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February 07, 2012

VIA FAX AND HAND DELIVERY

John A. Michitson, President
Haverhill City Council
City of Haverhill
Haverhill City Hall, Room 202
4 Summer St
Haverhill, MA 01830

Re: Local 1011, International Association of Fire Fighters and the City of Haverhill

Dear President Michitson:

I represent the Haverhill Fire Fighters Union, Local 1011, International Association of Fire Fighters ("Local 1011").

As you know, an article ran today in the *Eagle Tribune* regarding the City of Haverhill's long-standing contractual dispute with Local 1011. According to this newspaper article, the City Council intends to speak tonight to the Mayor and its City Auditor, Chuck Benevento, regarding the value of the collective bargaining agreements that the City has reached with its other unions, the City's finances and the City Council's role in resolving this dispute.

I have reviewed (and attached) the City Council's Agenda for tonight's meeting, and it does not provide notice of the Council's intention to discuss the above-referenced items related to the City's contractual dispute with Local 1011. Local 1011 is concerned about the propriety of the City Council's actions in discussing a topic for which appropriate notice has not been given to the public in advance of such discussion. Additionally, I see no grounds for the Council to have this discussion in any forum other than an open session and before all members of the

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public. As you know, a state agency, the Joint Labor Management Committee ("JLMC"), has taken jurisdiction over the City's dispute with Local 1011, and accordingly there is no need for "strategy" discussions (to the extent that the Council has and can participate in such discussions). Furthermore, the exemption for executive session meetings, M.G.L. c. 30A, Section 12(3), is inapplicable to tonight's meeting or any future meeting.

As for the City's Council's role in resolving this contractual dispute, the JLMC's operating statute, St. 1987 c. 589, §4A, is very clear. The City has thirty days subsequent to the JLMC's issuance of an arbitration award to submit to the City Council a request for the appropriation necessary to fund such award. The City Council's role is to vote either to approve or reject the request for appropriation. The JLMC statute clearly provides that the City is "required to support" the award. Thus, the Mayor and all representatives of the City, including its Auditor, Chuck Benevento, must also support the award. The Massachusetts Superior Court recently affirmed the City's obligation to support any award being issued by the JLMC in the case of City of Somerville v. Local 76, International Association of Fire Fighters, Case No. 12-00051-H. I have attached a copy of this decision for your review.

Where the JLMC has yet to issue an award and where the Mayor has yet to put an appropriation request before this Council, any discussion relative to this matter appears to be outside of the scope of both the Massachusetts Open Meeting Laws as well as the JLMC's operating statute, St. 1987 c. 589, §4A. In any event, Local 1011 has grave concerns regarding the propriety of the City via its Auditor providing this Council with its one-sided position on the value of the collective bargaining agreements that it has reached with its other unions and on the City's current finances. This is particularly true if the Council tries to have these one-sided conversations with the City behind closed doors in "executive session." Be advised that Mayor Fiorentini in a separate newspaper article today has already violated St. 1987 c. 589, §4A by indicating that should the JLMC issue an award in excess of \$594,000 that such amount will result in layoffs and a cut in fire services. The Mayor is already publicly speaking out against any award in excess of \$594,000 in violation of his obligation under the statute, which provides unequivocally that:

The employer and the exclusive representative shall support any (JLMC) decision in the same way and to the same extent that the employer or the exclusive representative, respectively, is required to support any other decision or determination agreed to by an employer and an exclusive representative pursuant to the provisions of [] chapter one hundred and fifty E of the general laws.

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The Union may be taking separate actions against the City and the Mayor as to this issue. The Council puts itself on a slippery slope should it entertain further negative discussions with the City via its Mayor or its Auditor in this regard.

The City of Haverhill's fire fighters have been without a pay raise since 2006 yet they continue to service the citizens of your community with the same dedication and loyalty that they have always brought to their work. I trust that this Council will comply with the law and ensure that they receive fair and neutral consideration as to the matter of their pay raises and contractual conditions.

Sincerely yours,



Leah Marie Barrault

Enclosures

cc: Mayor Fiorentini (via fax)
Mr. Gregg Roberts, Local 1011 President (via email)
Mr. Robert H. Scatamacchia
Mr. Michael J. Hart
Mr. William H. Ryan
Mr. Sven A. Amirian
Mr. Michael S. McGonagle
Mr. William J. Macek
Mr. Colin F. LePage
Ms. Mary Ellen Daly O'Brien