

Executive Session Meeting Minutes regarding Paper 77-26
Review of Minutes Tufts Construction, Inc. v. City of Malden
February 3, 2026

Paper 77-26 Order: That the City Council will vote whether to go into Executive Session with legal counsel for the City, in accordance with Exemption Seven Massachusetts General Laws Chapter 30A Section 21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, in order to act on the periodic review of those Executive Session minutes listed herein to determine if release of records is appropriate at this time or if continued non-disclosure is warranted.

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

- September 30, 2025, Paper 365-25
- January 20, 2026, Paper 39-26

(Roll Call Required)

During the City Council meeting on February 3, 2026, a motion was made by Councillor Sica, seconded by Councillor Taylor to enter into Executive Session to address Paper 77-26. Order was approved by a 10-0 roll call vote.

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

Nea- zero

Present- O'Malley

Absent- zero

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

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

The meeting was called to order at 7:14 PM.

This evening's review was initiated by an Open Meeting Law request made by Brian DeLacey of 1 Earl Street and Bruce Friedman of 8 Marvin Street, both of Malden. Councillor Crowe immediately opened discussion with the observation that even though a settlement had been reached, all provisions had not yet been finalized so it may not be said that this case is closed.

Clerk Desiderio displayed both sets of minutes on the screen of the conference room for those who didn't have the time to review prior to this meeting. No mention was made to indicate edits were necessary for September 30th minutes. One spelling error was identified and corrected on January 20th minutes.

City Solicitor Alicia McNeil's recommendation is that September 30, 2025 minutes may be released without redactions. The only concern came from Councillor McDonald who suggested holding the minutes in continued non-disclosure until the agreed upon settlement has been accepted by the judge and the case is officially closed. As the parties in this case had only 30 days to submit all provisions to the court, this non-disclosure wouldn't take too much longer but would protect the city's negotiating position were something to fall through last minute.

Without further discussion, a motion was made by Councillor Sica, seconded by Councillor O'Malley to release the September 30, 2025 minutes whole and unredacted upon the court's acceptance of the settlement agreement between Tufts Construction and City of Malden. The motion passed by a unanimous roll call vote.

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

Nea- Zero

Absent- Zero

City Solicitor Alicia McNeil's recommendation is that January 20, 2026 minutes may be released with only two sentences redacted. The redacted information speaks to strategy and could have an effect on the City's negotiating position in future litigation.

A motion was made by Councillor O'Malley, seconded by Councillor Crowe, to release the January 20, 2026 minutes as redacted, due to the determination that unredacted minutes would defeat the lawful purpose of M.G.L. c. 30A, s. 22(f), upon the court's acceptance of the settlement agreement between Tufts Construction and City of Malden. The motion passed by a unanimous roll call vote.

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

Nea- Zero

Absent- Zero

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

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

Nea- Zero

Absent- Zero

Executive Session was adjourned at 7:40 PM.

Minutes compiled by City Clerk Carol Ann Desiderio

At a duly posted Executive Session on February 17, 2026, a motion was made by Councillor Sica, seconded by Councillor Taylor to approve the above meeting minutes, motion passed by an 11-0 roll call vote.

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

Nea- zero

Absent- zero

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

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

Nea- Zero

Absent- Zero

Minutes released from non-disclosure March 11, 2026.