



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: Timothy Last Name: Coco

Address: 30 How St.

City: Haverhill State: MA Zip Code: 01830

Phone Number: +1 (978) 457-6605 Ext.

Email: tcoco@whav.net

Organization or Media Affiliation (if any): Public media of New England Inc d/b/a WHAV

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): Haverhill School Committee

Specific person(s), if any, you allege committed the violation:

Date of alleged violation: Aug 24, 2023

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.

The Haverhill School Committee violated the open meeting law Thursday, Aug. 24, 2023. Evidence indicates the noncompliance was intentional as evidenced by a statement by School Committee member Paul A. Magliocchetti and the Haverhill Education Association's detailed social media posting of a vote with specially prepared graphics (attached) almost immediately after the School Committee's executive session.

Magliocchetti said (full statement attached), "Based on calls that some School Committee members received prior to the 8/24/2023 school Committee meeting, there may have been discussions between some members of the School Committee and members of the HEA that predetermined votes on the decision to drop all litigation against the HEA. If this occurred and results in HEA support for candidates that the HEA communicated with, then there may be an ethical violation that needs to be addressed."

The executive session did not comply with Massachusetts General Laws Chapter 30, Section 21 in several respects, including failure to state the specific purpose and affected entity (Haverhill Education Association) on both its agenda (attached) and chair's statement before the executive session, contrary to the law which states "3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called."

The action of School Committee members and paid Haverhill faculty also implicates Massachusetts General Laws Chapter 56, Section 36, which states "No person in the service of the commonwealth or of any county, city or town shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any election." Clearly, certain School Committee members and union members worked in tandem to win support of union members in advance of the Sept. 12 city preliminary election.

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.

The School Committee must meet as soon as possible and before the city's preliminary election Sept. 12 to nullify action taken during the executive session; make all related records public; participate in training; and refer to any and all appropriate agencies with jurisdiction over enforcement of MGL Chapter 56, Section 36.

Any delay, including waiting 14 business days after receipt of a complaint or waiting 30 days for the open meeting law to become "ripe" would defeat the law's purpose.

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:

Edit History



August 24 at 9:42 PM



Haverhill Education Association

🔴🔴🔴 Breaking News! The school committee votes to end their lawsuit against Haverhill educators and the HEA. We look forward to coming back to school focusing on our students.

Members on the lookout for more info in your email tomorrow.



August 24 at 9:42 PM

**Paul Magliocchetti for Haverhill**

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I have prepared a statement to address the release of details of an Executive Session by Scott Wood, Toni Donais, and Maura Ryan Ciardiello to the press and to the HEA. Their actions prompted me to thoroughly review the Open Meeting Laws, which were supposed to be understood and complied with by Scott Wood who chaired the Executive Session. The analysis in my statement details how I believe there were violations of the Open Meeting Law. Because I did have sufficient background on the litigation matters due to my involvement, my opinion does not affect my vote, unless information and evidence surfaces of a "behind the scenes deal". This is my statement:

OPEN MEETING LAW VIOLATIONS

Following the last School Committee meeting, three members of the School Committee, Scott Wood, Toni Donais, and Maura Ryan Ciardiello, inappropriately released information about the Executive Session to the HEA and the press. I was concerned that the release of this information would result in a violation of the open meeting laws. To address my concern, I researched the Massachusetts Open Meeting Laws. Based on my research, I believe there were violations, and that the litigation matter should be brought back for a full discussion in open session.

1. The manner that the litigation matter was brought into Executive Session did not comply with the Massachusetts Open Meeting Law:
 - a. The specific reason that the litigation matter was placed in Executive Session was not stated in the agenda materials or at the School Committee Meeting.
 - b. The Mayor did not declare that the litigation matter required us to enter executive session because an open discussion would have a detrimental effect on the litigating position.
2. Scott Wood who chaired the Executive Session did not comply with the open meeting law:
 - a. Scott Wood did not open the Executive Session properly. Richard Rosa and Maura Ryan both attended remotely, and the law requires that the members participating remotely must state that no other person is present or able to hear the discussion at the remote location. This was not done.
 - b. Scott Wood did not open the Executive Session by stating the specific purpose of the matter being discussed in Executive Session.
3. Litigation can be discussed in Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares:





Per the Massachusetts Open Meeting Law: Generally, a public body must identify the collective bargaining unit with which it is negotiating, or the litigation matter it is discussing before entering into executive session under Purpose 3. A public body may withhold the identity of the collective bargaining unit or name of the litigation matter if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

I am challenging the Mayor and Scott Wood's decision. The name of the litigation should have been named.

b. When the matter was placed on the agenda for discussion, Ms. Donais should have at the very least requested copies of all pleadings for all pending cases between the HEA and the HPS. She did not, and the Committee had no details about what they were being asked to vote on. This caused confusion about what was being discussed and what was going to be dismissed.

This is why a motion to table was made.

4. Even if it is determined that, despite the noncompliance, the matter was properly in Executive Session, the only valid purpose for the Executive Session to discuss litigation would have been to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

If that was the case, then why did Scott, Toni, and Maura go immediately to the HEA and the press to disclose what was discussed in Executive Session. In light of their actions, the matter should have been discussed publicly and not in Executive Session.

5. Based on calls that some School Committee members received prior to the 8/24/2023 school Committee meeting, there may have been discussions between some members of the School Committee and members of the HEA that predetermined votes on the decision to drop all litigation against the HEA. If this occurred and results in HEA support for candidates that the HEA communicated with, then there may be an ethical violation that needs to be addressed.

Based on everything stated above, the Chairs failure to comply with the Open Meeting Laws and the litigation matters need to be fully discussed and addressed in open session at the next School Committee meeting.

Paul A. Magliocchetti
Haverhill School Committee





Haverhill Public Schools - School Committee
Hybrid Regular Meeting Agenda of August 24, 2023 @ 7:00 pm
Theodore A. Pelosi, Jr. City Council Chambers
City Hall, Room 202, 4 Summer Street, Haverhill MA 01830

Governor Healey has extended pandemic-related authorizations thereby allowing remote and hybrid meeting options for public bodies through March 31, 2025. In order to register to participate in **remote public comment only** during the school committee meeting, please register here at least 6 hours prior to meeting: google.com/forms/d/17Z87UgI. A link to the public comment session of the meeting will be emailed to you at the address you supply at least two hours before the meeting. **There will also be in-person public comment, which does not require registration. This meeting will be broadcast over HCTV and WHAV. The full meeting recording will be posted on the HCTV website.**

1. Roll Call – Pledge of Allegiance.
2. Communications/Reports.
 - A. Public Comment (In-person & Remote).
 - B. Student Advisory Council Report ~ Melanie Palacios.
 - C. Superintendent Comments/Reports.
 - 1) **Superintendent Items.**
 - 2) FY24 Budget Discussion.
 - D. School Committee Reports/Communications.
 - 1) Ms. Sullivan: Substitute Salary Comparisons.
 - 2) Attorney Magliocchetti: Update on concession stand at stadium.
 - D. Subcommittee Reports.
 - 1) Maintenance Subcommittee Update: Attorney Magliocchetti & Mrs. Sapienza Donais.
3. New Business.
 - A. Superintendent's Recommendation to approve Warrant Number EV20230825 and EV20230825B totaling \$2,368,372.27 as indicated in the agenda material.
 - B. Superintendent's Recommendation to approve Warrant Number EV20230825A totaling \$3,638.31 as indicated in the agenda material.
 - C. Superintendent's Recommendation to declare items surplus and dispose of in accordance with city ordinances as indicated in the agenda material.
4. Items by Consensus.
 - A. Superintendent's Recommendation for Approval of the Hybrid Regular Meeting Minutes of August 10, 2023, public minutes of the mediation sessions between the Haverhill School Committee Teachers' Negotiations Subcommittee and the Haverhill Education Association Teachers' Unit on the following dates - October 15-16, 2022, October 17-20, 2022 and October 20, 2022 as indicated in the agenda material.
 - B. Superintendent's Recommendation for Approval of Use of Facilities as indicated in the agenda material.
5. Executive Session/Adjournment: The Haverhill School Committee will go into executive session to discuss negotiation strategies regarding the secretarial unit of the HEA and litigation matters and to not reconvene in open session.

This meeting of the Haverhill School Committee will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.