



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 - 20th Floor, Boston, MA 02108. Emails may be sent to: 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.



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.

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: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Thursday, March 26, 2026 at 11:51:26 AM Eastern Daylight Time
From: Commonwealth Transparency <info@opencommonwealth.org>
To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>, Amanda Linehan <alinehan@cityofmalden.org>
Priority: High

Greetings:

Under the Massachusetts Open Meeting Law (M.G.L. c. 30A, § 22), and under the Massachusetts Public Records Law (M.G.L. c. 66 §§ 10 -10A) OpenCommonwealth.org is hereby formally requesting ANY teams/zoom or other audio and visual recordings of the meeting(s) and the draft and final minutes of the meeting(s), any notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the sessions, for the following meetings and dates:

DATE	BODY	MEETING
1/28/20	City of Malden City Council	Executive Session
2/11/20	City of Malden City Council	Executive Session
2/25/20	City of Malden City Council	Executive Session
3/10/20	City of Malden City Council	Executive Session
1/19/21	City of Malden City Council	Executive Session
3/9/21	City of Malden City Council	Executive Session
4/20/21	City of Malden City Council	Executive Session
6/22/21	City of Malden City Council	Executive Session
6/29/21	City of Malden City Council	Executive Session
8/17/21	City of Malden City Council	Executive Session
9/7/21	City of Malden City Council	Executive Session
9/21/21	City of Malden City Council	Executive Session
3/1/22	City of Malden City Council	Executive Session
3/8/22	City of Malden City Council	Executive Session
3/15/22	City of Malden City Council	Executive Session
3/21/22	City of Malden City Council	Executive Session
8/9/22	City of Malden City Council	Executive Session
11/1/22	City of Malden City Council	Executive Session
11/17/22	City of Malden City Council	Executive Session
12/14/22	City of Malden City Council	Executive Session
2/14/23	City of Malden City Council	Executive Session
2/28/23	City of Malden City Council	Executive Session
3/14/23	City of Malden City Council	Executive Session
12/5/23	City of Malden City Council	Executive Session
1/23/24	City of Malden City Council	Executive Session
1/30/24	City of Malden City Council	Executive Session
2/6/24	City of Malden City Council	Executive Session
2/13/24	City of Malden City Council	Executive Session
2/27/24	City of Malden City Council	Executive Session
4/30/24	City of Malden City Council	Executive Session
5/7/24	City of Malden City Council	Executive Session
6/25/24	City of Malden City Council	Executive Session
7/24/24	City of Malden City Council	Executive Session
9/10/24	City of Malden City Council	Executive Session
10/8/24	City of Malden City Council	Executive Session
3/25/25	City of Malden City Council	Executive Session
6/3/25	City of Malden City Council	Executive Session
6/17/25	City of Malden City Council	Executive Session

9/2/25	City of Malden City Council	Executive Session
10/14/25	City of Malden City Council	Executive Session
10/28/25	City of Malden City Council	Executive Session
11/25/25	City of Malden City Council	Executive Session
12/2/25	City of Malden City Council	Executive Session
12/9/25	City of Malden City Council	Executive Session
12/16/25	City of Malden City Council	Executive Session
2/24/26	City of Malden City Council	Executive Session
1/13/26	City of Malden City Council	Executive Session
1/27/26	City of Malden City Council	Executive Session
2/24/26	City of Malden City Council	Executive Session

For committee and executive sessions; All meeting notices, video of, transcripts from, and meeting minutes from the meetings themselves and all documents and other exhibits, photographs, recordings or maps, and votes taken by and/or used by the body any other part of the official record of the session(s). For any redactions, please cite the specific ongoing reason for continued redactions. For unsigned minutes, please state the reason for the minutes being unsigned and unattested to.

OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

OpenCommonwealth reminds the committee of the attached determinations of the Division of Open Government and the Supervisor of Public Records regarding redactions and is specifically seeking the responsive records which comply with these determinations.

This request seeks all documents regardless of form, whether draft or approved/final, as specifically seeks all draft, and approved minutes.

Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Date: Saturday, April 4, 2026 at 1:09:12 PM Eastern Daylight Time
From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
To: Commonwealth Transparency <info@opencommonwealth.org>
CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Attachments: 615 Executive Session PersAppts 12523 Solicitor Interviews.pdf

Bruce,

Please accept this email as response to your request for executive session minutes. As outlined below, you have submitted a list of 49 individual dates, one of which is a duplicate; 2/24/26 was listed twice. Of the 48 dates, there exist only 15 responsive records from 13 dates. All the other dates you have listed are occasions that either 1) no meetings were scheduled; 2) a meeting was held but no executive session was scheduled; or 3) an executive session was scheduled but not entered into due to the Council voting to have the discussion in open session.

Of those occasions wherein a motion to enter executive session failed and the discussion was held in open session, meeting minutes are posted online for public review via either the Legistar database or Agenda Center at www.cityofmaiden.org/agendacenter. This information may be confirmed using the calendar search function for Council meeting dates at the following link.

<https://cityofmaiden.legistar.com/Calendar.aspx>

The dates that have no responsive records are as follows: 1/28/2020, 2/11/2020, 2/25/2020, 3/10/2020, 1/19/2021, 3/9/2021, 6/22/2021, 6/29/2021, 8/17/2021, 9/7/2021, 3/1/2022, 3/15/2022, 3/21/2022, 8/9/2022, 11/1/2022, 11/17/2022, 12/14/2022, 2/14/2023, 1/23/2024, 1/30/2024, 2/6/2024, 2/13/2024, 2/27/2024, 5/7/2024, 9/10/2024, 10/8/2024, 3/25/2025, 6/3/2025, 6/17/2025, 9/2/2025, 11/25/2025, 12/2/2025, 12/9/2025, 1/13/2026, 1/27/2026

Of the 15 responsive records, 1 is attached for your review.

6 are still in draft form and were currently under review to be finalized prior to your request. The anticipated date for this scheduled review to be complete is April 15.

8 are already in final form but are not yet approved for release. I am currently working in conjunction with Council President and City Solicitor to coordinate for this review. As of right now I do not have a confirmed date for this review but will alert you as soon as possible. I reasonably expect it to be completed before the next regularly scheduled meeting of the City Council on April 21.

Please let me know if you have any further questions. This was a large list, and I want to make sure I didn't inadvertently miss anything relevant to your request.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>
Sent: Thursday, March 26, 2026 11:51 AM
To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>; Amanda Linehan <alinehan@CITYOFMALDEN.ORG>
Subject: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A
Importance: High

Greetings:

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Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and social media, and has had over 20,000 external visitors view and/or download records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.



City of Malden

Malden City Hall
215 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Personnel/Appointments Committee

Councillor Amanda Linehan, Chair
Councillor Chris Simonelli, Vice-Chair
Councillor at Large Carey McDonald
Councillor Paul Condon
Councillor Jadeane Sica

Tuesday, December 5, 2023

6:15 PM

City Hall
Room 105
215 Pleasant Street

Executive Session

Roll Call

Councillor Linehan called the meeting to order at 6:21 P.M.

Present: 4 - Councillor Amanda Linehan, Councillor Chris Simonelli, Paul Condon and Jadeane Sica

Absent: 1 - Carey McDonald

Minutes to be Approved

[449-23](#)

Minutes of November 28, 2023 to be approved.

A motion was made by Councillor Simonelli, seconded by Councillor Sica, that the Committee Minutes of November 28, 2023 be approved. The motion carried by a unanimous vote.

Business

The Personnel/Appointments Committee will meet to review and interview candidates for the position of City Solicitor to fill the unexpired term created by the retirement of John McNaught, City Solicitor.

The committee will meet in executive session under the provisions of M.G.L. c30A, section 21(a)(8) to consider, review, and interview applicants, if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. The committee will not reconvene in open session at the conclusion of the executive session.

Councillor Linehan read the following into the record: The committee will meet in executive session under the provisions of M.G.L. c30A, section 21(a)(8) to consider, review, and interview applicants, if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. The committee will not reconvene in open session at the conclusion of the executive session.

The following motion was made:

Motion to enter into executive session was made by Councillor Simonelli, seconded by Councillor Sica.

Roll Call Vote: Sica-yes Simonelli-yes Condon-yes Linehan-yes Passes 4/0

The committee entered into executive session 6:23 P.M.

The Personnel/Appointments committee met to review and interview candidates for the position of City Solicitor to fill the unexpired term created by the retirement of John McNaught, City Solicitor.

Councillor Linehan explained that she was informed that they only have one qualified candidate who submitted a resume and explained she will open up floor to any questions that the committee may have. Once the committee makes a recommendation to the Full Council who are not in the executive session will have the opportunity on the floor to ask any questions of the candidate they have. She asked Alicia if she would like to start or had any questions for the committee.

Alicia explained she did submit her cover letter and resume and if the committee had any specific questions for her.

The committee unanimously agreed that Alicia has been doing a great job as acting City Solicitor and made the following motion:

Motion to recommend Alicia McNeil out favorably to the Full Council by Councillor Sica seconded by Councillor Simonelli.

Roll Call Vote: Condon-yes Sica-yes Simonelli-yes Linehan-yes

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and Councillor Crowe, Chair of Personnel/Appointments Committee, on April 1, 2026, they reviewed the executive session minutes dating back to December 5, 2023. There were no questions or amendments submitted to the Clerk of Committees. On April 1, 2026, on behalf of the Personnel/Appointments Committee, Council President Linehan authorized the approval of the draft executive session minutes to be finalized and authorized the release of the December 5, 2023 minutes.

Approval process was overseen by Lisa M Cagno, Clerk of Committees.

Other Business

Adjournment

Motion was made by Councillor Simonelli, seconded by Councillor Condon, That this meeting be adjourned at 6:25 PM. The motion carried unanimously.

Roll Call Vote: Condon-yes Sica- yes Simonelli-yes Linehan-yes Passes 4/0

Subject: RE: Request for Appeal - Malden, MA. - Improperly Withholding Public Records, Failure to Timely Respond.

Date: Thursday, April 16, 2026 at 5:24:48 PM Eastern Daylight Time

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>

To: Commonwealth Transparency <info@opencommonwealth.org>, pre@sec.state.ma.us <pre@sec.state.ma.us>

CC: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>, OpenMeeting (AGO) <openmeeting@mass.gov>, 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>

Dear Bruce,

In response to your claim below that the minutes from the meetings 4/20/2021, 3/8/2022, 2/28/2023, 4/30/2024, 6/25/2024, 7/24/2024, and 3/11/2025 have not been released, please know this is not true. **The minutes were released publicly on Tuesday, April 14, 2026.**

From Tuesday evening until your email this morning, less than 48 hours, I had not yet had the opportunity to provide you with this notification, but I will tell you now. The minutes may be found at [City of Malden - Legislation](#) using the date to look up the meetings in question. Not only are the executive session minutes attached to the history of the original papers when the meetings were first held but they have also been crossed referenced to the history of Paper 204-26.

Council item 204-26 is a communication that was read into the record during the meeting of April 14 alerting the public that a review of executive session minutes had been performed and the findings of that review. Part of that communication had also explained that certain executive session minutes are being kept from public release. The reason for continued non-disclosure is due to the cases still being in active litigation and that publication may defeat the lawful purpose[s] of the executive sessions under the provisions of M.G.L. c. 30A, s.22(f). Please see below for the complete wording of Paper 204-26 communication as it was entered into the record on April 14.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), with the approval of Council President Linehan and City Solicitor McNeil, on March 9, 2026 eleven members of the Malden City Council were offered a one-month period of time to review seven sets of draft executive session minutes in the privacy of the City Clerk's Office. If there were any motions for amendments or need for further discussion a date would be set to meet in Executive Session to deliberate. Otherwise, if there were no objections, on behalf of the Body, Council President Linehan would be tasked with the approval of said minutes. After the one-month review period had expired, on April 9, Council President Linehan authorized the approval of all draft executive session minutes.

Concurrently, a periodic review was completed to determine if a number of minutes warranted continued non-disclosure. Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the Executive Session minutes from the meetings of 4/20/2021, 3/8/2022, 2/28/2023, 4/30/2024, 6/25/2024, 7/24/2024, and 3/11/2025.

Under Open Meeting Law, M.G.L. c. 30A, s. 22(f) certain executive session meeting minutes are being withheld "as publication may defeat the lawful purpose[s] of the executive session". Under the Public Records Law, these same sets of executive session meeting minutes are being withheld based on attorney-client privilege. (See Suffolk Construction Co. v. Division of Capital Asset Management, 449 Mass. 609, 619 (2007)) The meetings were held in executive session with the City Solicitor and City officials (attorney-client relationship); the City officials sought legal advice from the City Solicitor; and the communications of these meetings have not been waived.

For the above reasons, the following meeting minutes are withheld from public release 9/21/2021, 3/14/2023, 4/30/2024, 10/14/2025, 10/28/2025, 12/16/2025, and 2/24/2026.

If you are in need of assistance utilizing the above link to find the meeting minutes you seek, I will be happy to offer guidance on how to use the search function.

Thank you,
Carol Ann

From: Commonwealth Transparency <info@opencommonwealth.org>

Sent: Thursday, April 16, 2026 10:50 AM

To: pre@sec.state.ma.us

Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>; Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>; Alicia McNeil <amcneil@CITYOFMALDEN.ORG>; OpenMeeting (AGO) <openmeeting@mass.gov>; 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>

Subject: Request for Appeal - Malden, MA. - Improperly Withholding Public Records, Failure to Timely Respond.

Importance: High

Greetings:

On March 26, 2026, the following PRR was served upon Malden:

From: Commonwealth Transparency <info@opencommonwealth.org>

Date: Thursday, March 26, 2026 at 11:51 AM

To: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>, Amanda Linehan <alinehan@cityofmalden.org>

Subject: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Greetings:

Under the Massachusetts Open Meeting Law (M.G.L. c. 30A, § 22), and under the Massachusetts Public Records Law (M.G.L. c. 66 §§ 10 -10A) OpenCommonwealth.org is hereby formally requesting ANY **teams/zoom or other audio and visual recordings of the meeting(s) and the draft and final minutes of the meeting(s), any notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the sessions,** for the following meetings and dates:

DATE	BODY	MEETING
1/28/20	City of Malden City Council	Executive Session
2/11/20	City of Malden City Council	Executive Session
2/25/20	City of Malden City Council	Executive Session
3/10/20	City of Malden City Council	Executive Session
1/19/21	City of Malden City Council	Executive Session
3/9/21	City of Malden City Council	Executive Session
4/20/21	City of Malden City Council	Executive Session
6/22/21	City of Malden City Council	Executive Session
6/29/21	City of Malden City Council	Executive Session
8/17/21	City of Malden City Council	Executive Session
9/7/21	City of Malden City Council	Executive Session
9/21/21	City of Malden City Council	Executive Session
3/1/22	City of Malden City Council	Executive Session
3/8/22	City of Malden City Council	Executive Session
3/15/22	City of Malden City Council	Executive Session
3/21/22	City of Malden City Council	Executive Session
8/9/22	City of Malden City Council	Executive Session
11/1/22	City of Malden City Council	Executive Session
11/17/22	City of Malden City Council	Executive Session
12/14/22	City of Malden City Council	Executive Session
2/14/23	City of Malden City Council	Executive Session
2/28/23	City of Malden City Council	Executive Session
3/14/23	City of Malden City Council	Executive Session
12/5/23	City of Malden City Council	Executive Session
1/23/24	City of Malden City Council	Executive Session
1/30/24	City of Malden City Council	Executive Session
2/6/24	City of Malden City Council	Executive Session
2/13/24	City of Malden City Council	Executive Session
2/27/24	City of Malden City Council	Executive Session
4/30/24	City of Malden City Council	Executive Session
5/7/24	City of Malden City Council	Executive Session
6/25/24	City of Malden City Council	Executive Session
7/24/24	City of Malden City Council	Executive Session
9/10/24	City of Malden City Council	Executive Session
10/8/24	City of Malden City Council	Executive Session
3/25/25	City of Malden City Council	Executive Session
6/3/25	City of Malden City Council	Executive Session
6/17/25	City of Malden City Council	Executive Session
9/2/25	City of Malden City Council	Executive Session
10/14/25	City of Malden City Council	Executive Session
10/28/25	City of Malden City Council	Executive Session
11/25/25	City of Malden City Council	Executive Session
12/2/25	City of Malden City Council	Executive Session
12/9/25	City of Malden City Council	Executive Session
12/16/25	City of Malden City Council	Executive Session
2/24/26	City of Malden City Council	Executive Session

1/13/26 City of Malden City Council Executive Session
1/27/26 City of Malden City Council Executive Session
2/24/26 City of Malden City Council Executive Session

For committee and executive sessions; All meeting notices, video of, transcripts from, and meeting minutes from the meetings themselves and all documents and other exhibits, photographs, recordings or maps, and votes taken by and/or used by the body any other part of the official record of the session(s). For any redactions, please cite the specific ongoing reason for continued redactions. For unsigned minutes, please state the reason for the minutes being unsigned and unattested to.

OpenCommonwealth reminds the Committee that under M.G.L. c. 30A, § 22 the public body must provide a response within 10 calendar days.

OpenCommonwealth reminds the committee of the attached determinations of the Division of Open Government and the Supervisor of Public Records regarding redactions and is specifically seeking the responsive records which comply with these determinations.

This request seeks all documents regardless of form, whether draft or approved/final, as specifically seeks all draft, and approved minutes.

Please provide all of the documents electronically, directly to the following email address: info@opencommonwealth.org

This request and all responsive documents are for express purposes of gathering information to promote citizen oversight and further the public understanding of the operation and activities of the City of Malden.

Kindest Regards,

OpenCommonwealth.org

On April 4, 2026, the following response and attached attachment were received:

From: Carol Ann Desiderio <cdesiderio@CITYOFMALDEN.ORG>
Date: Saturday, April 4, 2026 at 1:09 PM
To: Commonwealth Transparency <info@opencommonwealth.org>
Cc: Amanda Linehan <alinehan@CITYOFMALDEN.ORG>, Alicia McNeil <amcneil@CITYOFMALDEN.ORG>
Subject: RE: Open Meeting Records Request per M.G.L. c. 30A, § 22 and M.G.L. c. 66 §§ 10 -10A

Bruce,

Please accept this email as response to your request for executive session minutes. As outlined below, you have submitted a list of 49 individual dates, one of which is a duplicate; 2/24/26 was listed twice. Of the 48 dates, there exist only 15 responsive records from 13 dates. All the other dates you have listed are occasions that either 1) no meetings were scheduled; 2) a meeting was held but no executive session was scheduled; or 3) an executive session was scheduled but not entered into due to the Council voting to have the discussion in open session.

Of those occasions wherein a motion to enter executive session failed and the discussion was held in open session, meeting minutes are posted online for public review via either the Legistar database or Agenda Center at www.cityofmalden.org/agendacenter. This information may be confirmed using the calendar search function for Council meeting dates at the following link.

<https://cityofmalden.legistar.com/Calendar.aspx>

The dates that have no responsive records are as follows: 1/28/2020, 2/11/2020, 2/25/2020, 3/10/2020, 1/19/2021, 3/9/2021, 6/22/2021, 6/29/2021, 8/17/2021, 9/7/2021, 3/1/2022, 3/15/2022, 3/21/2022, 8/9/2022, 11/1/2022, 11/17/2022, 12/14/2022, 2/14/2023, 1/23/2024, 1/30/2024, 2/6/2024, 2/13/2024, 2/27/2024, 5/7/2024, 9/10/2024, 10/8/2024, 3/25/2025, 6/3/2025, 6/17/2025, 9/2/2025, 11/25/2025, 12/2/2025, 12/9/2025, 1/13/2026, 1/27/2026

Of the 15 responsive records, 1 is attached for your review.

6 are still in draft form and were currently under review to be finalized prior to your request. The anticipated date for this scheduled review to be complete is April 15.

8 are already in final form but are not yet approved for release. I am currently working in conjunction with Council President and City Solicitor to coordinate for this review. As of right now I do not have a confirmed date for this review but will alert you as soon as possible. I reasonably expect it to be completed before the next regularly scheduled meeting of the City Council on April 21.

Please let me know if you have any further questions. This was a large list, and I want to make sure I didn't inadvertently miss anything relevant to your request.

Thank you,
Carol Ann

On Tuesday April 14, 2026, the Malden City Council met, discussed, and voted and ordered the release the following requested public records, the executive session minutes from:

- April 20,, 2021,
- March 8, 2022,
- February 28,, 2023,
- April 30, 2024,
- June 25, 2024,
- July 24, 2024,
- March 11, 2025,

As of the date of this appeal, none of these records have been released.

Also on Tuesday April 14, 2026, the Malden City Council met, discussed, and were told that the chair and city solicitor were withholding in their entirety following requested public records, the executive session minutes from:

- September 21, 2021,
- March 14, 2023,
- April 30, 2024,
- October 14, 2025,
- October 28, 2025,
- December 16, 2025,
- February 24, 2026,

As of the date of this appeal, none of these records have been released.

OpenCommonwealth is hereby formally requesting an in-camera review for the following specifically requested public records;

The executive session minutes of September 21, 2021, March 14, 2023, April 30, 2024, October 14, 2025, October 28, 2025, December 16, 2025, and February 24, 2026.

OpenCommonwealth is also hereby requesting that the SPR find and Order Malden to release all other responsive records without delay and without charge.

Kindest Regards,

OpenCommonwealth.org

OpenCommonwealth.org is a free and open public media organization. We serve the greater Massachusetts community with the goal to provide and empower citizen oversight of governmental operations and activities, help citizens understand how, why and where taxpayer dollars are expended, and to investigate, gather and report the facts in the online publications found on the webpages and social media accounts of OpenCommonwealth.org. OpenCommonwealth.org is a free service, is staffed only by volunteers, and all costs and expenses are borne by its creators. No person has ever paid OpenCommonwealth.org any monies, or any in-kind contributions for its reporting, or access to any of its files. It is the structural intent of OpenCommonwealth.org to maintain and persist as an absolutely free service to the entire public. Since its inception, OpenCommonwealth.org has been viewed by over 130,000 visitors between the website and social media, and has had over 20,000 external visitors view and/or download records from our free and publicly available records repository. Currently OpenCommonwealth.org has over a 1.5 Terabytes of publicly available content published. This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you. Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any matters addressed herein.

178-21

EXECUTIVE SESSION MEETING MINUTES 4-20-21

The Council voted to go into executive session at their Council Meeting on April 20, 2021. The vote was on paper 178-21, "The City Council will vote to go into executive session with legal counsel for the City, in regard to the matter of Jack Owens et al v. City of Malden, for the purposes of Exemption Three, MGL Chapter 30A Section 21(a)(3) to discuss strategy with respect to litigation where such discussion in open meeting may have a detrimental effect on the litigating position of the City, if so declared by the Chair, and to admit Maria Luise , Special Assistant to the Mayor.

It was so voted by roll call vote in open session : Camell (y), Condon (y), Crowe (y), DeMaria (y), Linehan (y), Murphy (y), O'Malley (y), Spadafora (y), Winslow (y), Anderson (y) 10-0. Absent: Sica

The executive session was joined by City Solicitor Kate Fallon, Maria Luise and John Clifford from the firm, Clifford & Kenny and executive session began at 7:15 P.M.

Council President Anderson opened discussion up with allowing Maria Luise to give background for the executive session. Ms. Luise told the council that they needed to be updated on the case with trial setting to start May 5th and the firm that has handled the case up to this point, Clifford & Kenny recommending to hire a firm, Seyfarth & Shaw that specializes in this type of court case. This has all come to a head in the last week. The case is the police union's allegation that the city has not paid the correct detail rate, thus in violation of federal and state labor laws. The case has been in court for awhile and the city has had several meetings with the union.

Attorney Clifford told the council that the suit began in 2019 with 7 patrolman and has been joined by about 100 more and the amount could be \$5,000,000 if the city were to lose the case. There are two types of details, third party details and city details. City details would be a Malden High School football game, third party details would be street details, the Boston Gas strike details. City details would be a small part of the case. Attorney Clifford's position is that they have been paid exactly what they are supposed to be paid and the court should have thrown out the third party claim. The patrolman's counsel is looking for a broad judgement which would be about \$2,000,000 and with interest and penalties bringing the judgement to around \$5,000,000. Seyfarth & Shaw is a nationwide known firm for a case like this and has recently won a case against Somerville that was similar. Attorney Clifford believes that a specialist firm is needed because of the amount of money involved. Attorney Clifford stated the document of wages is very important in the City's case.

Councillor Winslow asked about the fee arrangement, is on contingency or a set fee.

Ms. Luise answered that it was an hourly fee by a blended rate not separating the rate of a Partner and a paralegal. The rate would be \$565 per hour. In Ms. Luise's opinion this rate was in line with what the firm handles and Attorney Clifford stated the level of expertise of the firm warrants the hourly rate.

Attorney Clifford stated it's ironic the detail board sets the detail rate and they are saying the details have been underpaid.

Councillor Condon asked if the same lawyers that were successful against Somerville would be handling Malden' case ? Attorney Clifford answered that it is unknown but its the same team. Attorney Clifford also stated the judge in the case has forced the trial and the new firm has a lot of experience with the judge.

Councillor Spadafora asked for a breakdown of the \$5,000,000. Attorney Clifford said that the city adds a 10% administrative fee to the detail rate. If the Detail Board sets the hourly rate of \$59, the City adds the administrative fee bringing the billed amount to \$65. The 10% amounts to approximately \$2,00,000 and the other \$3,000,000 is penalties and interest. The union feels they should receive the entire \$65. The detail board hires and supervises the detail clerk.

Councillor Murphy stated this is the first time she has heard about the 10%. She does remember the City transferring \$100,000 to the detail account so wages could be paid. Councillor Murphy asked how the 10% gets allocated by the city and if Ms. Luise could tell the council what the administration is recommending.

Attorney Clifford answered that the 10% goes into the general fund. It was a \$1 per hour but Mayor Howard changed it to 10%. Aside from administrations costs it also covers the cost of litigation. The City was not obligated to transfer the \$100,000 to the detail account.

Ms. Luise stated it is the administration's position that the city is not in violation of any laws and has never been involved with setting the detail rate.

Councillor Murphy asked Ms. Luise if there was an amount the administration was looking for if the new firm were to be retained. Ms. Luise said Mr. Ranaghan is working on the figure but it would be approximately in the \$300,000 range.

Council President Anderson stated this is very disappointing.

Councillor O'Malley asked if we could recoup our legal costs, Attorney Clifford answered, no. Councillor O'Malley asked if we had to allow third party details, Attorney Clifford answered, that would be unchartered waters.

Councillor Camell stated that \$2,000,000 in details with the 10% would mean there was \$20,000,000 billed in paid details.

Ms. Luise told the Council that Mr. Ranaghan would be sending a transfer request down to be docketed.

Councillor DeMaria asked if Seyforth & Shaw was ready, Ms. Luise answered, yes.

Councillor Crowe asked why are they only going back two years, if the 10% administrative fee began around 2008. Attorney Clifford answered that two years in the statute of limitations unless the city was found in "willful violation" and then a third year would be added.

Councillor Murphy asked for guidance from City Solicitor Fallon how the topic can be discussed in open session once the transfer is on the docket. City Solicitor Fallon recommended that Attorney Clifford provide something that could be discussed in open session. Do not get into litigation strategy. It is an emergency for the purpose to engage outside trial counsel and name the date the City is proceeding to trial.

Councillor Condon made a motion to adjourn executive session, seconded by Councillor Camell, it was so voted by roll call vote; Camell (y), Condon (y), Crowe (y), Demaria (y), Linehan (y), Murphy(y), O'Malley (y), Spadafora (y), Winslow (y), Anderson (y), Sica-Absent

Meeting adjourned at 8:20 P.M., Minutes submitted by Clerk Greg Lucey

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

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

After the one-month review period had expired, on April 9 Council President Linehan authorized the approval of all seven draft executive session minutes. Among those drafts, this set was included.

Concurrently, a periodic review was completed to determine if a number of minutes warranted continued non-disclosure. Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of **4/20/2021**, 3/8/2022, 2/28/2023, 4/30/2024, 6/25/2024, 7/24/2024, and 3/11/2025.

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

Executive Session, March 8, 2022.

The City Council went into executive session on Paper# 89-22, Cellco v City of Malden which was docketed on the March 8, 2022, Committee of the Whole Agenda.

Under Council Rule 10.02 Councillor Murphy became acting Council President because Council President Spadafora was unable to attend the meeting. Councillor Murphy presided over the meeting.

Acting President Murphy called the executive session to order at 7:21P.M., Clerk Lucey took roll call: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), Murphy (y), O'Malley (y), Simonelli (y), Winslow (y). Absent were Councillors Spadafora and Sica.

Also in attendance was Assistant City Solicitor Zaheer Samee and Clerk of Committees Lisa Cagno.

Acting Council President Murphy opened the meeting up by giving the reasons why the Council can go into executive session, and they were not allowed to discuss the process on how the Council does things and can only discuss strategy with the litigation. Acting President Murphy turned it over to Assistant City Solicitor Samee to give background on the case.

Assistant City Solicitor Samee said there was not a lot to add from what was discussed in the open session of the March 1st City Council meeting, Atty Samee continued that Verizon has named all the councillors in the suit excluding the newly elected councillors who were not part of the vote in December. Attorney Samee walked through the events that took place that led to the suit. In June of 2021 the Council took a vote approving the antennae to be installed on pole 2452 located in front of 37-39 Willard Street. In December of 2021 the Council voted to have Verizon remove the equipment that was installed on pole 2452 because of having no electrical permit issued. Verizon filed suit and asked before the court for four things (1) City not do anything to the antennae that is stays on the pole (2) City permanently allow the antennae to stay on the pole (3) the Building Department issue the electrical permit (4) ask that the judge grant further relief as the Court deems just and necessary. The Judge only ordered that the antennae stay up and reserved judgement on the other three requests. When Verizon filed the lawsuit, Asst. City Solicitor Samee only had a week to respond, Verizon worked on the suit a lot longer. The Argument was held on January 31st by zoom. Assistant City Solicitor Samee continued that it was his job to defend the Council and the judge balanced the city's interest and Verizon's interest and the best argument we could put forward is there was a process. Atty Samee continued that Verizon does not want a public hearing to take place although the judge ordered it. It is in Attorney Samee's opinion that by the judge letting the City Council go through the process again, he is respecting the City Council.

Councillor Linehan asked if we were obligated to hear the petition again which Attorney Samee said if you go through the process again, at least you have done it through the council procedure. Councillor Linehan continued that she has talked to the resident at 37-39 Willard Street and felt she was bullied from him as much as Verizon.

Acting President Murphy stated that we have a Court Order, the court has ordered us to have the hearing.

Councillor Winslow stated he was not certain the council went through their procedures and Verizon should have due process themselves. Councillor Winslow continued that he supported them to take down the antennae in December because of not pulling and electrical permit., his dilemma as Public

Property Chair, the Order was referred to Public Properties and he needed a clear answer if the petition was going to be revoked.

Councillor O'Malley stated he did not want to be sued and Public Properties won't have a meeting.

Councillor Winslow stated the City Council is the client and Assistant City Solicitor Samee is there to give advice, but the Council make the decision on what they will do. Councillor Winslow went on further that if a building owner didn't pull an electrical permit, we wouldn't make them tear down the building. There is gamesmanship going on with this petition., not sure why Verizon is digging their heels on this one.

Councillor O'Malley asked if Verizon had pulled an electrical permit yet. Attorney Zaheer answered that they had but the approval was delayed and not granted.

Acting President Murphy said read the highlighted area in the Court Order, 3rd paragraph, we are ordered to have the hearing.

Councillor O'Malley said we should issue the license.

Councillor Winslow said that Verizon needs the approval for the antennae and the electrical permit. Councillor Winslow continued that in December we were saying take down the antennae and apply for the electrical permit and telling Verizon you should have got the electrical permit before putting the equipment on the pole.

Councillor O'Malley stated we need to tell the building Department to issue the electrical permit. Councillor O'Malley continued that Public Properties is not having a meeting and that we were lied too.

Councillor Winslow said he could hold a Public Properties Meeting next week and will recommend something to the full council.

Councillor McDonald said we can approve what Verizon is asking for or we can redo the process. Councillor McDonald asked if the route we choose to take will it affect what we can do in the future? Assistant City Solicitor Samee answered that it would be more strategic to do what the Court has ordered the Council to do. Councillor McDonald asked if we have a public hearing does it matter with the choices. Assistant City Solicitor Zaheer answered that he not thinking that far down the road and the council should take it step by step, if the council approves the petition, the lawsuit could be moot, if the council finds a reason to deny, Verizon will continue litigation.

Councillor Winslow said that back in December we voted 11-0 that we didn't want the antennae, why are we starting the process again? We must have a legal strategy that we don't want the antennae on that pole, what is the legal strategy to back that up?

Assistant City Solicitor Samee said that when he read the lawsuit, something went wrong somewhere but there is no point now trying to figure that out, there is no point justifying the decision in December, it is done and the only thing now to do is follow the Court Order.

Councillor Winslow said he will go forward with the process, but he is going to need a legal opinion that he asked at the December 21st meeting. Does Verizon's application conform to our ordinances and is it valid, if legal says yes, the hearing will stay open.

Councillor O'Malley made a motion to adjourn, seconded by Councillor Simonelli, it was so voted by roll call vote: Colon-Hayes (y), Condon (y), Crowe (y), Linehan (y), McDonald (y), O'Malley (y), Simonelli (y), Sica (absent), Spadafora (absent). The executive session adjourned at 8:05 P.M.

Minutes submitted by City Clerk Greg Lucey.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 in the privacy of the City Clerk's Office. It was explained that any questions or amendments may be submitted to the City Clerk and a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

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

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

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, **3/8/2022**, 2/28/2023, 4/30/2024, 6/25/2024, 7/24/2024, and 3/11/2025.

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

Executive Session Meeting Minutes regarding Paper 89-23
Guillaume v. Malden Police Department
February 28, 2023

Order: That the City Council meet with legal counsel in executive session in regard to Guillaume v. Malden Police Department, et al., under Massachusetts General Laws Chapter 30A Section 21(a)(3) to discuss strategy with respect to litigation, as such discussion in open meeting would have a detrimental effect on the City's litigating position, and to admit Maria Luise, Special Assistant to the Mayor. (Roll Call Required)

During the Council Meeting of February 28, 2023, a motion was made by Councillor O'Malley, seconded by Councillor Colon-Hayes, to enter into executive session, order was approved by a roll call vote of 8-0. Colon-Hayes (y), Condon (absent), Crowe (y), Linehan (y), McDonald (y), O'Malley (y), Sica (y), Simonelli (absent), Spadafora (y), Winslow (y), Murphy (absent).

Councillor Spadafora attended the Council meeting via Zoom and so was in attendance for this vote but did not participate in the executive session.

In attendance at executive session were Councillors Colon-Hayes, Crowe, Linehan, McDonald, O'Malley, Sica, and Winslow. Absent were Councillors Condon, Simonelli, Spadafora, and Murphy. Also in attendance were City Clerk Carol Ann T. Desiderio, Clerk of Committees Lisa Cagno, and Assistant City Solicitor Alicia McNeil.

The meeting opened with Assistant City Solicitor Alicia McNeil giving a brief background on this case, which dates to October 2018. This is a case where the City of Malden is being sued for civil rights violations. Officers were originally called to the house because a tenant who was renting space in the living room had been locked out of the house by the landlord and had needed to get inside to obtain her baby's food, clothes, etc. Officers called the homeowner, blew their car horn, flashed lights for approximately thirty minutes to no avail. One of the officers went in through the window and opened the door for the others to gain entry. At this point they looked around, knocking on doors and did find the homeowner who came out of a room very upset. The homeowner was flailing her arms and ended up hitting one of the officers, eventually being restrained and arrested, charged with assault and battery on a police officer. The tenant obtained a restraining order against the homeowner at which time the homeowner threatened the tenant and the tenant's mother. The homeowner was arrested for violating the restraining order.

It terms of this evening's update; Attorney McNeil stated this case was filed in Federal Court. The City's Solicitor's Office is representing the city, there are two law firms that represent the five other officers involved in this case. Assistant Solicitor McNeil stated it was her recollection that the previous City Solicitor, Kate Fallon, was allotted \$50,000 by the Council in which to settle the case. There was a pretrial conference held wherein all the parties agreed to enter mediation, which is overseen by a federal magistrate judge. That mediation happened in February of this year. This original demand in this case was for \$3 million, eventually dropped to \$200,000, then to \$130,000 at which time the city made an offer of \$25,000. The judge magistrate stated he did not see this mediation as being able to settle. Mediation was stopped and the city is now scheduled to file for summary judgement. Motions for summary judgment are to be filed by the end of March with a hearing possibly by June. Only after that will we know if the city is dismissed from the case or if it will be going to trial.

Attorney McNeil gave further report that the plaintiff in this case was not injured, nor did she miss any work time, so she isn't quite sure how the original demand for \$3 million was determined.

Councillor O'Malley asked if it would be fruitful to offer more than \$25,000, getting closer to the \$50,000 originally allotted or if the city went to trial could it come in with a less than \$25,000 judgement? Assistant City Solicitor McNeil was hesitant to predict what could happen with a federal jury. The count against the city is failure to train but there is no evidence of that so she is confident during summary judgment the city will be dismissed out of the case. Despite that, Malden must indemnify the officers and will still be responsible for paying for the officer's lawyers. Councillor O'Malley asked how much we have spent on outside counsel. So far, it is approximately \$27,000. Councillor Winslow pointed out, this number is expected to grow because even if the city is dismissed from the case, the other two lawyers are still working on the charges against the officers involved. Additionally, if this case goes to trial and there is a judgement against the city, that will also have to be paid out.

Councillor McDonald asked for clarity on the homeowner's contention in the case. Her accusations are that police improperly entered her house, did not have a warrant, they violated her civil rights by entering her house and arresting her, and that the city failed to properly train the officers. Councillor Winslow challenged that the tenant was present and had the right to authorize the police to enter the house on her behalf; Attorney McNeil agreed and stated that is most likely what the officer's lawyers are arguing.

As this meeting was simply an update for the benefit of the Council, there were no new questions in need of vote. With the close of discussion, a motion was made by Councillor O'Malley, seconded by Councillor Sica to exit executive session, motion passed by a roll call vote of 7-0. Colon-Hayes (y), Condon (absent), Crowe (y), Linehan (y), McDonald (y), O'Malley (y), Sica (y), Simonelli (absent), Spadafora (absent), Winslow (y), Murphy (absent). Meeting was adjourned at 9:18 PM.

Minutes compiled by City Clerk Carol Ann Desiderio.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 in the privacy of the City Clerk's Office. It was explained that any questions or amendments may be submitted to the City Clerk and a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

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

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

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, 3/8/2022, **2/28/2023**, 4/30/2024, 6/25/2024, 7/24/2024, and 3/11/2025.

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

Executive Session Meeting Minutes regarding Paper 217-24
Legal Review of Pending Litigation Currently Being Handled by Solicitor's Office
April 30, 2024

Order: That the City Council will vote to go into Executive Session with legal counsel for the City regarding legal review of pending litigation currently being handled by the Solicitor's Office for the purposes of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) to discuss strategy with respect to litigation, 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 Maria Luise, Special Assistant to the Mayor.
(Roll Call Required)

During the Council meeting on April 30, 2024, a motion was made by Councillor Colón Hayes, seconded by Councillor Crowe to enter into Executive Session, order was approved by an 8-0 roll call vote.

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

Nea- Zero

Absent- Councillors O'Malley and Spadafora were absent.

Did not vote- Simonelli

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

Councillors O'Malley and Spadafora were absent.

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

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

The reason for this evening's meeting is because Council President Winslow asked City Solicitor Alicia McNeil for an update on some of the pending litigation her office is currently overseeing.

The first case Solicitor McNeil presented was City of Malden v. Zeraschi. Robert Zeraschi owns the open-air parking lot located at 235 Washington Street across from Oak Grove Train Station. This case has been going on for nearly five years. Malden used to charge a \$50 application fee on open air lots but then the Council voted to update the ordinance and raise the fee to \$100 per spot, paid annually. Zeraschi refused to apply for the open-air parking license, his refusal led to the City's Compliance Officers to begin writing tickets for every daily violation. The ticket fees grew to \$100,000.

Instead of payment of fines, Zeraschi took the City to court. Both parties filed for summary judgment, which would end up dismissing the case. The case progressed to an appeal at the Superior Court. The judge who had been overseeing this case passed away and a new judge was tasked with taking up the case. That judge reviewed the years long file and rendered a decision within the past

month ruling against the City. Solicitor McNeil submitted a notice of appeal, which had to be done within thirty days, as a matter of preserving the City's rights. The Council may make the decision if they wish for her to move forward with the appeal or not.

The plaintiff's argument was that the \$100 per spot application fee was not a fair fee, it was more of a tax. The court sided with the plaintiff that the application fee served more as a tax because if it were a regulatory fee, the City would be able to prove the amount is based on the costs related to regulating the parking lot. Examples of this would be a documented procedure of the police department monitoring the parking lots for crime and theft. The City's evidence presented in this case did not show the City had regulatory expenses to justify the fee, thus making the \$100 an unlawful tax.

This case has been appealed twice. The first time it went to Appellate Court, the court sent it back down asking for affidavits with more information regarding the justification of \$100 application fee. No appeal may be made for the sole purpose of defending the City's fee structure because that was already appealed and sent back down. The lower court stated the City knew specifically what the Appellate Court was looking for, the City had their chance to provide all necessary information and the evidence submitted was not detailed enough. Councillor McDonald suggested making the argument that it's not reasonable to have such a tight interpretation of fee costs.

Reading from the court's decision Solicitor McNeil stated, "*The current open-air parking lot license application fee is not reasonably designed to compensate the City for its anticipated regulation-based expenses and is therefore an unlawful tax. Any exactions made by the City to date on Zeraschi related to the license application fee including any citations for nonpayment and or resulting penalties are void and they may not be enforced. Nothing in this declaration shall prevent the City from imposing a licensing fee under M.G.L 148, Section 56 and the ordinance, in the future, that is reasonably designed to compensate it for its anticipated regulation-based expenses. Zeraschi shall be required to apply for a license to operate his open-air parking lot following the City's imposition of a lawful application fee.*"

Solicitor McNeil's recommendation to the Council is to immediately update the ordinance because there are a number of open-air renewal petitions that have been tabled pending the outcome of this case. The court is not claiming the \$100 fee is too much, it is stating the fee has to be reasonably designed only to offset costs. Councillor McDonald pointed out that there are many unrecognized costs that go into outdoor parking, including storm water runoff management, greenhouse gas, line striping, increased traffic. Solicitor McNeil also advised that the ordinance must also be updated to state, if the petitioner is issued a ticket for violating an ordinance, petitioner has the right to appeal through the Municipal Hearing Officer. The court was displeased this wasn't made clear through the written ordinance, even though it is stated on the ticket. It also should be written on the ticket that license holder has a right to appeal through a court of law.

Councillor Winslow asked if the open-air parking lots could theoretically be banned via the zoning ordinance. Councillor Sica does not recommend banning parking lots; there are a number of companies that tow for the City and need outdoor parking lots to store the vehicles. There are DOT requirements for these tow companies to store cars, they can't just park them in any unregulated place.

Councillor Colón Hayes expressed her opinion that we do not appeal this case any further because the Solicitor's Office already has too many cases to handle, the City would be better served by fixing the ordinance and moving forward.

Councillor Sica believes the City should go through with the appeal because a new judge walked into the middle of the case after having the same judge overseeing the case for years, perhaps something was overlooked. The original judge overseeing the case did not indicate the open-air fee was exorbitant.

Councillor McDonald believes the City should go through with the appeal because losing this case may bring into question all of the City's fees and licensing costs, which has the potential to lose a lot of revenue if those too are struck down.

Councillor Winslow advocates for regulating the use of open-air parking lots through zoning ordinance instead of fees.

In response to Councillor Crowe's question, Solicitor McNeil stated she is unable to advise whether this is a winnable appeal or not because at this time, she does not know enough about the case to respond in confidence.

Councillor Colón Hayes made a motion that the Council instruct Solicitor McNeil to drop the appeal on *City of Malden v. Zeraschi*. This motion failed for lack of a second.

Councillor McDonald requested further information from Solicitor McNeil as to her professional opinion on whether pursuing this appeal is worthwhile. He is concerned that dropping the appeal would have wide-range implications for dozens of other licensing fees throughout the City. Solicitor McNeil agreed to do some further research into this case to determine if the City has any other options at its disposal.

Solicitor McNeil then reported out on two other large litigations ongoing with the City.

Benevolent Botanicals (BB) et al v. City of Malden, which is scheduled for trial in October. BB continues to express a desire to settle the case. Solicitor McNeil has refused based on Council instructions from September 26, 2023 asking her to inform BB that the Council will not entertain any future offers which ask the Body to presuppose any terms outside of their authority or jurisdiction.

Tufts Construction, Inc is suing the City of Malden and individually City Engineer Yem Lip; Malden is representing Engineer Lip in this case

The basis of the suit is that Tufts Construction had a contract stating a particular material would be used in a contract for hire job; the company used a lesser quality material but charged Malden for the higher priced product. Malden offered to pay for the job with the lower quality material prices; Tufts is arguing they substantially completed the work and therefore should be paid at full price. Malden owed Tufts roughly \$500,000 and paid approximately half of that amount. Tufts Construction is suing for the rest of that amount, and also suing Yem Lip for defamation and suing the City of Malden for interference with business relationships.

In another case involving the same company, Malden is being sued for \$36,000, which is owed to Tufts Construction, Inc. from the City.

Mr. Tufts, owner of Tufts Construction, Inc. was indicted in Federal Court for tax fraud, evasion, not paying fair wages. Mr. Tufts plead out and was sentenced to probation. The Plea Agreement

states, in pertinent part: “[W]ithout the written approval of the U.S. Attorney, Defendant agrees not to transfer, or to cause or allow anyone else to transfer... (b) any other asset in which the Defendant has an interest.”

In light of the requirement contained in this provision, the City of Malden advised Tufts that it would hold the check until the City of Malden receives a written approval of the U.S. Attorney as required by the guilty plea in the criminal case. Tufts refused this request to obtain permission to receive the funds, instead choosing to file suit to collect said amount.

The purpose of this Executive Session was for informational purposes only. There is no ask and therefore no need for a vote. However, Solicitor McNeil will look further into options for appeal on the Zeraschi case as requested by Councillor McDonald.

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

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

Nea- Zero

Absent- O’Malley, Spadafora

Executive Session was adjourned at 8:48 PM.

Minutes compiled by City Clerk Carol Ann Desiderio.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 in the privacy of the City Clerk’s Office. It was explained that any questions or amendments may be submitted to the City Clerk and a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

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

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

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, 3/8/2022, 2/28/2023, **4/30/2024**, 6/25/2024, 7/24/2024, and 3/11/2025.

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

Executive Session Meeting Minutes regarding Paper 296-24
Robert Zeraschi v. City of Malden
June 25, 2024

Order: That the City Council will vote to go into Executive Session with legal counsel for the City regarding the matter of Zeraschi v. The City of Malden for the purposes of Exemption Three Massachusetts General Laws Chapter 30A Section 21(a)(3) to discuss strategy with respect to litigation, 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 Maria Luise, Special Assistant to the Mayor.
(Roll Call Required)

During the Council meeting on June 25, 2024, a motion was made by Councillor Condon, seconded by Councillor O'Malley to enter into Executive Session, order was approved by a 10-0 roll call vote.
Yea- Colón Hayes, Condon, Crowe, McDonald, O'Malley, Sica, Simonelli, Spadafora, Taylor, Winslow
Nea- Zero
Absent- Zero
Did not vote- Linehan

In attendance during the Executive Session were Councillors Colón Hayes, Condon, Crowe, Linehan, McDonald, O'Malley, Sica, Spadafora, Taylor, Winslow.
Absent- Simonelli

Also in attendance was City Clerk Carol Ann Desiderio, Clerk of Committees Lisa Cagno, City Solicitor Alicia McNeil, and Special Assistant to the Mayor Maria Luise.

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

The reason for this evening's meeting is because during the Executive Session of April 30, 2024, the Council asked City Solicitor Alicia McNeil for an opinion on if the appeal on Zeraschi v. City of Malden was worthy of moving forward.

Robert Zeraschi owns the open-air parking lot located at 235 Washington Street across from Oak Grove Train Station. When Malden voted to increase the open-air lot application fee from \$50 to \$100 per spot, paid annually, Zeraschi refused to comply with the application process. This led to \$100,000 in compliance tickets, which Zeraschi refused to pay, opting instead to bring the City to court. The ruling came down against the City, with the judge stating the \$100 is more of a tax than it is a regulatory fee. Solicitor McNeil submitted a notice of appeal, which had to be done within thirty days, as a matter of preserving the City's rights.

During this evening's update, Solicitor McNeil expressed her support for moving forward with the appeal. If this ruling is allowed to stand, it may set precedence for other fees the City charges for certain services, leading Malden to lose other streams of revenue. This is a point that was raised by

Councillor McDonald during the last meeting and Solicitor McNeil is in full agreement with the concern. As the notice of appeal has already been filed, Solicitor McNeil is now waiting for the local court to send the case up to the Superior Court, as which point the process will be able to progress.

Councillor Spadafora commented on how the City has a number of different fees, licenses, applications, permits, inspections, etc., that are charged for so how is it the City may not charge what it is charging for parking lots? Councillor Sica stated Malden is the only one of the surrounding cities that charges a fee for open-air parking lots and the ordinance will ultimately need to be changed to accommodate this court ruling. One option would be to stop charging fees on open-air parking lots, another option would be to bring the fee back down from \$100 to \$50.

The court ruled that the only reason Malden raised the per spot parking fee was as a revenue grab, not because costs demanded the rise in price. This determination was based on court review of the video of the City Council meeting when the vote was taken.

Councillor Taylor argues there is justification to increase fees annually to remain in line with the rising cost of business. Councillor McDonald believes it is an unreasonable standard by the court to unitize every single fee assessed by the City. He instead believes what the court is saying is that the increase was arbitrary and capricious, but it is worth not having this determination built into case law now. He supports following through with this appeal process.

Councillor O'Malley agreed that the rising cost of fees are now and can be justified by the runaway costs currently happening with pension obligations, healthcare, inflation, etc. All expenses in the city budget are increasing, which can be identified and applied to the cost of fees and permits throughout the city. It was then pointed out to Councillor O'Malley that this particular argument is moot because that part of the case was already ruled on and failed on appeal. We are not able to provide any new evidence.

Solicitor McNeil's explained that it is allowable for the City to raise their fees so long as it is explained and justified by the cost of doing business, not just for the sole purpose of charging more for it's own sake.

Councillor McDonald asked if the record could reflect the Body's appreciation to Solicitor McNeil for her defense in this matter.

The purpose of this Executive Session was for informational purposes only. There is no ask and therefore no need for a vote.

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

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

Executive Session was adjourned at 10:55 PM.

Minutes compiled by City Clerk Carol Ann Desiderio.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 in the privacy of the City Clerk's Office. It was explained that any questions or amendments may be submitted to the City Clerk and a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

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

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

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, 3/8/2022, 2/28/2023, 4/30/2024, **6/25/2024**, 7/24/2024, and 3/11/2025.

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

Executive Session Meeting Minutes regarding Paper 308-24
Executive Session Review and Release of Minutes
July 24, 2024

Order: That the City Council will vote to go into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those executive session minutes listed herein; council vote is required prior to release of the executive session minutes of the following dates:

September 3, 2013

October 17, 2013

October 22, 2013

February 4, 2014

In so convening in Executive Session, the City Council will act under the Open Meeting Law MGL c. 30A, Sec. 22(g)(2), to determine whether the Executive Session minutes referenced above warrant continued non-disclosure.

And if so allowed by the Body, to admit Maria Luise, Special Assistant to the Mayor.

(Roll Call Required)

During the Council meeting on July 24, 2024, a motion was made by Councillor Sica, seconded by Councillor Crowe to enter into Executive Session, order was approved by an 9-0 roll call vote.

Yea- Colón Hayes, Condon, Crowe, Linehan, O'Malley, Sica, Spadafora, Taylor, Winslow

Nea- Zero

Absent- Councillors McDonald and Simonelli were absent.

In attendance during Executive Session were Councillors Colón Hayes, Condon, Crowe, Linehan, O'Malley, Sica, Taylor, Winslow.

Councillors McDonald, Simonelli, Spadafora were absent.

Also in attendance was City Clerk Carol Ann Desiderio, Clerk of Committees Lisa Cagno, and City Solicitor Alicia McNeil. Special Assistant to the Mayor Maria Luise was not in attendance on this night despite the wording of Paper 308-24.

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

City Clerk Desiderio recapped for the Body the need to periodically review for release past Executive Session minutes. The minutes for this evening's purpose are four sets of ES minutes from 2013 and 2014, all having to do with the negotiations of the surrounding community agreement between the City of Malden and the casino in Everett, MA, which eventually would be owned and operated at Encore Boston Harbor by Wynn. This particular batch was selected to review for possible release secondary to a FOIA request. The task at hand is for all Councillors to read, review, decide if they may be released as is or if there is a need for any redactions, or if these minutes have just cause to remain confidential.

Clerk Desiderio made available the four sets of meeting minutes to the Councillors for private review of the documents in the Clerk's Office for two weeks prior to this meeting. Copies were on hand for those who did not review the minutes in advance. Solicitor McNeil further explained State law requiring a two-stage review process on Executive Meeting minutes.

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

Councillor Winslow asked the City Solicitor for her opinion if any statements within the minutes would affect the City's negotiation position with Encore in the future. Solicitor McNeil advised that she has reviewed all the minutes and did not find anything that would raise concern. There was some questioning as to whether this contract is due to be renegotiated, as the original ten-year term is ending. Not serving the purpose of this evening's Executive Session, the question was not entertained for discussion.

It was determined by the Body that the four sets of minutes in question no longer warrant confidentiality. It was further determined that none of the exemptions under Public Records Law still applied to withhold the minutes from disclosure. Solicitor McNeil confirmed for the Body no redactions were necessary.

A motion was made by Councillor Sica, seconded by Councillor O'Malley, to release the four sets of Executive Session minutes for public review.

The motion passed by the following roll call vote:

Yea- Colón Hayes, Condon, Crowe, Linehan, O'Malley, Sica, Taylor, Winslow

Nea- Zero

Absent- McDonald, Simonelli, Spadafora

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

Yea- Colón Hayes, Condon, Crowe, Linehan, O'Malley, Sica, Taylor, Winslow

Nea- Zero

Absent- McDonald, Simonelli, Spadafora

Executive Session was adjourned at 6:56 PM.

Minutes compiled by City Clerk Carol Ann Desiderio.

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Winslow and City Solicitor McNeil, on August 26, 2024 eleven members of the Malden City Council were offered a one month period of time to review fourteen sets of executive session minutes dating back to April 2021 in the privacy of the City Clerk's Office. It was explained that any questions or amendments may be submitted to the City Clerk and a date would be set to meet in Executive Session for further discussion. Otherwise, if there were no objections, on behalf of the Body, Council President Winslow would be tasked with the approval of said minutes.

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

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

Pursuant to M.G.L. c. 30A, s. 22(g)(1), and with the approval of Council President Linehan and City Solicitor McNeil, a periodic review of fifteen sets of Executive Session minutes was completed to determine if a number of minutes warranted continued non-disclosure. As of April 9, 2026 Council President Linehan, under the advice of counsel from Solicitor McNeil, has now ordered the City Clerk to release the executive session minutes from the meetings of 4/20/2021, 3/8/2022, 2/28/2023, 4/30/2024, 6/25/2024, **7/24/2024**, and 3/11/2025.

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

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

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

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

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

(Roll Call Required)

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

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

Nea- zero

Absent- Condon

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

Absent was Condon

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

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

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

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

Nea- Zero

Absent- Condon

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

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

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

Nea- Zero

Absent- Condon

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

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

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

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

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

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

Nea- Zero

Absent- Condon

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

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

Nea- Zero

Absent- Condon

Executive Session was adjourned at 9:40 PM.

Minutes compiled by City Clerk Carol Ann Desiderio

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

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

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

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