

ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL DISTRICT

Ad Hoc Naming Of The School Subcommittee
APPROVED Minutes – October 19, 2017

Members Present: Alan Craig, Gary Hathaway, Melissa Teixeira, Michelle Amato, Gene Demsey, James P. O'Brien, Francis DiLuna, Thomas St. Pierre, Bill Lupini, Jeff Delaney, Gary Hathaway.

Members Absent: Bruce Perkins.

Others Present: Joshua Coleman/Legal counsel, Joshua Mentzer, Representative Theodore, Speliotis, Luke, Representative Brad Hill, Sira Grant/Office of Senator Tarr, Johanna Wakelin/Office of Senator Lovely, Beverly Staples,/Office of Lenny Mirra.

1. Call to Order

Mr. St. Pierre made the motion to: Call the meeting to order at 5:11 p.m.

Ma. Teixeira seconded the motion and noted: There is a quorum.

All in Favor

2. Determine Ad Hoc Membership

Ms. Teixeira introduced the reason for the meeting and members present.

3. Charge of the Ad Hoc Subcommittee

- a. To determine a recommendation to the full School Committee regarding the opinion put forward by legal counsel with respect to the authority of a Regional School Committee to name their schools. Mr. St. Pierre described article 3 regarding the naming of the school.
- b. If the recommendation is to support the legal opinion, determine if the Subcommittee wishes to recommend changing the name of the "Essex Technical High School" to something else/ and or what information would be necessary to consider making a change.
- c. If the recommendation is not to support the legal opinion, determine appropriate next steps.

4. Public Comment

Mr. DiLuna stated: I did pass out a packet numbers 1-50. Last pages 48 and 49 is the opinion of committee's counsel. Counsel took an approach: number one looking at the grammatical tenure of the legislation and upper and lowercase references. Second approach is powers and duties of school committee. Page 38 and 39 enabling legislation. I disagree with counsel. Act of 2004-463 section 3, the fourth line down refers to the North Shore Regional Vocational School. That name was incorporated into this school. Written in upper and lower cases. The Essex Agriculture is also upper and lower case. This is a style in enacting bills. Down 3 more lines; upper and lower cases used several time. Page 39, the first complete paragraph, . Essex North Shore Agriculture and Technical School. Written in original enabling legislation. Same in section 10. Talks about opening of North Shore Agriculture and Technical School. The original enabling act. Section 17. In 2004 when the school was first conceived legislature gave it a name. Go back to page 11 section 1, third to last line. Let's read the whole section. North shore vocational regional school and the essex

agricultural technical school. Opening of North Shore Agriculture and Technical school. Section 12 page 4. Referred to as: North Shore Agricultural and Technical School. Described and counted several places where school was referred to as: North Shore Agriculture and Technical School.

Takes issue with counsel. MGL 71, 16 subparagraph A. pg 1 read the act: It does not say that they change the name of the school. It is a committee adopting a seal. It does not give the capacity to name a school. It is the name of the district not the school. Went on to read the other duties allowed of the committee.

Mr. O'Brien reserved rights to speak later

Mr. Demsey considered schools a merger. The name Agriculture should be on the documents and front part of school.

Ms. Amato explained as a parent of a student from the Aggy and the Tech, I struggle with the name. Some mistakes were made in the naming of the school. I am surprised, concerned, disappointed and practical. We as a school have done a lot of great work building an identity. The people here now identify with the name on the side of the building. We have legal, practical, historical and branding issues. How do we move forward so we make a good decision? I am here open and struggling.

Mr. Hathaway stated as long as I have been at the school it has been "Essex Tech" sounds like we are trying to decide what the nickname should be rather than the full name.

Mr. DeLaney asked if what are we deciding is the way we answer the phone, the name on shirts or the name on the building?

Ms. Teixeira reported that she has been on the committee for eight years. Tom and I are the only two on the committee that decided to name the school Essex Tech, plus Bill Nichols. My memory is exactly what Gary and Jeff just said. We knew what the long name would be, but looking for a short name that would flow and relate to on a daily basis. We do not have a sign with the full name of the district. We do have other buildings that have separate names from the school district. I believe in the rights of school committees and the responsibilities we have. Going back to the question as to whether counsel gave the right opinion? I believe you can find an attorney that will say whatever you want to hear. Questions whether the committee can change the name of the district, but not the name of the school. Not sure what the intent was. We did ask for guidance and we got a clear "yes", that we could change it. Our attorney said yes to seventeen members. We had to brand ourselves, with a shorter name for our building. I think we do have authority .

Mr. St. Pierre reminded at the time we tried to come up with a merged name. Essex came from Aggie and Tech came from North Shore Tech. with no intent to freeze any body out. There were hundreds of meetings to get this done.

Mr. O'Brien stated there was a letter sent three years ago when it was first named this way. Discussion about who was at meeting when name was changed. . The bylaws and governor's office were referenced about reappointment.

Mr. St. Pierre asked for public comment.

Dr. Lupini brought up that this agenda was structured for public comment.

4. Discussion and Potential Action regarding agenda items 3A, 3B and 3C.

Mr. Theodore Speliotis: State Rep with Senators Tarr and Lovely. Represents part of Middleton and Danvers. Third in seniority in the House of Representatives, goes back all the way to the beginning of this history. I see merit in everything that was said. In twelve years of creating this school, I never thought we would have been here. I respect the difference between a local opinion and statehouse opinion. It is extraordinary for us to be here. We said this is a long name how is anyone going to remember this name? Talked about the work done at the state house and the merging of three schools. Do we want to fight about the name or create a good product? Essex does not go with Agriculture. Essex goes with county. Talked about why the school is here and how it relates to the name and agriculture. Governor Patrick was here at ceremony. Three people: Senator, Governor and Superintendent. The Governor asked if they couldn't think of a shorter name. Regionalization causes scaling back of power. Growing pains are more important than the name of the school. I chair a committee called "Bills in Third reading". It recommends the bills that go to the house. I have to sign every bill that goes to the floor of the house. We created the name when we created the district. It is a special act of the legislature that created this school district. You can't own the land. Discussed the way the district was designed and why. Talked about land use and educational purposes. Talked about the value of this land. The school committee has no authority to change the name. It's the law. I will put it in a law to change the name. Asking you to work with us and find a respectful name with intent. The ultimate authority falls with the legislature and government.

Mr. Brad Hill stated that it is very clear in every amendment, the law says that "the name is to have the word Agriculture in it". He misses the name agriculture which is very important to the state. Recognizing the Governor and Administration, DESE, legal counsel and former superintendent: it was always the intent that agriculture would remain in the title. The land we sit on was Essex Aggie not North Shore Vocational. We have lost that identity. It is sad that we are even debating the name change. We put it in law that this would be the name of the school. The intent of the legislature at the time and county delegation; we would have the word agriculture in the name of the school. The lack of the word agriculture is a huge slap in the face to my district. A law gave you the name of this school. We are very proud of this school. The opinion and law is that agriculture is to remain in name.

Ms. Sira Grant: Presented a legislative drafting manual. In the manual there are a number of rules about why we write the the things the way we do. Capitalization is about word placement. Proper Titles are not capitalized. Take a look at this drafting manual that dictates why we write things the way we do. Essex and North Shore are capitalized because they are places.

Mr. Craig agreed with the representatives that the name has to include the word Agriculture.

Mr. DiLuna noted that Dr. Lupini's twitter page has the word Agriculture in it.

Dr. Lupini stated that those were the renderings on his twitter page.

Lawyer Josh Coleman described and discussed item 5.

The key issue of article 7116 is to adopt a name. Clearly what the subcommittee did was arrive at a name. In article 7168, you have general charge of the school. The province of the school district is to change the name. If the legislation was to propose a bill to change the name back, the legislature is not in control of the annual budget of the school. There are practical and budget issues with changing the name. The grammatical issue is only one issue. The bylaws say the name of the district not the name of the school. Common for lots of schools for the district and the school name not to mirror each other.

Mr. St. Pierre also discussed Item 5

Mr. DiLuna reminded the committee that “I would like for my document request to be produced”.

Ms. Teixeira thanked the public for coming. Grateful for the history. Both sides of history are important. We have to do the right thing for our students. I am offended that you say you will make it law. I feel we both have rights. Addressed Representative Speliotis and his statements. There were no bad intentions. The committee shortened the name of the school at the governor’s request. Does technical mean agriculture? Technical is the new word for agricultural and vocational. Technical means everything . How do we get there so that everybody is comfortable, the students and staff?

Mr. Brad Hill: Asked a process question.

Mr. Ted Speliotis asked if house counsel can give you an opinion on your power? The name is the name we created. They advised me not to file a bill to change the name. They have to give legislators an opinion not the school committee.

Mr. StPierre asked Mr. Speliotis “what name do you support”?

Mr. Ted Speliotis stated “I thought you would come up with two distinct schools that would work cooperatively. I am concerned about thirty years from now. I thought there were would be two superintendents. I was not that concerned, because I never thought this would happen. My concern is that people driving by will not know that the agriculture exists. The name does not reflect the agriculture and I worry about what will happen.”

Dr. Lupini reminded that separate from name, we go to all the communities that are not part of the seventeen School Committee members. We talk about the eight programs that are possible. We are in the process of costing out changing the name and trying to come up with what that means. There are strong feelings on all sides of the issues. We have ballpark numbers about changing things out. All requests of materials will be responded to and produced as quickly as we possibly can.

Ms. Teixeira told that when we learned of Frank DiLuna’s request it was determined that we should be working together as a whole, not at the request of an independent school committee member.

Mr. Brad Hill reported that our fear in the agriculture community is that agriculture will be lost in thirty years. We all feel you are doing a great job, but when you are gone those programs could be left out. The last ten years we have worked with our farms so that people buy local.

Mr. Theodore Speliotis discussed Item 3a: Do we have the authority to change the name?

Ms. Amato told the group “ I need time to process and consider what I have heard to night. I would wait on questions.”

Ms. Teixeira agreed we need some time. This is a lot to think about. We all want the same outcome. We do not want to participate in any votes tonight, but discuss the next steps for action.

Mr. StPierre thanked the public for coming, will wait to vote on 3a, asked for any other discussion.

Mr. O'Brien reminded a letter was sent three years ago. Let's get this settled and not let this drag on.

Mr.StPierre confirmed that we will get it finished in a timely manner.

Mr. Brad Hill asked if moving forward will this communication be through school committee or superintendent?

Dr. Lupini reported that the letter came outside of my time here. We need to agree and decide what we are doing.

Mr. O'Brien recommended that let's address it and get it behind us. There is a cost to making the changes.

Dr. Lupini projected a phase in on uniform name changes. Will get a projection on total costs vs. phase in costs.

Ms. Teixeira discussed the timeline and a decision before next budget season. It will have to be filtered in. This issue should be resolved.

Mr. O'Brien stated he considered the timeline to be the next two or three months.

Mr. O'Brien made a motion: “That we get the documents requested by Frank DiLuna. (the list of requests was presented at the meeting).”

Mr. StPierre seconded the motion.

All in Favor.

Ms. Teixeira requested of Ted Speliotis, “Can you put in a request for counsel to give a decision? They are the legislators and attorneys.”

Ted Speliotis: One way we could ask is to pretend nothing happened and ask the question: “If, the school committee wants to change the name can they?”

Dr. Lupini considered that we have faced a number of issues where we have been asked to produce this level of documentation. We may need additional funds. The record is not as clear as it should be and sometimes you are looking for things that are not there.

Ms. Teixeira reported that extensive record requests go directly to the school attorney. In order to do it in a timely fashion. How much time do you need? She asked of Dr. Lupini.

Mr. DiLuna reminded that he asked in summer not to burden staff.

Dr. Lupini projected that November 16th is approximately one month. We will have this information prior to November 15th, 2017.

Mr. O’Brien made the motion: “to meet on November 15 @ 6:00 p.m.”

Ms. Teixeira seconded the motion.

All in Favor.

Dr. Lupini reported that the charge was different than the three items listed.

Mr. DiLuna made a correction to the record. It did not appear in the governor’s office release. It appeared in a Newburyport article in January.

Ms. Amato questioned “What is our charge? To name or not name or to make a recommendation? To name or stay the same?” I have a document that helps us decide what we are doing and who is involved.? It is important to answer these questions and this tool can help with timelines and budget. Passed out a document to use as a tool to help decide what the charge is.

Mr. St. Pierre made the motion to: Adjourn

Melissa Teixeira: Seconded the motion.

All in Favor.

The Ad Hoc Naming of the School Subcommittee meeting adjourned at 6:43 p.m.

****All documents and handouts are on file in the Superintendent/Director’s office.**

Respectfully submitted by: The Recording Secretary.

