proactive.

[01:53:59.48]  
Proactive, not reactive.

[01:54:05.38]  
Are you all set?  
Okay.

[01:54:07.10]  
Okay.

[01:54:07.53]  
I have Councilor Luong,  
last but not least.

[01:54:11.36]  
I'm just going to echo what,  
you know, Councilor McDonald said.

[01:54:15.55]  
I think it's not a matter  
of trust to the public.

[01:54:18.29]  
I think it's in any potential litigation  
on our part, being proactive or reactive,

[01:54:24.17]

I think as a council we should step out,  
find out what it's about, decide what

[01:54:29.05]  
we want to do, and then come back out.

[01:54:30.53]  
It's not time for being secret.

[01:54:33.07]  
It's just, I don't think it's a correct  
pers— what's the word I want to use?

[01:54:41.00]  
Precedent to set to just  
to decide if we don't know.

[01:54:44.41]  
I have no idea what we're  
going to talk about.

[01:54:46.48]  
So I'd like to go back,  
find out what we're going to talk about,

[01:54:49.02]  
and then decide should  
it be for the public.

[01:54:51.19]  
You know, let's talk  
about it in public or not.

[01:54:55.07]  
Thank you, Councilor Leung.

[01:54:56.24]  
And I'll just say from the chair,  
this is in an attempt to be respectful

[01:55:00.05]  
of folks' repeated requests that we  
have more executive session and that we

[01:55:05.22]  
are involved in as much decision-making  
process as possible

[01:55:10.26]  
with respect to litigation,  
and that sometimes

[01:55:13.38]  
the language here is necessarily  
not as descriptive as folks might like,

[01:55:18.22]

but again, modeled after  
many other instances where we've had to

[01:55:23.02]  
just be as specific as we can.

[01:55:24.48]  
And it's— you find out more when you get  
into the session, and then that's

[01:55:28.43]  
the intent of the executive session.

[01:55:30.48]  
Um, the clerk and I, again, not to,  
you know, be repetitive,

[01:55:34.14]  
but went over this many,  
many times over the weekend, and, um,

[01:55:37.29]  
I'm comfortable with the  
language as it stands.

[01:55:39.12]  
But we do have a motion to table.

[01:55:41.36]  
Uh, that motion was  
made by Councilor Sika.

[01:55:44.58]  
Do we have a second?

[01:55:46.36]  
Councilor Colon-Hayes.

[01:55:48.12]  
So we need to call the roll  
for that on the motion to table.

[01:55:52.41]  
Councilor Colon-Hayes?  
Yes.

[01:55:54.10]  
Yes.

[01:55:54.55]  
Councilor Condon?  
No.

[01:55:56.31]  
No.

[01:55:57.19]

Councilor Crowe?  
No.

[01:55:58.38]  
No.  
Councilor LeWong?

[01:56:00.00]  
No.  
No.

[01:56:01.17]  
Councilor McDonald?  
No.

[01:56:02.48]  
No.

[01:56:03.41]  
Councilor O'Malley?

[01:56:05.00]  
No.

[01:56:05.43]  
No.  
Councilor Sika?

[01:56:07.17]  
Yes.  
Yes.

[01:56:08.26]  
Councilor Simonelli?  
No.

[01:56:10.14]  
No.

[01:56:11.10]  
Councilor Taylor?  
No.

[01:56:12.53]  
No.  
Councilor Winslow?

[01:56:14.34]  
Yes.  
Yes.

[01:56:15.38]  
Council President Linehan?  
No.

[01:56:18.05]  
No.

Okay, so the paper has not been tabled.

[01:56:21.43]

Okay, so therefore,  
citing Exemption 3

[01:56:24.31]

on Mass General Law Chapter 38,  
Section 21A,

[01:56:28.38]

wherein discussing Paper 200-26 in open  
meeting would have a detrimental effect

[01:56:35.29]

on the city's Litigating position.

[01:56:38.12]

I'm looking for a motion  
to enter executive session.

[01:56:42.34]

So moved by Councilor Taylor,  
seconded by Councilor Luong.

[01:56:45.58]

The clerk will now call the roll.

[01:56:49.36]

Councilor Colon-Hayes?  
No.

[01:56:51.17]

No.  
Councilor Condon?

[01:56:53.02]

Yes.  
Yes.

[01:56:53.55]

Councilor Crowe?  
Yes.

[01:56:55.10]

Yes.  
Councilor Luong?

[01:56:56.26]

Yes.  
Yes.

[01:56:57.10]

Councilor McDonald?  
Yes.

[01:56:58.31]

Yes.  
Councilor O'Malley?

[01:56:59.50]  
No.

[01:57:00.29]  
No.

[01:57:01.22]  
Councilor Sika?  
No.

[01:57:02.53]  
No.  
Councilor Simonelli?

[01:57:04.34]  
Yes.

[01:57:05.14]  
Yes.  
Councilor Taylor?

[01:57:06.46]  
Yes.

[01:57:07.29]  
Yes.  
Councilor Winslow?

[01:57:09.17]  
No.

[01:57:10.29]  
No.  
Council President Linehan?

[01:57:12.14]  
Yes.

[01:57:13.50]  
Yes.

[01:57:14.22]  
So the, um, order to enter  
into executive session has passed.

[01:57:20.43]  
Okay, by 7 to 4 vote.

[01:57:22.53]  
Passes 7 to 4, so we will  
enter executive session.

[01:57:25.48]  
Do we want to have personal privilege

prior to entering executive session.

[01:57:34.02]

Okay, I see Councilor Winslow.

[01:57:36.50]

Um, yeah, I'm just going to hand out, um, Maplewood Fest.

[01:57:40.10]

I have the initial flyer here, Saturday, May 16th.

[01:57:42.48]

So just encouraging people, we have more, uh, crafters that are coming in,

[01:57:47.36]

and we're going to have a puppy parade, we're going to have a couple local bands.

[01:57:50.31]

So, uh, just want to spread that word.

[01:57:52.58]

Um, so I'll hand this out to everybody as we're going into executive session.

[01:57:56.29]

Thanks.

[01:57:57.17]

Great, thank you, Councilor Winslow.

[01:57:58.53]

Councilor O'Malley, um, I just want to announce that, um,

[01:58:06.31]

Saturday, April 18th, um, there's going to be a cleanup

[01:58:10.29]

at Waites Mount with the Great Malden Outdoors and myself.

[01:58:13.46]

Um, this is something we do annually, and it's going to be at 10:00 a.

[01:58:17.43]

m.  
Um, hopefully the weather will be great.

[01:58:19.22]

It's rain or shine.

[01:58:20.48]

Um, you know, cleaning,  
doing park cleanups and planting trees is,

[01:58:24.14]

you know, one of my most  
favorite things, genuinely.

[01:58:27.14]

And so we're going to be doing both.

[01:58:28.31]

Um,  
additionally, I just want to address

[01:58:31.53]

earlier in the night there was some talk  
about, um, you know, rewriting the Chapter

[01:58:37.02]

6 portion of our marijuana ordinance.

[01:58:39.34]

And I just wanted to clarify,  
the reason why Dris was coming up was

[01:58:42.38]

because that 5th license, I believe,  
is the license that is being

[01:58:46.43]

proposed to be taken away from DRIS.

[01:58:48.53]

So I think the reason why we were talking  
about that is because

[01:58:52.14]

it has to do with DRIS.

[01:58:54.14]

And I apologize if I went over the line,  
but I, as mentioned, will send everything

[01:59:00.22]

I can to yourself, legal, and the clerk.  
Thank you.

[01:59:03.19]

Thank you, Councilor O'Malley.  
Councilor Taylor.

[01:59:05.53]

Thank you.

[01:59:06.24]

Really quickly,

April 25th is the citywide yard sale.

[01:59:11.12]

We have almost 50 people signed up in over 3 locations— uh, sorry,

[01:59:18.14]

uh, over 35 locations.

[01:59:19.58]

So 3 of them being, um, multiple people at the Forestdale

[01:59:24.05]

School, the BB School, and the ELC.

[01:59:26.53]

Um, and then at individual cities— uh, individual houses.

[01:59:30.36]

Sorry, it's late.

[01:59:32.00]

Um, I've got too many words in my head.

[01:59:36.05]

Um, so we hope that you'll join us between 8 and 2.

[01:59:39.43]

The coffee cart will be at BB, I believe, between 7:30 and 1.

[01:59:44.17]

So you can start there, make your way across the city.

[01:59:46.31]

There'll be lots of great finds.

[01:59:49.43]

And there is an extensive map and detailed list on Facebook,

[01:59:56.31]

and also will be getting posted.

[01:59:58.10]

And I need to just say that this is something that I help with,

[02:00:02.58]

But really, it's been my constituent Marlene Gala who has put this all

[02:00:08.26]

together, taken on the brunt of it.

[02:00:10.07]

She has done an amazing job  
from starting this last year in Ward 5.

[02:00:14.07]

And I'm so excited to see—  
go to every location this year

[02:00:19.38]

and hopefully not come home  
with more than what I need.

[02:00:24.34]

So book yourself a donation  
truck to come pick it up.

[02:00:29.02]

The next day, that's what I'm doing.

[02:00:32.26]

Well, from the chair, I'll wrap us up.

[02:00:34.53]

I am so honored to be announcing that our  
very own Diana Fajardo,

[02:00:38.53]

our elections administrator from the city  
clerk's office,

[02:00:42.00]

is going to be honored at this year's  
North Shore Hispanic Association,

[02:00:45.41]

um, 2026 Americans Making  
a Difference Gala on April 30th,

[02:00:49.19]

which Councilor Colon-Hayes  
had updated us on last week.

[02:00:53.05]

So just a little bit about Diana prior  
to accepting a full-time position as

[02:00:56.36]

the elections administrator for the city.

[02:00:58.58]

She served the voters of Malden for 7  
years running elections as the precinct

[02:01:02.58]

warden at the Ferryway School.

[02:01:05.02]

Last year, Dina was recipient of the 2025 Latino Excellence Award sponsored by

[02:01:10.38]

the Black and Latino Legislative Caucus, and she's helped lead the clerk's office

[02:01:14.58]

in earning consecutive A ratings on Malden's bilingual

[02:01:18.22]

voting rights report card.

[02:01:20.07]

In both 2024 and 2025's election cycles.

[02:01:24.17]

Dinah is an essential member of our clerk's team, and I am so happy to take

[02:01:27.41]

this opportunity to highlight the great work that she does

[02:01:30.10]

for Malden's constituency.

[02:01:35.36]

So with that, the council will now enter into executive session,

[02:01:39.50]

and the body will not reconvene for any further business this evening.

[02:01:43.29]

So we will adjourn directly from executive session.

[02:01:46.07]

Thank you and good evening.

[02:02:12.10]

8:54 PM.



THE COMMONWEALTH OF MASSACHUSETTS  
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October 31, 2011

OML 2011 - 44

Darren Klein, Esq.  
Kopelman and Paige, P.C.  
101 Arch St.  
Boston, MA 02110

**RE: Open Meeting Law Complaint**

Dear Attorney Klein:

This office received a complaint from Maria Capobianco and the Stoughton Teachers Association dated December 23, 2010, alleging that the Stoughton School Committee (the "Committee") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Committee on or about October 25, 2010, listing Ms. Capobianco as the sole complainant and alleging violations relating to the Committee's September 28, 2010 meeting.<sup>1</sup> Specifically, the October 25, 2010 complaint alleges that 1) the notice for the September 28, 2010 meeting "did not include 'a listing of topics that the chair reasonably anticipates will be discussed at the meeting'"; 2) the Committee "met in executive session without the chair first stating 'the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called'"; and 3) the Committee "met in executive session to discuss the professional competence of the Superintendent." The Committee responded to the original complaint in a letter dated November 10, 2010. The Complainant subsequently alleged an additional violation in the December 23, 2010 complaint, relating to the specificity of the Committee's notice for its October 12, 2010 meeting.

We reviewed the complaints dated October 25, 2010 and December 23, 2010; the Committee's November 10, 2010 response; the meeting notice, open and executive

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<sup>1</sup> The Memorandum attached to the October 25, 2010 complaint stated, "Complainant reserves the right to amend this list of violations as more information becomes available." The Office of the Attorney General will not investigate allegations raised for the first time in a complaint filed with the Office. Potential violations discovered after a complaint has been filed with a public body should be alleged in a subsequent complaint filed with that body. This allows the public body an opportunity to investigate and take appropriate remedial action with regard to the additional allegations.



session minutes, and video recording of the open session portion of the Committee's September 28, 2010 meeting; a January 26, 2011 letter from the Committee to our office in response to a request for documents; the open and executive session minutes from the August 24 and September 14, 2010 meetings; the open session minutes from the October 12 and October 26, 2010 meetings; a February 13, 2011 letter to our office from School Committee Member Dr. Erdem Ural; a March 1, 2011 letter from the Complainant to our office; and a March 2, 2011 letter from the Committee to our office. Finally, we conducted telephone interviews in April 2011 with Committee Chairman Thomas Colburn, Committee Member Dr. Erdem Ural, and Superintendent Dr. Marguerite Rizzi. We appreciate the patience of the parties as we considered this complaint.

Following our review, we find that the Committee violated the Open Meeting Law in three separate instances. The Committee failed to list topics with sufficient specificity in its meeting notice for the September 28, 2010 meeting, as required by G.L. c. 30A, § 20(b) and 940 CMR 29.03(1)(b).<sup>2</sup> In addition, the Committee failed to follow proper procedures for entering executive session during that meeting, in violation of G.L. c. 30A, § 21(b). Finally, while we find that the Committee acted appropriately when it entered executive session to conduct contract negotiations with the Superintendent, we find that the Committee violated the Open Meeting Law when it voted on the Superintendent's contract extension in executive session rather than during an open session.

### FACTS

Based upon our review of the material listed above, the facts are as follows. On June 30, 2010, Dr. Rizzi completed her first year as Superintendent of the Stoughton Public Schools. The term of Dr. Rizzi's employment, according to her original contract, was three years – from July 1, 2009 until June 30, 2012.

On August 24, 2010, the Committee met and the open session minutes reflect that "Superintendent's evaluation" was a topic of discussion under "Old Business." At this time, according to the minutes, Dr. Rizzi had completed "a report for the first one hundred days." The Committee discussed timing for sharing that report. Later in the meeting, "the Committee was polled and a unanimous roll call vote taken to adjourn the open session and convene in Executive Session for the purpose of a negotiations, grievance update and pending litigations."<sup>3</sup> During the executive session, the Superintendent's evaluation was discussed further. The minutes reflect that, "[t]he process in which the superintendent will be evaluated was discussed. Deliberation will be in open session and contract discussions will be in executive session."<sup>4</sup>

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<sup>2</sup> Though the violation was not properly alleged in a complaint with the public body, it does appear that the notice for the October 12, 2010 meeting similarly failed to include specific detail.

<sup>3</sup> We note that the same reason was cited as the purpose for executive session in each of the five meetings whose minutes we reviewed.

<sup>4</sup> Though not raised in the complaint, we note that procedures for conducting an evaluation are not an appropriate subject for executive session.

The Committee met again on September 14, 2010. The open session minutes for this meeting also reflect discussion of the Superintendent's evaluation. The "Superintendent's End of Year Report-2010," a self-evaluation prepared by Dr. Rizzi, was discussed in some detail. According to the minutes, Committee Member Sovinee "listed areas [where] she has seen positive growth" and Chairman Colburn noted that "He would like to see continued improvement on providing information to the community." Chairman Colburn then stated he would "collect the evaluations from the School Committee members and review with Dr. Rizzi." Later in the meeting, "the Committee was polled and a unanimous roll call vote taken to adjourn the open session and convene in Executive Session for the purpose of a negotiations, grievance update and pending litigations." During the executive session, "Dr. Rizzi's potential contract length and salary increases" were discussed. The executive session minutes do not provide any detail of the discussion beyond that single sentence, however in his interview with this office, Dr. Ural stated that they discussed Dr. Rizzi's request to raise her salary so it was in line with comparable superintendents, and possibly other Town officials.

Sometime after the September 14, 2010 meeting, but before the Committee's September 28, 2010 meeting, Committee members submitted their individual written evaluations of the Superintendent to Chairman Colburn for compilation into a single document. During that same time period, Dr. Rizzi indicated to Chairman Colburn that she was being courted by at least one other school system, but wanted to stay in Stoughton if she could obtain some assurance of job security. According to Dr. Rizzi, she did not want to wait until the end of her contract term to look for another position, if that were to become necessary.

The Committee next met on September 28, 2010. The meeting notice, dated September 24, 2010, listed twelve topics for discussion, including "2. Old Business – Superintendent Evaluation" and "11. Executive Session: Level III Grievance & Negotiation Updates; Possible Litigation." The notice did not state that the Superintendent's contract would be a topic of discussion during the executive session. According to Chairman Colburn, the meeting notice was created by the Superintendent and her staff, with his input. Both he and Dr. Rizzi knew at the time it was created that a potential contract extension for the Superintendent would be a topic of discussion during the executive session.

During the open session portion of the September 28, 2010 meeting, Chairman Colburn stated that he was compiling the Superintendent's evaluation, and would be meeting with Dr. Rizzi in the near future.<sup>5</sup> At several points during the meeting, Committee members praised Dr. Rizzi's good work, such as when they heard updates on items including MCAS scores and the retention of a grant writer. At the end of the meeting, Chairman Colburn took a vote to enter executive session "for the purpose of

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<sup>5</sup> The open session minutes from the September 28, 2010 do not reflect any conversation about the Superintendent's evaluation, though it was on the meeting agenda and the video recording shows it was briefly discussed by Chairman Colburn.

Level III grievance and negotiation updates, [] possible litigation” and noted there would be “the opportunity to go back into open session if we need to for any voting.” The Chair did not state that the Superintendent’s contract would be a subject of the closed session. A roll call vote was then taken and the members voted unanimously to enter executive session.

The executive session was convened at 8:41 p.m. and adjourned at 10:15 p.m. Although it lasted for more than an hour and a half, the minutes from the September 28, 2011 executive session are extremely sparse and take up only one third of one page.<sup>6</sup> It appears the Committee discussed at least one grievance, as well as contract negotiations with personnel, including the Superintendent. No litigation matters were discussed.

Dr. Rizzi and Chairman Colburn both stated during interviews with this office that they knew they could not discuss the Superintendent’s evaluation behind closed doors, and made this fact clear to others on the Committee at some point prior to the September 28, 2011 meeting. Under “Superintendent Review”, the executive session minutes state only that “A discussion took place regarding Dr. Rizzi’s potential contract length and salary increases. Possible tie with teacher salary increases will be discussed publicly at a later date.” Discussion of Dr. Rizzi’s job performance during the executive session appears to have been minimal. According to Chairman Colburn, the discussion was limited to whether a longer contract was good for the school system. Dr. Ural stated that several Committee members also commented that the Superintendent was doing a good job and it would be a shame to lose her. Dr. Ural further noted that Dr. Rizzi raised the matter of a possible pay increase during this meeting, and discussion then turned to tying her salary to the teachers’ pay increase. After this idea was rejected, Dr. Rizzi then asked for an extension of her contract. Dr. Rizzi proposed specific terms for a contract extension and the Committee adopted them. The minutes reflect that Committee member Husseinini made a motion to extend the Superintendent’s contract by four years, beginning at the end of the current contract. Chairman Colburn did not recall the Committee asking Dr. Rizzi any questions, and stated that the vote on her contract extension “seemed totally procedural.” Chairman Colburn also stated that the vote may have been somewhat premature given that they had not yet done an evaluation of the Superintendent, but since there was “no money attached” he felt there was no reason to delay the vote. Dr. Ural stated that he argued no action needed to be taken on Dr. Rizzi’s contract at that time, but the rest of the Committee was amenable and the motion passed with three in favor and one opposed.

On October 12, 2010, the Committee held another meeting. During the open session portion of this meeting, Chairman Colburn discussed the contract extension and stated his belief that the vote was appropriately taken in executive session. A representative from the Stoughton Teacher’s Association then read a statement regarding a recent vote of no confidence in the Superintendent, and requested that the Committee reconsider its vote to extend Dr. Rizzi’s contract. A discussion followed regarding the

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<sup>6</sup> The minutes from the September 14, 2010 executive session, which also lasted for an hour and a half, are equally brief, comprising only one third of one page.

possibility of re-voting in public, and a motion was made by Chairman Colburn to reconsider the vote on Dr. Rizzi's contract. Following additional statements by the public in support of and opposition to the extension, a vote was taken to reconsider the contract extension. The motion failed, and the vote was not reconsidered.

On October 26, 2010, the Committee met again and the evaluation of Dr. Rizzi that Chairman Colburn compiled was presented. It is unclear from the meeting minutes whether the evaluation was discussed in any depth at that time.

### DISCUSSION

The complaint alleges three violations of the Open Meeting Law stemming from the Committee's meeting on September 28, 2010. We address these issues in turn.

1. Notice for the September 28, 2010 Meeting did not Contain Sufficient Specificity to Reasonably Advise the Public of Issues to be Discussed

The Open Meeting Law requires a public body to post a meeting notice 48 hours in advance of a meeting and include, a "listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 20, § 20(b). Public bodies are required to list topics in a meeting notice with "sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03. We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand what the nature of the public body's discussion will be.

We find that the Committee's September 24, 2010 meeting notice was not sufficiently specific to advise the public of the issues the Committee planned to discuss during its executive session. The notice for the September 28, 2010 meeting described the executive session topic only as "Executive Session: Level III Grievance & Negotiation Updates; Possible Litigation." The Committee stated in its November 10, 2010 response that it "acknowledges that both the agenda and motion could have been more artfully crafted but both clearly state that one of the purposes of going into executive session was for negotiations." Nevertheless, the meeting notice still fell short of the requirement that the Committee state "all subjects that may be revealed without compromising the purpose for which the executive session" will be called. G.L. c. 30A, § 21(b)(3); See District Attorney for Northern Dist. v. School Committee of Wayland, 455 Mass. 561, 567 (Mass. 2009) ("[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").

Because Chairman Colburn was aware at the time the meeting notice was created that Dr. Rizzi's contract would be a topic of discussion, the meeting notice should have specifically stated that the Committee would be meeting in executive session to negotiate

a contract extension with Dr. Marguerite Rizzi. Providing the public with this additional information would not have been detrimental to the Committee's negotiating position, particularly as Dr. Rizzi was aware of the session and planned to attend. It would, however, have put any interested member of the public on notice that there was a specific individual with whom the Committee was negotiating.

2. Chairman Failed to Make a Sufficiently Detailed Statement of the Purpose for the September 28, 2010 Executive Session

Prior to entering executive session, the chair of the public body must "state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called." G.L. c. 30A, § 21(b)(3). For the same reasons that the meeting notice was deficient, Chairman Colburn's verbal statement of the reason for the executive session also did not meet the requirements of the Open Meeting Law. Chairman Colburn announced that the Committee would enter executive session, "for the purpose of Level III grievance and negotiation updates, [] possible litigation". This statement failed to provide enough information so that a member of the public would understand the nature of the executive session. The Chairman should have publicly stated that the executive session was being held for the purpose of conducting contract negotiations with Dr. Marguerite Rizzi. Doing so would have made clear that the Committee intended to meet to conduct contract negotiations with specific non-union personnel, rather than discuss general non-union negotiating strategies.

As a final matter, the reason for an executive session as stated in the meeting notice and verbally by the chair should reflect items that the chair reasonably expects to discuss during that session. The statement should not, as appears to have been the case here, be a "catch-all" statement that is listed on every meeting agenda. Such boilerplate statements do not give the public sufficient notice of topics that will be discussed at that particular meeting.

3. The Committee did not Meet in Executive Session on September 28, 2010 to Discuss the Professional Competence of the Superintendent, but did Take an Improper Vote on Contract Extension

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). However, the Open Meeting Law permits public bodies to enter executive session and conduct deliberations outside of the public view for ten specific purposes. See G.L. c. 30A, § 21(a). When meeting in executive session, a public body may only address subjects related to the narrow executive session purpose the public body cited when entering executive session. See District Attorney for the Northwestern Dist. v. Board of Selectmen of Sunderland, 11 Mass. App. Ct. 663, 666 (1981) (executive session may not be used as a blanket reason to deliberate on matters other than those pertaining to the specific purpose for which executive session was called). One appropriate purpose for executive session is "[t]o

conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.” G.L. c. 30A, § 21(a)(2) (“Purpose 2”).

On September 28, 2010, the Committee entered executive session for the purpose of "Level III grievance and negotiation updates, [] possible litigation." Although minutes from the executive session are sparse, it appears the Committee discussed contract negotiations with personnel, including the Superintendent. Complainant alleges that the Committee also discussed the Superintendent's professional competence during the executive session, stating that it "belies comprehension as to how a decision to renew the Superintendent's contract can be undertaken without any discussion of her professional competence. Professional Competence is intrinsically and inseparably tied to the issue of contract extension." Complaint Memorandum, p. 6.

While a vote to extend an employment contract does itself make a statement about the performance of the person whose contract is being extended, the fact of such a vote does not constitute concrete evidence that a discussion of that employee's performance preceded. Certainly, it makes pragmatic sense for a public body to evaluate an employee's performance before making decisions regarding the future of that person's employment and, here, an in depth discussion of the Superintendent's job performance in open session may have been helpful to members of the public wishing to know why the Committee felt it necessary to extend her contract at that time. On the evidence before us, however, it appears that no substantive discussion of the Superintendent's professional competence was held in executive session prior to the September 28, 2010 vote on the Superintendent's contract. Some discussion of the Superintendent's performance did occur during the September 14, 2010 meeting, but the September 28, 2010 meeting appears to have been limited to the negotiation of the contract extension. These types of discussions are appropriate under Purpose 2. See Wayland, 455 Mass. at 568 ("While professional competence must first be discussed in an open session, how that evaluation will factor into a contract or salary negotiation strategy may be a suitable discussion for an executive session."). Therefore, had the meeting notice and the Chairman's statement at the time of the vote to enter executive session been tailored to the specific topics the Chairman anticipated discussing and included sufficient detail about the session's purpose, the Committee would have acted appropriately in holding this discussion in executive session.

Although the Committee's negotiation of the Superintendent's contract was an appropriate subject for executive session, once the negotiation reached fruition the Committee had an obligation to return to open session in order to vote on whether or not to extend the contract. The law allows a public body to conduct contract negotiations with non-union personnel in executive session, but does not authorize a public body to approve a contract in executive session. Therefore, while a public body may reach an agreement on the terms of a contract in executive session, it must subsequently vote to approve or ratify such agreements in open session before they become effective. See OML 2011-28 (finding that school committee violated the Open Meeting Law by voting to approve superintendent's contract addendum in executive session). Chairman

Colburn's statement at the time the September 28, 2010 executive session was convened that there would be "the opportunity to go back into open session if we need to for any voting" suggests that he was, at least to some degree, aware of this requirement.

If a vote is improperly taken in executive session, a public body may cure the violation of the Open Meeting Law. To do so, the public body must take independent, deliberative action, and not merely engage in a ceremonial acceptance or perfunctory ratification of a secret decision. See Pearson v. Board of Selectmen of Longmeadow, 49 Mass.App.Ct. 119, 125 (2000) (citing Tolar v. School Bd. of Liberty County, 398 So.2d 427, 429 (Fla.1981)). Here, although an open session discussion of the merits of the contract extension did occur on October 12, 2011, this was insufficient to cure the earlier violation because the Committee did not re-vote on the contract extension during that meeting. Allowing public comment on an action already taken without publicly reconsidering the vote cannot cure a violation of the Open Meeting Law.

Because the vote on Dr. Rizzi's contract extension was not taken in public, and because the meeting notice did not provide the public with sufficient detail to know that such a vote was even a possibility during this meeting, the Committee acted inappropriately.

As a final matter, although not raised by the complainant, we note that the Committee's meeting minutes do not satisfy the requirement that minutes include "a list of documents and other exhibits used at the meeting." G.L. c. 30A, § 22(a). The minutes from the September 28, 2010 meeting did not include a list of any documents or exhibits used by the Committee, though the open session video recording shows the Committee discussed specific documents, such as a grant sheet which was handed out during the meeting. Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. At minimum, meeting minutes must set forth "the date, time and place, 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." G.L. c. 30A, § 22(a). A transcript of the discussion is not required, but minutes should be sufficiently detailed to allow a person who was not in attendance to determine the essence of the discussion and what documents were used.

### CONCLUSION

The Committee violated the Open Meeting Law by failing to provide sufficient detail about the purpose for its executive session, both in its meeting notice and when it convened in executive session during the September 28, 2010 meeting. The Committee further violated the Open Meeting Law by failing to ratify in open session a contract extension agreed to between the Committee and the Superintendent during executive session.

We accordingly order immediate and future compliance with the Open Meeting Law and caution the Committee that a determination by our office of similar violations in

the future may be considered evidence of intent to violate the Open Meeting Law. We also order the Committee to attend a training on the Open Meeting Law, G.L. c. 30A, §§ 18-25, within 90 days of receipt of this letter, to be conducted by an attorney or organization familiar with the requirements of the Open Meeting Law and approved by this office. Finally, we order the Committee to amend its September 28, 2010 meeting minutes to include "a list of documents and other exhibits used" at the Committee's September 28, 2010 meeting.

The Committee did not have the benefit of our decision in OML 2011-28<sup>7</sup> at the time of this meeting, therefore we decline to take the further remedial action requested by the complainant, namely nullifying the action taken by the Committee in approving Dr. Rizzi's contract. While we do not order nullification, in the interest of transparency, we strongly recommend that the Committee reconsider the vote on the contract extension during an open session meeting. In addition, we caution the Committee that future similar violations may result in nullification of any action taken.

We now consider this matter closed. If you have any questions regarding this letter, or believe any of the facts in this letter are inaccurate, please do not hesitate to contact our office.

Sincerely,



Amy L. Nable  
Assistant Attorney General  
Director, Division of Open Government

cc: Maria Capobianco  
Ashley Walter, Esq., Shaevel & Krems, LLP

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<sup>7</sup> OML 2011-28 found that a school committee violated the Open Meeting Law by, amongst other things, agreeing to a contract addendum during an executive session and failing to subsequently ratify that agreement in open session.