

Municipal Council Minutes
Tuesday, March 27, 2007
7:00 PM Town Hall Auditorium

Call to Order – 7:10PM

Pledge of Allegiance – Councilor Lavoie

Roll Call: Thomas Iacobucci, Ann Connolly King, Robert Lavoie, Alison Lindstrom, Donna McClure, Mario Pinierio, Roger Benson, Christopher Lawrence
Michelle Thone absent
Public Comment

Sean McGrail, 14 Macy Street – Mr. McGrail is very uncomfortable with what he sees going on with the council and is trying to keep an open mind. He applauds Councilor King for her actions at the last council meeting. He is very uncomfortable with Christopher Lawrence being president of the council and asks him to address the deer urine incident at the meeting.

Don Meskie, Cross Street – Mr. Meskie states Councilor Thone and her supports have argued against the recall calling it silly and specious. The majority of the council and their supporters have extended every possible effort imaginable in order to prevent the election from occurring. President Lawrence is now trying to rescind the vote for the recall election. He is wondering why so much effort has been put forth in order to prevent the recall election.

Councilor Lindstrom asks Mr. Meskie if he believes the order to rescind the vote for the recall election, 2007-030 would end the recall. Mr. Meskie states he looked at the agenda and believes that is what it says. Councilor Lindstrom replies that is not what the case is. She explains the original vote was incorrect and the rescinding is to rescind the incorrect vote and then move forward with the correct vote.

Matthew Einson, 64 Fern Ave. - Mr. Einson states the garbage has got to stop. He feels the town is facing larger problems than a dysfunctional municipal council. He feels the municipal council spends far too much time fighting each other rather than fighting for the town.

James Thivierge, 106 Friend Street – Mr. Thivierge states that recalls could potentially affect the town's bond ratings.

David Frick, 14 Maudsley View Lane – Mr. Frick is shocked and stunned at President Lawrence's directive to the lawyer on how he would like to see this played out and needing an opinion that the date was improperly set. He can not imagine his supporters support his behavior on this. He asks Chris not to make a mockery of democracy in Amesbury.

Leo Friedman, 525 Main St. – Mr. Friedman states he has lived in town for 19 years and has no sewer hook up because the town does not have the money therefore he is against the town paying money to fight the recall. He signed the petition to recall Councilor Thone because he believes she is not doing anything for the people of District 1.

Council Response to Public Comment

Councilor Lindstrom wants the public to know there is no attempt to prevent the recall. She also states that the cost to confer with a lawyer was only a few hundred dollars and the council has their own budget if the CFO decides that is where he wants the money to come from.

Councilor Pinierio does not believe Mr. Friedman of 525 Main Street is being fair to Councilor Thone.

Councilor King believes the council needs to take a look at what is happening because the authority of the council has broken down and there is no faith in the public that meetings will be managed properly and their voices will be heard. She asks President Lawrence to consider stepping down.

President Lawrence states he submitted a packet to the town clerk and it is his opinion that the Daily News continues to carry out its own political agenda with inaccurate reporting and misrepresentation of the facts. He states the newspaper had possession of all the privileged and confidential documents. The paper chose to take a single e-mail out of context. It was a follow up to a telephone conversation and background information to an election attorney the council authorized President Lawrence to contact. He states he outlined for Mr. McDermott the issues and concerns that had risen regarding the recall election. It was determined that some issues would take a short time to research and others would take longer. President Lawrence asked Mr. McDermott to produce two opinions. First, to deal with process errors and the second, more in depth issues regarding sufficiency of the recall petitions. He followed up with an e-mail to Mr. McDermott using the phrase "how I would like to see this played out" in reference to the expectation that there would be two opinions to address all of the concerns. He states he was not attempting to direct the opinion but rather responding to the conversation. He notes the Daily News chose not to report on the cover memo to the council outlining the conversation with Mr. McDermott. He believes the Daily News chose to create controversy in the interest in selling newspapers. He urges the residents of the community to take time to look into this matter for themselves because the Daily News has not been fair, objective or accurate in their reporting. President Lawrence reads the cover letter into the record, e-mail from Councilor King, March 9th e-mail from President Lawrence to Mr. McDermott, March 9th fax from President Lawrence to Mr. McDermott, Feb 22nd e-mail from Councilor Thone to President Lawrence, Feb. 20th e-mail from Councilor Thone to Clerks Office, Feb 20th e-mail to Bonnijo Kitchin from President Lawrence, legal opinion from Mr. McDermott dated March 13, 2007.

Councilor King believes setting the date of the election is a purely administrative job of the council, a non measure. She also believes the council authorized President Lawrence to get one opinion not multiple ones. If he wanted a second opinion he should have come back to the council for authorization. It is her opinion that President Lawrence provided Attorney McDermott with multiple reasons to obstruct the recall. She states President Lawrence knew the meeting was posted 3 minutes shy of the 48 hour notice. A resident in her district, who is against the recall asked her to look into grounds for recall. Councilor King found a case, Don Mesacowski Sr. vs. The Board of Registrars of Hadley that stated the residents who did the recall did not have to specifically lay out what the reasons were. The reason to put the affidavit forward is just to start the recall process. She would have a concern that this council would use Attorney McDermott's opinion in rescinding the vote.

Councilor Benson thanks Councilor King and Councilor Lavoie's leadership on this issue and hopes the council ends this in a correct and legal way.

Councilor Lindstrom states there are two opinions from different lawyers that the first vote to set a date was improperly taken. She believes they are going to rescind that vote. She wants everyone to know that Michelle Thone as a Councilor has civil rights. Councilor Lindstrom asks "You as the Council President did not hire outside counsel, an Election Attorney to defend Councilor Thone, is that true? President Lawrence states that is correct.

President Lawrence states they have an opinion from Kopleman and Paige that sites similar concerns as McDermott's about procedure. Councilor King states it is not true. Kopleman & Paige brought up two issues, one that Councilor Thone requested the information be sent to her certified mail and she stated she was too busy to pick up her mail leaving the clerk with notices that the document was not picked up. Kopleman & Paige recommended the council take a vote to state that either it is hand

delivered or mailed regular mail to her. The other issue was the five day period that the recalled councilor has to choose to step down or not. There were no recommendations about specious or two readings.

Councilor Iacobucci read paragraph 5 and 6 of President Lawrence's e-mail to Attorney McDermott, March 11, 2007. He feels President Lawrence should have read it into the record with the other documents.

Councilor Lavoie states there are two problems, whether setting an election date is a measure or non measure and an open meeting law violation where there was an improperly posted meeting held on 2/22/07. He outlines how to proceed in his memo titled "A Road Map Out of the Black Hole" dated March 27, 2007 (attached).

Recess 8:30 – 8:50PM

New Business

2007-030 An Order that the Municipal Council rescind the vote of February 22, 2007 regarding the setting of the District One Recall Election for May 21, 2007 due to procedural errors – Councilor Lawrence sponsor

President Lawrence reads 2007-030 into the record.

Councilor Lavoie moves 2007-030 be referred to Ordinance Committee Monday, April 2, 2007 @7:30PM and be sent for a second reading before the Municipal Council, Tuesday, April 3, 2007 @7:00 and that the meeting can not be canceled unless by the majority of the council. Councilor Second.

Councilor Iacobucci asks to amend the motion to meet at 8:15PM, Councilor Lavoie agrees to the amendment – Voted Unanimous

2007-029 An Order to take Action on the District One Recall Petition filed on February 12, 2007 and Certified as Sufficient on February 20, 2007 – Councilor Lavoie sponsor

Councilor Lavoie moves 2007-029 be referred to Ordinance Committee 4/2/07 and a second hearing before the Municipal Council 4/3/07 said meeting not to be canceled unless directed by the majority of the council, Councilor Benson second. Voted – Unanimous

2007-031 An Order to Amend Rule 20 – Electronic Messaging Policy of Amesbury Municipal Council Fifth Session Rules and Procedures – Councilor Lavoie sponsor

President Lawrence reads 2007-031 into the record.

Councilor Lavoie moves to refer 2007-031 to the Ordinance Committee and sent on for a second reading at the April 10, 2007 meeting of the Municipal Council, Councilor Pinierio second
Voted – Unanimous

President Lawrence states he did receive a second opinion from Mr. McDermott.

Councilor Benson motion to adjourn, Councilor Lavoie second – Voted Unanimous
9:26PM

Respectfully Submitted,
Assistant Town Clerk

