



Haverhill Public Schools - School Committee Hybrid Regular Meeting Minutes of October 26, 2023

Governor Healey has extended pandemic-related authorizations thereby allowing remote and hybrid meeting options for public bodies through March 31, 2025.

Statement published for the record: those attending tonight's meeting should be aware that the meeting is being audio and video recorded by HCTV, ET and WHAV. Any audience members who wish to record any part of the meeting must inform the Chairperson who will announce the recording. This is to comply with the MA wiretap statute.

Roll Call - Pledge of Allegiance.

Mr. Wood, Vice Chair Pro tem called the meeting to order (7:00 pm) and requested a roll call vote:

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

Superintendent Margaret Marotta, Superintendent and Assistant Superintendent Michael Pfifferling were also in attendance.

The Pledge of Allegiance was recited by the members and the audience.

Moment of Silence in memory of Julia (Julie) Taylor, long-time Haverhill educator who passed away on October 18, 2023 Mrs. Sapienza Donais offered a few words in Mrs. Taylor's memory followed by a moment of silence.

Communications/Reports.

Public Comment (In-person & Remote).

Mr. Barry Davis, 200 Market Street, Lowell, MA HEA President stated that the HEA supported the committee's actions on September 14, 2023, to end litigation against the union as a result of last year's strike. He noted that all matters should be closed by both parties.

Student Advisory Council Report – Melanie Palacios. Melanie reported that tomorrow would be the end of spirit week and asked all seniors to please wear your senior jeans. She noted that Fall Fest was being held tonight. Ms. Palacios noted that surveys had been distributed and results would be presented at the next school committee meeting.

Superintendent Comments/Reports.

Mathematics Presentation [Math Problem Solving Showcase \(1\).pdf](#). The following students from each grade level (K-8) and school explained the problem-solving process for each of the exercises outlined in the presentation:

Grade	School	Student
K	WSQ	Isaiah Emmanuel
K	WSQ	Theresa Morel
1	WSQ	Hazel Schindler
1	WSQ	Kinsley Campbell
1	WSQ	Josh Piekos
2	WSQ	Zoey Rivera

2	WSQ	George Chandler
3	WSQ	Lani Burrill
3	WSQ	Yaleezmar Garcia-Ramirez
4	BEL	Jaydeen Campusano
5	ABC	Camden Lareau
5	ABC	Angisela Ocasio
5	ABC	Autumn Ryan
6	ABC	Jayden Maldonado
6	JGW	Grayson Crowell
6	JGW	Griffon Crowell
6	JGW	Meziah Alicea
6	JGW	Lianna Medina
6	JGW	Jocemaryn Taveras
7	ABC	Eve Semrau
7	ABC	Scarlet White
8	HNK	Jadalyze Reyes
8	HNK	Jaydian Caceres

Attorney Rosa, Attorney Magliocchetti, Mrs. Sapienza Donais and Mr. Wood congratulated the students on their presentations.

The superintendent thanked the students and staff for attending tonight's meeting and indicated the staff, students and parents could leave the meeting since it was a school day tomorrow.

Superintendent Marotta provided an update on several great athletic successes:

- Girls' Volleyball won the conference championship (third straight year) with a 17-1 regular season and ranked second in the state;
- Girls' Cross Country won Merrimack Valley Championship and finished undefeated in the division with a 5-0 record (first championship since 2011);
- This afternoon, Sophomore Tony Murphy won the Merrimack Valley Golf Championship this afternoon;
- This weekend, the high school pool will host swim championship events including diving, girl's swim, and co-ed division;

Dr. Marotta noted that many of the sports team seasons were currently ongoing and there would be future updates.

Financial Report ("Red/Green Report) by Assistant Superintendent Pfifferling

[Budget Report 10-07-23.pdf](#). Mr. Pfifferling stated that all salaries were encumbered for the year. He reported that the business office was working on encumbering utilities in a better way.

In response to Attorney Magliocchetti's question on unexpended funds, Mr. Pfifferling replied that unexpended monies were not committed to any organization, or person.

Regarding the budget status, the assistant superintendent related that the big increases were tuitions, transportation and utilities.

Ms. Sullivan questioned the iReady expenditure.

Mr. Pfifferling replied that would be discussed during the warrants.

Attorney Rosa asked about the special education funds.

Mr. Pfifferling noted that if there was a balance with the approval of the school committee, the district would make a request to the school committee to prepay tuitions.

MSBA Update (Time Sensitive Item).

Assistant Superintendent Pfifferling stated that in regards to the accelerated repair program, for Silver Hill School boiler, the MSBA approved the schematic design and it was now forwarded to a funding agreement. He added in relation to the Moody School boiler schematic design (ADA compliance issue) an extension had been requested and approved by the MSBA. He noted that after further discussions the project would be delayed until the February 2024 MSBA board meeting.

Dr. Marotta explained that because upgrades were needed at the school did not mean there was issues with the building but that because of the project application it triggered certain requirements.

Mr. Pfifferling believed variances could be sought from the architectural access board to resolve the issues. He related that an extension was being requested and there was no formal vote needed by the school committee.

Attorneys Magliocchetti and Rosa recommended a vote.

Assistant Superintendent noted that there were monies available in capital accounts per the city's CFO to pay for these projects which are projected to cost \$40,000.

A motion was made by Attorney Rosa to authorize the assistant superintendent to file for an extension with the MSBA on the Moody Boiler Project until the February 2024 MSBA Board meeting. Attorney Magliocchetti seconded the motion.

In response to the mayor's inquiry on the elevator, Mr. Pfifferling responded it was in compliance.

Mayor Fiorentini supported the motion.

Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

Mrs. Sapienza Donais	Yes	Attorney Rosa	Yes
Ms. Sullivan	Yes	Attorney Magliocchetti	Yes
Mr. Wood	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 Attorney Rosa that the superintendent and assistant superintendent make a request to the City Council to approve \$40,000 or the amount needed to complete the ADA compliance for the Moody boiler from an existing account either the high school pool or Hunking accounts. Attorney Magliocchetti seconded the motion.

Attorney Rosa's motion was withdrawn since the mayor had the authority to initiate an appropriation request and would do so on behalf of the school committee.

Mr. Pfifferling reported that the ARP program for 2024 would return but not include boilers but roofs and windows. He was hopeful that this important program would return next year.

Attorney Rosa clarified that the Moody elevator was large enough for both an adult and wheelchair.

School Committee Reports/Communications.

MASC Resolutions (guidance for Ms. Sullivan) [2023 MASC Resolutions.pdf](#).

Ms. Sullivan asked for guidance from the members.

In relation to **resolution #1, Full Stable Funding for METCO**; the school committee did not provide a direction.

A motion was made by Attorney Magliocchetti to strongly support **resolution #2 Investigations and Recommendations for Transportation Bidding Procedure**. Attorney Rosa seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

6 members voted in the affirmative

Motion passes

0 members voted in the negative

0 members abstained

Regarding Resolution #3 Regional Transportation, there was some discussion with the determination that the mayor would research this resolution and provide guidance to the school committee.

Mr. Wood announced the next **resolution, #4 Diversity, Equity and Inclusion**.

A motion was made by Attorney Magliocchetti a support **resolution, #4 Diversity, Equity and Inclusion**. Attorney Rosa seconded the motion.

In response to Attorney Rosa's comment that there was a position in the budget, the superintendent explained that this resolution included a broader definition.

Mayor Fiorentini offered that this matter should be discussed at budget time and decided by individual districts.

Attorney Rosa clarified it was a recommendation.

Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

Mrs. Sapienza Donais	Yes	Attorney Rosa	Yes
Ms. Sullivan	Yes	Attorney Magliocchetti	Yes
Mr. Wood	Yes	Mayor Fiorentini	No

5 members voted in the affirmative

Motion passes

1 member voted in the negative

0 members abstained

Mr. Wood continued with **resolution #5 MA School Building Authority which would amend by removing the \$800,000 cap, reinstate the accelerated repair program with the inclusion of preschools**.

A motion was made by Attorney Rosa to support **resolution # 5 MA School Building Authority**.

Attorney Magliocchetti seconded the motion.

Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

6 members voted in the affirmative

Motion passes

0 members voted in the negative

0 members abstained

Mr. Wood announced **Resolution #6 School Bus Stop Arm Surveillance Act and Enforcement and Penalties (passing school buses).**

A motion was made by Attorney Magliocchetti to support **Resolution #6 School Bus Stop Arm Surveillance Act and Enforcement and Penalties (passing school buses).** Ms. Sullivan seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

6 members voted in the affirmative

Motion passes

0 members voted in the negative

0 members abstained

Mr. Wood denoted **Resolution #7 related to MCAS (moratorium and adopting alternative).**

Mayor Fiorentini was adamantly opposed to this resolution.

There was no formal action on this resolution.

Mr. Wood summarized **Resolution #8 Safe Storage of Firearms.**

A motion was made by Attorney Rosa to support **Resolution #8 Safe Storage of Firearms.** Ms. Sullivan seconded the motion.

Attorney Rosa stated that if adopted there should be a joint statement with the Chief of Police. He also noted that there were already laws requiring safe storage in households with children 16 years and under.

Attorney Magliocchetti commented on the ambiguity of the language.

Mr. Wood would oppose the resolution and that it was an overreach by the MASC regarding a law enforcement matter and was a politically motivated resolution. He stated there was extensive documentation on firearms provided by law enforcement when obtaining a firearm license and/or renewals.

Ms. Sullivan noted the confusion and lack of clarity on the resolution language and its intent. She suggested a conversation with the police department.

Attorney Rosa withdrew the motion.

There was no action on resolution #8.

Subcommittee Reports.

Maintenance Subcommittee Update: Attorney Magliocchetti & Mrs. Sapienza Donais. There was no new information, Attorney Magliocchetti announced the pickleball court had a groundbreaking ceremony and city and school officials were working on a resolution for financing.

Mr. Wood clarified that no school funds were used for this project. He reiterated the significant donations from Mr. Ernie DiBurro for various causes.

Attorney Magliocchetti stated that the project was a great asset to the community and students at Haverhill High School.

The mayor stated that a grant had been received entitled by MA Transportation (Sign and Lines) Grant for Consentino, Nettle and Tilton School were secured by former school committee member and city grant writer Kerry Fitzgerald.

The mayor left the meeting at 8:29 pm based on Ethics Commission advice.

Old Business.

Attorney Magliocchetti worked with School Committee legal counsel David Connelly to resolve this matter. Attorney Magliocchetti stated that the votes taken still stood and could not be reversed by the Attorney General.

In response to Mr. Wood's inquiry, Attorney Magliocchetti stated that this was one item which was outlined on the agenda.

Attorney Magliocchetti reported that the previous votes were still in effect. He had been advised by legal counsel to read all the matters and take one vote on only matters in the purview of the school committee.

1. Response to Open Meeting Law Violations.
2. Discussion and vote in open session to dismiss the DLR charges between the Haverhill Public Schools and the Haverhill Education Association: Cases Filed by HPS:
 - A. Massachusetts DLR Case: Haverhill School Committee and Haverhill Education Association Case Number MUPL-22-9626.
 - HPS charges against the HEA for bad faith bargaining:
 1. to go on strike; and
 2. to use the strike as leverage during negotiations

HPS seeks damages to be reimbursed for the cost of the strike. The DLR recently issued a complaint against the Union in this case. The matter is scheduled for hearing in the fall of 2024.

- B. Essex Sup. Ct. Civ. No 2277CV00990, Commonwealth Employee Relations Board vs. Haverhill Education Assn.,

HPS intervened in this case originally filed by CERB regarding the teachers strike. The remaining issue in the case relates to damages from the teachers' strike.

Cases Filed by the Union:

- A. Massachusetts DLR Case: Haverhill Education Association and Haverhill School Committee Case Number MUP-22-9627
HEA charges against the HPS for:
1. surface bargaining; and
 2. bad faith bargaining against HPS;

Both HEA charges were dismissed by DLR, but under appeal by the HEA.

DLR found in favor of the Haverhill Public Schools and dismissed the complaint; the HEA filed a Motion for reconsideration.

- B. Massachusetts DLR Case: Haverhill Education Association and Haverhill School Committee Case No. MUP-23-10070
HEA (ESP unit) charges against HPS claiming:
ESPs should not have been required to come to school during the teachers' strike, but still should have been paid.

A motion was made by Attorney Rosa to approve the dismissal of complaints as outlined and to advise Attorney Connelly to contact the Haverhill Education Association for them to dismiss their complaints.

Mr. Wood would support the motion. He added that the matter would also address the open meeting law complaint filed by Timothy Coco.

Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

5 members voted in the affirmative

Motion passes

0 members voted in the negative

0 members abstained

New Business.

Superintendent's Recommendation to request approval of the financial transfers [10-24-23 Budget Transfer Request.pdf](#) as indicated in the agenda material.

A motion was made by Attorney Magliocchetti to approve the financial transfers as indicated in the agenda material. Ms. Sullivan seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

5 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 10.26.23.pdf](#) as indicated in the agenda material.

A motion was made by Mrs. Sapienza Donais to declare items surplus and

dispose of in accordance with city ordinances. Ms. Sullivan seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

5 members voted in the affirmative Motion passes
0 members voted in the negative
0 members abstained

Superintendent's Recommendation to approve Warrant Number EV202301027 & EV202301027B totaling \$2,288,622.45 [Complete Warrant EV20231027 and EV20231027B.pdf](#) as indicated in the agenda material.

A motion was made by Mrs. Sapienza Donais to approve Warrant Number EV202301027 & EV202301027B totaling \$2,288,622.45. Ms. Sullivan seconded the motion.

In relation to Ms. Sullivan's question on the iReady item, Superintendent Marotta replied that the expenditure included ongoing consultation, professional development, software, daily lessons, teacher toolbox and a designated contact person.

Mr. Wood Vice Chair Pro tem requested a roll call with the following results:

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

5 members voted in the affirmative Motion passes
0 members voted in the negative
0 members abstained

Superintendent's Recommendation to approve Warrant Number EV20231027A totaling \$3,941.84 [Complete Warrant EV20231027A.pdf](#) as indicated in the agenda material.

A motion was made by Mrs. Sapienza Donais to approve Warrant Number EV20231027A totaling \$3,941.84. Ms. Sullivan seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results;

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

4 members voted in the affirmative Motion passes
0 members voted in the negative
1 member abstained

Items by Consensus.

Superintendent's Recommendation for Approval of the Hybrid Regular Meeting Minutes of October 12, 2023, [Final Edit for Approval Hybrid Regular Meeting Minutes 10.12.23 \(1\).pdf](#) and Use of Facilities [UOF 10.26.23.pdf](#) as indicated in the agenda material.

A motion was made by Attorney Magliocchetti to approve the items by consensus. Ms. Sullivan seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results;

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

5 members voted in the affirmative Motion passes
 0 members voted in the negative
 0 members abstained

A motion was made by Attorney Magliocchetti to go into executive session (8:40 pm) to discuss negotiation strategies regarding the following employee groups: secretarial and ESP units of the HEA, and maintenance unit (SEIU), if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares and to not reconvene in open session. Attorney Rosa seconded the motion. Mr. Wood Vice Chair Pro tem requested a roll call with the following results;

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

5 members voted in the affirmative Motion passes
 0 members voted in the negative
 0 members abstained