



Haverhill Public Schools - School Committee  
Hybrid Regular Meeting Minutes of August 11, 2022

Roll Call - Pledge of Allegiance.

Mrs. Sapienza Donais, Vice Chair called the meeting to order at 7:00 pm and requested a roll call of the members:

Attorney Rosa	Present in person	Ms. Sullivan	Present in person
Mrs. Ryan-Ciardello	Absent	Attorney Magliocchetti	Present in person
Mr. Wood	Present in person	Mrs. Sapienza Donais, Vice Chair	Present in person
Mayor Fiorentini, Chair	Present remotely		

Dr. Margaret Marotta, Superintendent of Schools and Mr. Michael Pfifferling, Assistant Superintendent of Schools were also in attendance at the meeting.

Mrs. Sapienza Donais read an act relative to extending certain COVID-19 measures adopted during the state of emergency was signed by Lt. Governor Polito and allows for remote meetings and hearings by public bodies through March, 2023. This meeting will be available via live streaming over HCTV and WHAV. The full meeting recording will be posted on the HCTV website.

The Pledge of Allegiance was recited by the attendees.

Communications/Reports.

Public Comment (In-person & Remote).

Ms. Ruby Kimball, 35 Dudley Street, a former student spoke about lack of responsibility of the superintendent and the school committee regarding her sexual assault.

Mr. Dale Leone, 21 Race Street, a former student, stated disappointment in the school committee for not listening to the students, teachers and parents. He recommended community forums/town halls along with student Q&A to listen to concerns and encourage empowerment. Mr. Leone felt these events would promote community and student engagement.

There was no remote public comment.

Student Advisory Council Report ~ Sean Wynn.

Sean announced the following upcoming events:

- a meet and greet for incoming high school principal Mr. Soraghan on August 16, 2022 at 6:30 pm;
- Freshman Orientation will be held on August 22, 2022 from 5:30 pm-8:30 pm;
- First Day of School is August 30, 2022;
- Fall Fest will be held on September 29, 2022.

Legal Counsel Selection Subcommittee Update/Interviews: Mr. Wood, Attorney Magliocchetti and Attorney Rosa.

Mr. Wood asked that Legal Counsel Selection was moved up in the agenda order. There was no objection to the agenda order change.

Mr. Wood announced that three (3) firms had been advanced to the full committee for interviews: Mirick O’Connell, Murphy, Hesse, Toomey & Lehane, LLP and Morgan, Brown & Joy.

Mr. Wood indicated that additional documents had been requested from the firms' samples of briefs, and collective bargaining agreements.

Attorney Magliocchetti related that two of three firms had submitted materials.

Attorney Kevin Bresnahan and Attorney Kevin Freytag from Murphy, Hesse, Toomey & Lehane, LLP were present at the meeting.

[Overview of Firm - Murphy, Hesse, Toomey & Lehane, LLP](#) [Murphy, Hesse, Toomey & Lehane, LLP Proposal to Provide Legal Services 072022\\_1305437\\_1 \(3\).pdf](#)

Attorney Bresnahan provided an overview of the firm:

- Firm was started in 1986
- 30 attorneys located in Quincy
- Historically public sector clients and public sector employers
- Large municipal practice
- Largest education practices in the commonwealth
- Represent Brockton, Triton Regional, Greater Lowell, Tri-town, Attleboro, Methuen, Quincy along with CREST Collaborative
- General counsel on all aspects of legal needs
- Significant special education law department
- Team approach to client relations
- Written materials
- Availability of team of attorneys
- Arbitration matters are handled frequently by the firm
- Civil Service litigation, outside of police and fire issues and his firm is capable of handling for clients
- Day-to-day advice
- Preventive approach to avoid issues

Mr. Wood asked if the firm represented any urban districts in collective bargaining matters.

Attorney Bresnahan responded that his firm participates actively in negotiations at the table.

Mr. Wood asked if the primary attorney had experience in labor negotiations.

Attorney Bresnahan answered that Attorney Spatafore was very familiar with negotiations.

Style of communication with the committee.

Attorney Bresnahan replied it was a committee decision.

Attorney Rosa asked how the communication to legal counsel would be conveyed with the full committee.

Attorney Bresnahan indicated a coherent approach to providing legal services with the committee.

Attorney Rosa asked about transition process to a new client.

Attorney Bresnahan realized that the firm worked for the school committee and would travel to the committee's place of business.

Attorney Magliocchetti asked how legal updates were conveyed to clients.

Attorney Bresnahan stated that there were trainings along with legal updates. He gave examples of client training requests such as, investigations, Title IX, and public record requests.

Mayor Fiorentini asked about experience in municipal matters.

Attorney Bresnahan responded that he served as City Solicitor in Quincy and Attleboro.

Mayor Fiorentini asked about involvement in teacher negotiations and a cost analysis.

Attorney Bresnahan commented the firm had extensive knowledge of negotiations. He related the collaborative approach with the school administration and knew how to tabulate a salary proposal from the teachers' group.

In response to the mayor's question on fact finding, Attorney Bresnahan replied that many cases were settled prior to the hearing and did participate in fact finding with the police department.

Attorney Bresnahan noted there was a shift in collective bargaining to a more public arena.

Attorney Magliocchetti noted that Haverhill was currently in public negotiations with the teachers' union.

Attorney Bresnahan replied that none of their districts were doing public bargaining.

Attorney Bresnahan highlighted the firm's breadth of experience and the resources available to address such matters as teachers' strikes, other calamity issues, along with the diversity of experience of its attorneys. He related that the Attorney Freytag was very experienced in litigation and was a former employee in a DA's office and handled both municipal and school issues.

Mayor Fiorentini asked about public relations efforts.

Attorney Bresnahan responded the firm had the resources regarding crisis communication experts to assist with high tension matters.

The committee thanked Attorneys Bresnahan and Freytag for their presentation.

Attorney David Connelly – Morgan, Brown & Joy [Morgan Brown & Joy Response \(2\) \(2\).pdf](#)

- 33-member firm who represented employers in employment law
- 99<sup>th</sup> year of practice
- Exclusively employment and labor law in public and private sector
- Former high school teacher in Fall River
- Attorney General's Office and then worked for the City of Boston Labor Relations Office {Staff Counsel, Deputy Director and then Director}
- Experience with emergency arbitration during the DNC Convention in 2004;
- Joined firm 20+ years ago
- Renegotiated contracts in Springfield MA and noted that the teachers' contract was revised to a readable document (2006) – went to fact-finding with expert witnesses, 200-page recommendation to implement all changes to the contract; mediation occurred with then an agreement with the teachers' unit

- Communication is very effective tool; issues in dispute, coordinate communication to move the process forward
- General counsel for three districts who are in receivership) i.e., Lawrence
- Bread and butter issues for a school district
- Value with a deep bench of attorneys
- Would be pleased to develop a working relationship with the committee.

Style of communication with the committee.

Attorney Rosa asked about labor negotiations and who would be at the table.

Attorney Connelly responded that he would be at the table.

In response Attorney Rosa's question on who would be the primary contact, Attorney Connelly responded it would be a committee decision.

Attorney Rosa asked for his preference. Attorney Connelly did not know the committee and therefore could not offer an inclination.

Regarding Attorney Connelly's prior working relationship in Haverhill, prior employee situation, covid relief issues on a mediation matter with DOR. He replied that during a police matter he had met the mayor.

Attorney Connelly asked why there was public teacher negotiations.

Attorney Magliocchetti asked for expertise in accounting or financial matters.

Attorney Connelly responded it would be in the purview of the financial experts for the district.

Attorney Magliocchetti asked about legal updates.

Attorney Connelly replied there was a robust client alert system typically three per month.

Attorney Rosa inquired about the transition process for a new client.

Attorney Connelly replied it would be a quick transition and the available resources would be provided to the district.

Attorney Rosa asked about the fee structure in regards to transition and becoming acquainted with the district's legal matters. Attorney Connelly replied yes.

Mr. Wood asked about the template for Framingham.

Attorney Connelly replied that this format was helpful and used as a baseline document for negotiations.

Mayor Fiorentini asked about other matters relative to employee discipline and special education.

Attorney Connelly did not have a discreet special education practice, but the firm had provided a brief of employee dismissal (not meeting performance standards). He noted that most discipline cases "go away" prior to the hearing. Attorney Connelly advised clients on public records, open meeting law, FMLA, ADA and other issues with employee law.

Mrs. Sapienza Donais asked why his firm would be the best fit for Haverhill.

Attorney Connelly replied there was a cost efficiency and benefit for the district because of the firm's focus and breadth of experience. He would be pleased to have the committee's endorsement.

Mirick O'Connell [Mirick O'Connell Response \(2\) \(1\).pdf](#)

Attorney Marc Terry appreciated the committee's accommodation to participate remotely this evening.

- 65 attorneys
- Breathe of experience and diversity
- Broad practice
- Lead in education group 1999 (practicing since 1996)
- Worked in a union setting
- Served as a school committee member in a suburban western MA
- Understanding bargaining from the school committee perspective
- Seating across from his children's teachers in the bargaining setting
- Importance of relationships and trust in negotiations
- Very good firms but who is the best fit for Haverhill?

Mr. Wood asked about experience in collective bargaining in teachers' negotiations in larger urban districts.

Attorney Terry noted that Fitchburg and Leominster are clients.

Attorney Rosa asked about client communication.

Attorney Terry replied the preferred process is single point of contact is his preference and advise is offered to the committee (client privilege applies to the committee) with open communication so the rules are available to all members.

Attorney Rosa asked about in-service training at no additional cost.

Attorney Terry noted that it is a client preference for proactive and preventive training (i.e., harassment training).

Attorney Rosa asked about transition process.

Attorney Terry replied engagement letter along with setting up a meeting to discuss current matters along with an understanding of the community.

Attorney Rosa asked about billing for transition.

Attorney Terry replied that the initial meeting would be a no cost item.

Attorney Magliocchetti asked about work product.

Attorney Terry replied it was sent this morning at 11:30 am.

Attorney Magliocchetti asked about legal updates.

Attorney Terry responded email updates were sent i.e., quarterly basis.

Attorney Magliocchetti asked about work with the City of Haverhill.

Attorney Terry replied his firm had not worked for Haverhill.

Mrs. Sapienza Donais asked why should we hire your firm as our legal counsel.

Attorney Terry worked in house for labor unions and sitting school committee member. He appreciated the opportunity to present this evening.

Mrs. Sapienza Donais called a recess @ 8:20 pm.

The committee reconvened at 8:33 pm.

Attorney Rosa thanked the firms for participating in the selection process and noted that each of the firms were highly qualified and able to represent the Haverhill School Committee. He continued by addressing the fee structure for each of the firms:

Mirick O’Connell

- Based on the District’s estimate of 200 hours of services per year, there would be an annual retainer of \$52,500 to be billed in equal monthly installments of \$4,375 for up to 225 hours. Hours in excess of 225 would be billed at \$245 per hour. The firm provides in-service training at no cost

Morgan Brown & Joy

- A fixed retainer/flat fee for services rendered (200 hours estimate - \$75,000.00) = \$375.00/hour
- A blended rate of \$275.00 for litigation matters

Murphy Hesse Toomey & Lehane

- the hourly rate shall be \$260.00 per hour for partners and senior associates, and \$240.00 per hour for junior associates and paralegals and law clerks will be billed at a rate of \$120.00 per hour.

Attorney Magliocchetti thanked the firms for supplying the information on such a timely basis and noted that the committee will be entering negotiations with the selected firm regarding the fee. He thanked Attorney Cox for his contributions to the city and school district.

Mrs. Sapienza Donais appreciated the firms’ interest in Haverhill and praised Attorney Cox’s efforts.

A motion was made by Mr. Wood to move ahead with negotiations with intent to hire Morgan Brown & Joy (Attorney Connolly. Attorney Magliocchetti seconded the motion. Mrs. Sapienza Donais requested a roll call vote:

Attorney Rosa	Yes	Ms. Sullivan	Yes
Attorney Magliocchetti	Yes	Mr. Wood	Yes
Mrs. Sapienza Donais	Yes	Mayor Fiorentini	Yes

6 members voted in the affirmative  
0 members voted in the negative

Motion passes

0 members abstained

Mrs. Sapienza Donais announced that Morgan Brown and Joy was selected as new legal counsel and the legal counsel selection subcommittee will negotiate the contract.

Superintendent Comments/Reports.

Superintendent Marotta reported on the 3-day Leadership Retreat that was held this week.

Dr. Marotta referenced the security upgrades have been a significant focus of summer work; a sample of the updates included:

- Added 75 cameras, replaced and relocated 20 more
- Upgraded our Security System software to provide a clearer picture, improved search and storage functions
- Added vape detectors at HHS, The Gateway Academy, and middle schools
- All schools have a swipe/RFID (radio frequency identification) card access for staff
- Wired phone and PA speakers at Walnut Square and Moody (waiting on equipment) to assure all rooms are on the system
- Upgraded firewall rules, backup for systems, and core switches for better network security
- Added a more robust electronic monitoring system of student devices to identify potential threats and/or dangerous situations
- Alarmed all HHS exterior doors and instituted camera and door protocols
- Providing ongoing professional development to all administration and building crisis teams in partnership with Haverhill Police Department
- Added repeaters and antennae to eliminate school cell phone dead spots
- Ordered 50 new digital radios
- Ordered reverse printed room numbers for all classrooms for windows

Mr. Wood was pleased with the positive steps. He recommended hiring a consultant to oversee security matters who has professional experience in the field, with an agenda item at the next meeting.

Mrs. Sapienza Donais agreed with Mr. Wood's recommendation.

Dr. Marotta agreed it would be a positive addition and would think about how that position would fit into the district.

The superintendent brought concerns about the use of the Hunking playground and was bringing the issue to the committee for guidance.

Mrs. Sapienza Donais noted that there was signage at Greenleaf Academy.

Mr. Wood thought it was beneficial for children to play basketball instead of doing other activities.

Attorney Magliocchetti asked if there were any police reports regarding disputes. He agreed with Mr. Wood.

Mr. Pfifferling offered that residents and city councilors had contacted the police department. He noted that an ordinance could be implemented for the site. Mr. Pfifferling stated that cars are



Mrs. Sapienza Donais	Yes	Mayor Fiorentini	Yes
6 members voted in the affirmative		Motion passes	
0 members voted in the negative			
0 members abstained			

Superintendent's Recommendation to declare items surplus and dispose of in accordance with city ordinances [Surplus Request 08.11.22.pdf](#) and [Surplus Additional Items 08.11.22.pdf](#).

A motion was made by Mr. Wood to declare items surplus and dispose of in accordance with city ordinances. Ms. Sullivan seconded the motion. Mrs. Sapienza Donais requested a roll call vote:

Attorney Rosa	Yes	Ms. Sullivan	Yes
Attorney Magliocchetti	Yes	Mr. Wood	Yes
Mrs. Sapienza Donais	Yes	Mayor Fiorentini	Yes
6 members voted in the affirmative		Motion passes	
0 members voted in the negative			
0 members abstained			

Items by Consensus.

Superintendent's Recommendation for approval of the Hybrid Regular Meeting Minutes of July 21, 2022, [Final Edit Hybrid School Committee Regular Meeting 07.21.22.pdf](#), the Use of Facilities [UOF 08.11.22.pdf](#), and the Field Trip Request(s) [Field Trip Request 08.11.22](#) & [Field Trip Request 08.11.22](#) as indicated in the agenda material.

A motion was made by Mr. Wood to approve the items by consensus. Attorney Magliocchetti seconded the motion. Mrs. Sapienza Donais requested a roll call vote:

Attorney Rosa	Yes	Ms. Sullivan	Yes
Attorney Magliocchetti	Yes	Mr. Wood	Yes
Mrs. Sapienza Donais	Yes	Mayor Fiorentini	Yes
6 members voted in the affirmative		Motion passes	
0 members voted in the negative			
0 members abstained			

A motion was made by Mr. Wood to adjourn the meeting (8:55 pm). Attorney Magliocchetti seconded the motion. Mrs. Sapienza Donais requested a roll call vote:

Attorney Rosa	Yes	Ms. Sullivan	Yes
Attorney Magliocchetti	Yes	Mr. Wood	Yes
Mrs. Sapienza Donais	Yes	Mayor Fiorentini	Yes
6 members voted in the affirmative		Motion passes	
0 members voted in the negative			
0 members abstained			