

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.