

Municipal Council Meeting  
Thursday, February 22, 2007  
Town Hall Auditorium

Call to Order 9:30 AM

Roll Call: Hank Brennick, Ann Connolly King, Robert W. Lavoie, Alison Lindstrom, Donna McClure, Mario Pinierio, Christopher Lawrence

Roger Benson and Michelle Thone absent.

President Lawrence asks Councilor Connolly King if she thought about rescuing herself from the meeting today as she is aware there is a recall petition circulating against her and is very similar to the District 1 recall. Councilor King asks for the reason why she would ask to rescue herself and President Lawrence answers she may be faced with the same situation. Councilor King states she will deal with that when Mr. Greaney and whoever is assisting him with the recall come forward with the recall petition. President Lawrence thanked her.

**Action on Recall Petition District 1**

President Lawrence reads the Certificate of Sufficiency and an e-mail dated February 20, 2007 from Councilor Thone (attached).

*Councilor McClure moves per the Charter to send a letter to advise Councilor Thone of this recall action and further direct Council President to seek legal opinion from an outside Election Attorney to ensure this action is handled properly. She further moves to take no action until legal advice has been rendered. We have until May 21<sup>st</sup> to take this action and she would like to make sure this is done correctly. Councilor Pinierio seconded*

President Lawrence asks if there is discussion on the motion.

Councilor Lavoie states the window of day 65 to day 90, under which the election has to be set, is April 26, 2007 thru May 21, 2007. The Clerk's Office needs sufficient time to organize and post the election. President Lawrence states in the past it has been 30 to 35 days to schedule. Councilor Lavoie states the last Tuesday the election could happen is sometime in May. His point being the council will have to set the date. He further states the Charter says forthwith give notice and Councilor McClure's motion accomplishes that. If the resignation does not occur within five days thereafter order an election to be held on a date fixed by them. Although he agrees with the premise that the council has time to order the election he does not think the council can dilly dally about setting the election. Councilor Lavoie states that he submitted a resolution calling for the date to be set today for May 8<sup>th</sup>. He mentions that but does not seek to amend Councilor McClure's motion but thinks a date should be set today for the election.

Councilor King opens up discussion with the council as to why they feel outside independent counsel should review the recall process. Councilor McClure states based on the history of Amesbury and its experience with citizen petitions she feels they could use some advice to make sure it is followed according to the letter of the law. Councilor King feels the charter is clear about the process. She also asks where the funds would come from; Councilor McClure states they are allowed to hire outside counsel and will have to look in the budget to see where they can find that money however; it is not her decision where. Councilor McClure reminds Councilor King there is a motion on the floor. Councilor King feels the request for outside counsel is a stall tactic and agrees with Councilor Lavoie to move this election and give it a date. She feels Amesbury is slowly slipping into political chaos and does not want to pursue the road of stalling and pulling out political footballs to toss around.

President Lawrence does not believe they are looking to stall the election; they do have until approximately April 21<sup>st</sup> to schedule an election, there is no rush. We do have to notify Councilor Thone which will be done today and we could bring this back to the March 13<sup>th</sup> meeting to schedule an election there is no reason to rush. President Lawrence reminds the recall election is going to be costing the residents of the entire city a considerable amount of money for District 1 petition. In regards to Councilor Lavoie's resolution he feels it could be considered a violation of the Open Meeting Law because it was a decision on how he would like to proceed to all members of the Council.

Councilor Lavoie states for the record that he is opposed to delaying setting a date although clearly there is time. He is also opposed to spending money on outside counsel. He feels it is pretty clear in the charter the process to follow and feels it has been followed.

Councilor King feels the majority of the council is on the verge of not doing the right thing. She states the community does not need this and it is time to call a truce or do what ever needs to happen; this has got to stop.

Councilor McClure agrees with Councilor King this has to stop, she feels the community has dropped into the bowls of dirty play and it is embarrassing.

Councilor McClure states she is willing to amend her motion to set the election for May 21<sup>st</sup>. She further she states to Councilor King she knows she wants to get this moving but Councilor King needs to understand that Amesbury has made plenty of mistakes that have cost the town a lot of money.

Councilor Lavoie suggests a Tuesday election to keep with tradition and custom.

Councilor McClure again amends her motion to set a date for Monday, May 21<sup>st</sup>.

*Councilor McClure motions per the charter," I move that we send a letter to advise Councilor Michelle Thone of this recall action and further direct the Council President to seek a legal opinion from an outside Election Attorney to ensure this action is handled properly. At this time we can set a date for the election of Monday, May 21, 2007". Councilor Pinierio second.*

Councilor King asks why the election is set for the very last day and why not on a Tuesday when everyone generally knows that is the day to vote.

Councilor Lavoie states that in America and in Amesbury Tuesdays are when people vote and to sacrifice 6 days to drag this out to the last possible day under the Charter; he does not see any purpose in it.

Councilor Lindstrom responds to Councilor Lavoie's comment about doing things a certain way in America. She believes in America you do not recall people for demeanor or for disagreeing with their vote. Councilor King called for Point of Order, President Lawrence asks Councilor King to control herself and agrees with Councilor Lindstrom entirely.

*Councilor McClure motions per the charter I move that we send a letter to advise Councilor Michelle Thone of this recall action and further direct the Council President to seek a legal opinion from an*

*outside Election Attorney to ensure this action is handled properly. At this time we can set a date for the election of Monday, May 21, 2007. Councilor Pinierio second.  
Roll Call Vote: 5 Yes, 2 No (King, Lavoie) 2 absent (Thone, Benson)*

Councilor Lavoie asks that the letter be sent to Councilor Thone by certified mail per her request by e-mail.

President Lawrence states there have been several requests by Councilor Thone to have copies of the original petition submitted to her, as she is entitled to see the original signed petitions not just the certified list. Please make sure she receives copies, she has asked for them three times and has not gotten them.

Councilor McClure motion to adjourn, Councilor Pinierio second.  
Adjourn 9:50

Respectfully submitted,  
Assistant Town Clerk