

Executive Session Meeting Minutes regarding Paper 108-26  
Review of Minutes Benevolent Botanicals et al v. City of Malden  
February 17, 2026

Paper 102-26 Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those Executive Session minutes listed herein to determine if release of records is appropriate at this time or if continued non-disclosure is warranted.

Council vote is required prior to release of the Executive Session minutes of the following dates:

- February 3, 2026

Additionally, draft Executive Session minutes from February 3 and February 10, 2026 will be reviewed for final approval.

(Roll Call Required)

During the City Council meeting on February 17, 2026, a motion was made by Councillor Sica, seconded by Councillor Simonelli to enter into Executive Session to address Paper 108-26. Order was approved by a 10-1 roll call vote.

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

Nea- O'Malley

Absent- zero

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

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

The meeting was called to order at 7:48 PM.

This evening's review was initiated by an Open Meeting Law request made by Bruce Friedman of 8 Marvin Street, Malden to release the minutes from February 3, 2026 regarding the Tuft's Construction v. City of Malden lawsuit.

The meeting opened with City Solicitor McNeil introducing the two above noted sets of meeting minutes from previous Executive Sessions. She reminded the Body that both sets of minutes involve litigation strategy on cases that are not totally resolved within the court system and so are still confidential. The meeting of February 3<sup>rd</sup> was about the Tufts Construction lawsuit, February 10<sup>th</sup> about Benevolent Botanicals. Solicitor McNeil's recommendation is to keep February 3<sup>rd</sup> minutes in continued non-disclosure until the settlement agreement with Tufts has been accepted by the court. Additionally, to keep the February 10<sup>th</sup> minutes also in continued non-disclosure until the appeal process with Benevolent Botanicals has been decided, at which point all past ES minutes may be released.

For those Councillors who did not review the meeting minutes in advance of this session, City Clerk Desiderio brought them up on the screen for review. There were no questions about the minutes or requests for edits.

A motion was made by Councillor Sica, seconded by Councillor Taylor to approve the meeting minutes from February 3, 2026 regarding Tufts Construction, motion passed by an 11-0 roll call vote.

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

Nea- Zero

Absent- Zero

A motion was made by Councillor Sica, seconded by Councillor O'Malley to release the minutes from February 3, 2026 whole and unredacted upon the court's acceptance of the settlement agreement between Tufts Construction and City of Malden, motion passed by an 11-0 roll call vote.

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

Nea- Zero

Absent- Zero

Clerk Desiderio asked for and received confirmation from Solicitor McNeil that there was not anything written in the February 3<sup>rd</sup> minutes that would require redaction prior to release of the record. With that, the Clerk continued on with the review of minutes from February 10, displaying them on the screen for anyone who hadn't already examined them. There were no questions about the minutes or requests for edits.

A motion was made by Councillor O'Malley, seconded by Councillor Colón Hayes to approve the meeting minutes from February 10, 2026 regarding Benevolent Botanicals, motion passed by an 11-0 roll call vote.

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

Nea- Zero

Absent- Zero

Although the release of the February 10<sup>th</sup> minutes were not included in Mr. Friedman's records request that was the purpose of this evening's meeting, Councillor O'Malley made a motion to release these minutes for public consumption. Councillor Simonelli commented that the Benevolent Botanicals case hasn't fully closed. Councillor Winslow confirmed this to be accurate and that the Body is scheduled to discuss it further in Executive Session next week on February 24.

Councillor O'Malley argued that the Body cannot keep Executive Session minutes from being released if no privilege remains, which he believes is the case with the February 10<sup>th</sup> minutes. Councillor Winslow pointed out that these minutes contain litigation strategy as discussed in the last meeting, therefore the privilege does remain. Councillor O'Malley indicated he would entertain redactions but not full non-disclosure. Clerk Desiderio informed the room that the minutes in question are now also connected to an Open Meeting Law complaint that was filed by Councillor O'Malley, which will be posted on next week's agenda.

Councillors McDonald and Sica expressed support for releasing the February 10<sup>th</sup> minutes in conjunction with the established timeline determined for the entirety of the Benevolent Botanicals minutes but not by piece mail and out of context, and certainly not until the case has been fully settled with the court. Councillor O'Malley was not in agreement.

A motion was made by Councillor O'Malley, seconded by Councillor Colón Hayes to release the minutes from February 10, 2026, immediately subject to redactions as deemed appropriate by the City Solicitor, motion failed by a 3-8 roll call vote.

Yea- Colón Hayes, Condon, O'Malley

Nea- Crowe, Linehan, Luong, McDonald, Sica, Simonelli, Taylor, and Winslow

Absent- Zero

There was no further discussion.

A motion was made by Councillor O'Malley, seconded by Councillor Simonelli to exit Executive Session and adjourn the Council, motion passed by an 11-0 roll call vote.

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

Nea- Zero

Absent- Zero

Executive Session was adjourned at 8:08 PM.

Minutes compiled by City Clerk Carol Ann Desiderio

March 3, 2026 Communication from Council President Linehan: On February 19, 2026 a request was made by Bruce Friedman for the regular and executive session meeting minutes from the Malden City Council for the dates of February 10 and 17, 2026. Regular session minutes may be found in the Agenda Center of the City's website. In accordance with M.G. L. c. 30A, s. 22 (g) the public body's chair has conducted a review of the Executive Session minutes and has made the determination that those minutes from February 10 and 17 shall be approved and released in accordance with the completion of post-judgment actions on each of the respective court cases which were discussed during these sessions.

Minutes released from non-disclosure March 11, 2026.