



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
SEAN R. REARDON, MAYOR

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60 PLEASANT STREET - P.O. BOX 550  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
MAYOR@CITYOFNEWBURYPORT.COM

To: President and Members of the City Council  
From: Sean Reardon, Mayor  
Date: May 22, 2023  
Subject: Appointment

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I hereby appoint, subject to your approval, the following named firm to serve in the office of City Solicitor. This term will expire January 31, 2024.

Murphy Hesse Toomey & Lehane LLP  
50 Braintree Hill Office Park  
Suite 410  
Braintree, MA 02184

## MEMORANDUM

**TO:** President Shand and Members of the City Council

**FROM:** Mayor Sean Reardon

**RE:** City Solicitor Appointment

**DATE:** May 16, 2023

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I am pleased to appoint law firm Murphy, Hesse, Toomey and Lehane (MHTL), LLP as City Solicitor for the City of Newburyport. MHTL serves as legal counsel to more than 150 Massachusetts entities and is engaged in virtually every aspect of municipal law, including, but not limited to, litigation and administrative law, land use, zoning, public governance, procurement and contracts, labor and employment, finance and tax recovery matters, civil rights, elections, licensing, and document drafting and negotiation.

Attorney Karis L. North is the proposed lead municipal legal counsel, and Attorney Sarah C. Spatafore is the proposed lead labor and employment legal counsel. They will be backed up by other experienced attorneys from their Municipal Law Group and Labor and Employment Group. This proposed combination of attorneys routinely work with each other and other members of the Firm to provide seamless representation to the cities, towns and districts the Firm represents as Town Counsel.

Karis L. North has been practicing municipal and public sector law since 2006, and has over twenty years of experience counseling and resolving complex disputes for public clients. She is currently Town Counsel for the Town of Natick, Special Counsel to the Towns of Cohasset and Burlington, and provides legal services to other cities and towns in Massachusetts. Ms. North is also an experienced litigator on behalf of municipalities and municipal agencies, private parties, and non-profit organizations.

Her practice is focused on counseling and advocacy on behalf of municipal governments and agencies. She provides representation and advice in the areas of municipal governance, public records and open meeting law, regulatory and environmental counseling and enforcement, real estate transfers and transactions, affordable housing, land use and planning, conflicts of interest, and town meetings. Ms. North also represents municipalities in collective bargaining, arbitrations and other labor proceedings, as well as in wage and hour litigation and in employment litigation.

Ms. North has a B.S. from Cornell University and received her J.D. *cum laude* from Vermont Law School, where she was the Managing Editor of the *Vermont Law Review*. She is admitted to practice in state and federal courts in Massachusetts. Ms. North is a Director of the Massachusetts Municipal Lawyer's Association and a member of the Vermont Law School Board of Trustees, where she chairs the Governance Committee.

Attorney Sarah C. Spatafore is a partner with the firm. She practices primarily in the labor and employment area, representing both public and private clients. Ms. Spatafore also handles education issues. Ms. Spatafore has represented clients before a number of courts and administrative tribunals at both the state and federal level. Ms. Spatafore regularly advises clients on a variety of issues related to labor and employment, represents clients on issues related to collective bargaining, grievances, and arbitrations, and has conducted numerous workplace investigations both for existing clients and also as an outside investigator.

Ms. Spatafore graduated from Bates College. She received her Juris Doctor, with Honors, from Boston College Law School. In law school, Ms. Spatafore interned at the Massachusetts Superior Court.

My office selected MHTL after interviewing three firms and requesting proposals for services from all of them. MHTL offers competitive rates that are very similar to those we currently receive from our City Solicitor. They have a large enough firm that we believe they will be able to meet all our needs for services, while also being able to devote the resources necessary to understand the unique needs of our City. They have a firm understanding of Mayor/Council relations and have worked with Charters that are very similar to those of the City of Newburyport. They also have significant experience in the labor, land use, and municipal operations issues that we have required the most legal assistance from over the last few years.

We are very appreciative of our current City Solicitor, KP Law, for all their assistance over the last 12 plus years, and we look forward to working with them on their remaining cases with us. KP Law has indicated that they will work with us to close out any issues in which they are still engaged, and will assist with the transition to our new City Solicitor. We may retain KP Law as Special Counsel on any issues for which we still need their assistance.

May 8, 2023

**VIA EMAIL & FIRST CLASS MAIL**

Mayor Sean Reardon  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

***Re: Murphy, Hesse, Toomey & Lehane, LLP  
City Solicitor Legal Services Proposal***

Dear Mayor Reardon:

I am writing in response to our meeting of April 26, 2023, to express our Firm's strong interest in providing City Solicitor legal services to the City of Newburyport ("Newburyport"). Our Firm serves as legal counsel to more than 150 Massachusetts entities. We are engaged in virtually every aspect of municipal law, including, but not limited to, litigation and administrative law, land use, zoning, conservation, environmental, real estate, public governance, procurement and contracts, labor and employment, collective bargaining, discrimination, harassment, discipline, eminent domain, finance and tax recovery matters, civil rights, elections, licensing, and document drafting and negotiation. Our broad and unique blend of legal experience, understanding of federal, state and municipal government, and appreciation of local issues, needs, and customs make Murphy, Hesse, Toomey & Lehane, LLP the ideal choice to serve as City Solicitor for the City of Newburyport.

Attorney Karis L. North is the proposed lead municipal legal counsel, and Attorney Sarah C. Spatafore is the proposed lead labor and employment legal counsel. They will be backed up by other experienced attorneys from our Municipal Law Group and our Labor and Employment Group. This proposed combination of attorneys routinely work with each other and other members of the Firm to provide seamless representation to the cities, towns and districts the Firm represents as Town Counsel. A hallmark of our Firm's practice is accessibility. Through a combination of in person, telephone and electronic communication, we will be fully accessible to the City of Newburyport fully capable of providing an immediate response to any legal issue that may arise. Please see the attached for Biographies of our proposed Team and other Firm attorneys that may be assigned to the City of Newburyport, as well as the Firm's price proposal.

We would be extremely honored to serve as City Solicitor to Newburyport and are committed to providing outstanding service and ensuring that the City's legal needs are fully satisfied.



Mayor Sean Reardon  
City of Newburyport  
May 8, 2023  
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Thank you for considering Murphy, Hesse, Toomey & Lehane, LLP. We look forward to hearing from you in the near future. In the meantime, please contact us if we can be of service or provide any additional information to you.

Sincerely,



Karis L. North



Sarah C. Spatafore

Enclosures

ATTORNEY BIOGRAPHIES

Municipal Counsel

**Karis L. North** - Karis L. North has been practicing municipal law for over fifteen years and has more than twenty-five years of experience counseling and resolving complex regulatory and land use matters for her clients. She is currently lead counsel for the Towns of Natick and Mendon, and special counsel to the Towns of Cohasset and Dartmouth. She also counsels the Towns of Milton, Norwood, Mendon, and Dracut. Her expertise includes all of the areas necessary to advise a municipal corporation, including municipal governance, land use, procurement, employment, town meetings, public records, open meeting law, and legislation. She also practices municipal labor law, negotiating successor contracts and side agreements, advising on civil service matters, grievances and discipline, and labor arbitrations.

Ms. North is also an experienced litigator on behalf of municipalities and municipal agencies, private parties, and non-profit organizations. She has experience in bench and jury trials in state and federal courts, arbitrations, and administrative litigation. Her goal in any matter is to find the right solution for her clients. She engages in creative problem solving to resolve conflicts and has achieved favorable outcomes for her clients in many settings that take into account the client's needs as well as the facts and the law underlying each matter.

Ms. North is a graduate of Cornell University and a *cum laude* graduate Vermont Law School, where she was the Managing Editor of *The Vermont Law Review*. She is a regular speaker providing training and expertise to the Massachusetts Municipal Lawyer's Association (MMLA), MCLE, the Massachusetts Municipal Association (MMA) and to various law and graduate school classes. Ms. North is presently Vice President of the Massachusetts Municipal Lawyers Association, and served two terms as a member of the Vermont Law School Board of Trustees. She is also active in her community where she served as Chair of the Plymouth County Commission on the Status of Women and was an elected Town of Hull Library Trustee, including six years as Chair. Ms. North is admitted to practice in state and federal courts in Massachusetts and in the state of Maryland.

**Sarah Spatafore** – Ms. Spatafore is a Partner at the firm. She practices primarily in the labor and employment area, representing both public and private clients. Ms. Spatafore also handles education issues. Ms. Spatafore has represented clients before a number of courts and administrative tribunals at both the state and federal level. She regularly conducts seminars and training programs on unlawful harassment, preventing discrimination, and a variety of other labor and employment issues. Ms. Spatafore has completed all the Massachusetts Commission Against Discrimination-certified "Train-the-Trainer" courses.

Ms. Spatafore graduated from Bates College in 2007. Prior to attending law school, Ms. Spatafore spent a year working on a presidential campaign and then served as a presidential appointee at the National Aeronautics and Space Administration in Washington, D.C. She received her Juris Doctor, with Honors, from Boston College Law School in 2012. In law school, Ms. Spatafore interned at the Massachusetts Superior Court. As a law student, Ms. Spatafore

was a member of the Jessup International Moot Court team. The team won the Northeast Super Regional Competition and, in the Jessup Cup International Rounds, Ms. Spatafore individually placed 3rd among several hundred oralists. She was a co-recipient of the third year best oralist award at Boston College Law School. Prior to matriculating with the firm, Ms. Spatafore worked for a presidential campaign as a law clerk and was sent to a targeted swing state to serve as the Election Day Operations Director for the general election.

**Peter L. Mello** - Mr. Mello focuses his practice in municipal law and general civil litigation, including in the areas of construction, land use and zoning, wetlands and school law, among others. He practices routinely before state and federal courts and state agencies in Massachusetts and has written and presented extensively on wetlands, construction and labor issues for organizations such as REBA, the Massachusetts School Building Authority, the Massachusetts Municipal Lawyers Association and the Massachusetts Bar Association. Mr. Mello is currently the City Solicitor for the City of Attleboro.

Mr. Mello earned his B.A. in Politics, with a Certificate in Legal Studies from Brandeis University and is a graduate of Boston University School of Law. While at Boston University School of Law, Mr. Mello served as a staff editor of the American Journal of Law and Medicine.

Mr. Mello is a recent past President of the Massachusetts Municipal Lawyers Association.

He is admitted to practice in the Commonwealth of Massachusetts, the United States District Court for the District of Massachusetts and the United States Court of Appeals for the First Circuit.

Mr. Mello was recognized as a Rising Star by New England Super Lawyers magazine in 2012, 2013 and 2014.

**Joseph W. Proctor** – Mr. Proctor practices in the areas of municipal law, labor and employment law, and general civil litigation. In his municipal practice, Mr. Proctor has represented municipalities in litigation matters including defending against claims of adverse possession. Additionally, he has researched and provided guidance on municipal conflicts of interest, public records laws, eminent domain procedure, environmental issues, cannabis industry laws and regulations, personnel issues, and more. In his labor and employment practice, Mr. Proctor has participated in collective bargaining negotiations, grievance responses, and arbitrations. Further, he has advised public and private clients on a wide array of issues such as wage and hour laws, discipline and discharge, and compliance with state and federal rules and regulations.

Mr. Proctor graduated *summa cum laude* from the University of Massachusetts Amherst in 2017 with a Bachelor of Arts in History. He graduated *cum laude* from Boston University School of Law in 2021. During law school, Mr. Proctor served on the executive board of the BUSL Real Estate Association and was a member of the Public Interest Law Journal. He completed internships with the Plymouth Superior Court and the Office of the Attorney General. Mr. Proctor is a member of the Massachusetts Municipal Lawyers Association.

**David A. DeLuca** - Formerly an Assistant District Attorney with the Suffolk County District Attorney's Office, Mr. DeLuca handles a full spectrum of tort, contract, land use and workers' compensation litigation matters. Attorney DeLuca is lead counsel to the Towns of Danvers, Holbrook, Norwood and Dracut. He is experienced in all phases of state and federal trial and appellate court advocacy, having handled administrative law judge, bench and jury trials including personal injury, product liability, domestic litigation, zoning and tax disputes, insurance litigation, workers' compensation claims and civil rights violations. Mr. DeLuca advises building inspectors and planning directors on zoning, tax enforcement and tax title recovery matters. He represents municipal clients regarding zoning matters at town meeting and before trial and appellate courts. Mr. DeLuca also handles all phases of workers' compensation litigation for self-insured municipal clients and is a frequent participant in continuing legal education seminars on workers' compensation and related municipal/labor matters.

Mr. DeLuca is a member of the Massachusetts, Norfolk County and Quincy Bar Associations, the Massachusetts Municipal Lawyers Association, a member for the Massachusetts Bar Association Joint Bar Committee on Judicial Appointments, and former Chairman of a regional Hearing Committee for the Board of Bar Overseers. Mr. DeLuca is also a former instructor with the Northeastern University College of Criminal Justice. Mr. DeLuca is a graduate of Boston College and Suffolk University Law School.

**Michael J. Maccaro** - Mr. Maccaro is a Partner at the firm and represents employers in both the public and private sector, acting labor counsel for private entities and as both labor counsel and general counsel to governmental bodies, including numerous school districts. Mr. Maccaro's labor law practice includes representing employers in representation proceedings and campaigns, contract negotiation, collective bargaining matters, grievance administration and arbitration, and in proceedings before the Massachusetts Department of Labor Relations and the National Labor Relations Board. His employment law practice includes defending employers in a wide range of workplace claims, including claims of employment discrimination, retaliation, and wrongful discharge before the Massachusetts Commission Against Discrimination, and other enforcement agencies. Mr. Maccaro has successfully represented clients before the Division of Unemployment Assistance, the Civil Service Commission, the Massachusetts Superior Court, and the Massachusetts Appeals Court.

Prior to joining MHTL, Mr. Maccaro served as an Associate General Counsel for a large labor union, where he litigated over one hundred arbitration cases. Following law school, Mr. Maccaro served as a Law Clerk to the Justices of the Superior Court. Mr. Maccaro has served as an Adjunct Professor at Massachusetts School of Law where he taught legal writing. Mr. Maccaro regularly speaks to employers on matters such as collective bargaining obligations, employment practices, and drafting of workplace policies. Mr. Maccaro currently serves on the Executive Board of the Labor Employment Relations Association. Mr. Maccaro is a member of the bar of Massachusetts and is admitted before the federal District Court in Massachusetts. Mr. Maccaro graduated from Bates College with a Bachelor of Science degree in Biological Chemistry. He received his law degree from Northeastern University.



**Kier Wachterhauser** - Mr. Wachterhauser is a Partner at MHTL. Mr. Wachterhauser represents private and public sector clients in all areas of labor and employment law and maintains a litigation practice. Mr. Wachterhauser regularly counsels clients on employment matters, including wage and hour, leave entitlements, and discrimination and harassment matters, as well as the drafting of employment policies and contracts, and represents clients in employment-related litigation before state and federal courts and administrative bodies, such as the Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission. Mr. Wachterhauser also maintains an extensive labor practice, representing public and private clients in the representation issues, the collective bargaining process, arbitration hearings, and proceedings in front of administrative agencies such as the National Labor Relations Board, the Civil Service Commission, and the Department of Labor Relations. Mr. Wachterhauser's clients include health care agencies, financial institutions, food service entities, local housing authorities and other State and local governmental entities.

Mr. Wachterhauser is a regular speaker at industry and trade groups, chambers of commerce, and other organizations on a wide range of labor and employment topics. Mr. Wachterhauser also conducts workplace training for organizations of all sizes. He received his Juris Doctor from Boston University School of Law, where he served as the Editor-in-Chief of the *Boston University Law Review*. In law school, Mr. Wachterhauser was awarded the Faculty Award for Academic Accomplishment. Prior to attending law school, Mr. Wachterhauser spent several years working in the consulting field, providing guidance to administrators of hospitals and universities on a variety of business-related matters. Mr. Wachterhauser received a Masters of Arts degree from Northwestern University and graduated from Swarthmore College with honors.

**Kevin S. Freytag** - Kevin S. Freytag is a member of the Firm's Municipal and Litigation practices. Mr. Freytag serves as lead counsel in MHTL's representation of the Town of Milton and the Town of Scituate. He represents individuals, businesses and municipalities in a wide range of disputes in the areas of construction, labor and employment, land use and real-estate tax. He has appeared in courts throughout the Commonwealth and successfully tried cases to verdict before judges and juries. He has also effectively represented clients at the Appellate Tax Board as well as the Massachusetts Appeals Court.

Mr. Freytag received his Juris Doctor from Suffolk University Law School. He was a member of the Trial Team and earned the honor of 2006 New England National Trial Competition Regional Champion. Mr. Freytag received a Bachelor of Arts degree from Stonehill College. Before entering private practice, he spent five (5) years working at the Norfolk County District Attorney's Office where he prosecuted countless cases in District and Superior Court. Mr. Freytag is admitted to practice in all state courts in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts.

**Madison Harris-Parks** - Ms. Harris-Parks practices in the areas of municipal and labor and employment law, as well as general civil litigation. She has aided in the representation of municipalities in both proactive litigation, such as zoning enforcements, and in defense of municipalities against claims of arbitrary, tortious, and unconstitutional actions. She has

additionally conducted research in the areas of land use, conflict of interest law, procedural requirements for passing zoning and general bylaws, and employee discipline matters.

Ms. Harris-Parks graduated from the University of Florida with Bachelor of Arts degrees in English and Sociology, and graduated *cum laude* from Boston University School of Law in May 2021. During law school, Ms. Harris-Parks gained valuable litigation experience while interning with the Solicitor's Office of the U.S. Department of Labor, the Trial Division of the Massachusetts Attorney General's Office, and the Housing Division of Harvard's Legal Services Center. She also served as a Managing Editor of BU Law's Public Interest Law Journal, a Fellow for BU Law's first-year writing program, and a research assistant. Prior to joining MHTL, Ms. Harris-Parks clerked at the Massachusetts Appeals Court.

**Brett R. Cavanaugh** – Mr. Cavanaugh focuses his practice in municipal law, education and special education, and labor and employment. He has done research related to public housing, the First Amendment, wetlands violations, PFAS chemicals in drinking water, for cause termination, betterments, and license to carry laws. Additionally, he has experience responding to Open Meeting Law complaints. In his labor and employment practice, Mr. Cavanaugh represents both public and private employers. He has participated in collective bargaining matters and grievance administration for municipalities, including drafting last chance agreements and participating in termination hearings.

Mr. Cavanaugh graduated *cum laude* from Boston College Law School in May 2022 and joined MHTL in the fall of 2022. He is admitted to practice in the Commonwealth of Massachusetts. Prior to law school, Mr. Cavanaugh received both his Bachelor of Arts and his Master of Education from the University of Notre Dame. He worked in education for six years, including four years as a middle school math and social studies teacher. During law school, Mr. Cavanaugh was a legal intern with the United States District Court for the Eastern District of Michigan and worked as a summer law clerk at a labor and employment firm in Boston. He also provided legal and business training to aspiring entrepreneurs through a clinic serving formerly incarcerated individuals. In addition, he interned with the Boston College Athletic Department where he

assisted with compliance matters, and he gained in-house counsel experience at Spartan Race in Boston. Moreover, he served as the president of the St. Thomas More Society and provided legal services at a detention center in Texas.

CITY OF NEWBURYPORT

FEE PROPOSAL

Murphy, Hesse, Toomey & Lehane, LLP (“MHTL”) proposes the following rates for City Solicitor legal services for the City of Newburyport (“City”): for general municipal services we propose \$230.00 per hour blended rate for partners and associates; for litigation and labor services we propose \$250.00 per hour blended rate for partners and associates; and we propose \$115.00 per hour for paralegal and law clerk services. There is no charge for clerical staff. Please note, hourly fees may increase after the first year of the agreement, by mutual agreement of the parties.

Disbursements, including filing fees, stenographer’s fees, expert witness fees, overnight delivery fees, and computerized research fees are billed at their actual cost. Mileage, if any, is charged at the Federal Travel reimbursement rate, which is currently 58 cents/mile. All other office-related costs (e.g., clerical expense, postage, facsimile expenses, equipment supplies, etc.) are considered overhead and are not billed to the client.

MHTL strongly adheres to a cost-conscious, but effective representation of its municipal clients. Accordingly, we propose the follow approach to our representation:

- **Quarterly Budget Review:** Upon request, we will meet quarterly to review all pending legal matters and fees incurred. This will allow the City to make informed decisions about the amounts and purpose of legal fee expenditures.
- **Conscientious Time Keeping:** We consider it part of our professional responsibility to be meticulous about fair time keeping for our bills. We do not place undue pressure on our associates to meet unrealistic billing quotas. Each monthly billing statement to a client is detailed and any questions or discrepancies are promptly addressed.
- **In-Person Visits with Clients:** Although it may seem counter-intuitive, we have found that taking the time to meet face to face with department heads or municipal boards to discuss ongoing legal issues, or to provide briefings on litigation or collective bargaining matters promotes economy and efficiency in the course of our legal representation. Through discussions with the clients we can fully understand their priorities, explain various options and the potential consequences of those options.
- **Specialized Expertise:** We possess a broad range of specialized knowledge and experience which allows our municipal clients to avoid the added expense of special counsel for complex matters. Additionally, we are thoroughly familiar with the unique legal issues that municipalities regularly encounter. Thus, questions about municipal finance, collective bargaining, ethics, open meetings, public records, procurement, public construction and other recurring municipal issues can be addressed promptly and economically without the expense of extensive legal research.

- **Local Knowledge Contributes to Efficiency and Economy:** While the resources of our entire firm are available to address almost any legal issue, we do not expose our clients to a revolving door of numerous attorneys unfamiliar with the City. One senior level attorney will be assigned to the City who will be familiar with all pending legal matters and supervise the work of all other MHTL attorneys working on City matters. The senior level attorney would strive to learn the characteristics of the City and develop comfortable working relationships with public officials. This approach promotes effective communication and consistency while minimizing the expense of bringing additional lawyers up to speed on any particular legal matter.
- **Revenue Enhancements:** We are available to assist in the review of all municipal license and permit fees, fees for service requests, Payments in Lieu of Tax Agreements, and other collection items. We will assist in the vigorous enforcement of statutory liens, and third party recovery of funds owed from injury loss or damage to the City. Municipal government depends on the full realization of all sources of revenue, and the effective and efficient enforcement of all obligations.
- **Gatekeeper Forms:** Upon request, we will develop a form to be used by City employees seeking City Solicitor services. The form would require an employee to investigate other resources, including state agencies, to resolve a legal issue and then obtain written permission to contact counsel.