

**Special Town Council Meeting  
January 12, 2012  
Public Hearing 7:00PM**

**TITLE:** Order Charter Amendments to be placed on March 13, 2012 ballot Final Version

**Roll Call:** Councilor Coyle, Milz, Olbricht, Wetherbee and Chairman Benson.  
**Absent:** Councilor Chirichiello & Fairbanks

**Open Public Hearing 7:00 p.m.**  
**Vote: 5-0-0**

**Public Input:** John O'Connor, former vice chair of 2010 Charter Commission, agreed with the recommended changes brought forth by the Town Council.

**Close Public Hearing**  
**Vote: 5-0-0**

**MOTION:** Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.18 be placed on the March 13, 2012 ballot.

- 1.** "Shall the municipality approve the Charter Amendment, effective July 1, 2012, reprinted and summarized below?" (Under the provisions of RSA 49-B:6):

Amendment to Section 9.18 – Independent Audit by removing language, shown as crossed through, and adding language, shown as underlined, so it reads as follows:

**Section 9.18 Independent Audit**

Independent compliance and financial audits shall be made of all accounts of the Town at least annually and more frequently if deemed necessary by the Town Council. Such audits shall be conducted according to auditing procedures of the American Institute of Certified Public Accountants, the National Committee on Government Accounting, and other such procedures which may be necessary under the circumstances, by certified public accountants experienced in municipal accounting. Summaries of the results of such audits, including findings and recommendations and any management letters, shall be made public. At least once every 5 years the Town Administrator, on behalf of the Town Council shall issue a Request for Proposal for the provision of independent audit services.

Summary Explanation: The change removes the requirement for the Town to change auditors every 5 years, even if the current auditor is the most qualified and/or most cost-efficient. The change also requires that the Town Administrator issue a Request for Proposal (RFP) for an independent auditor, but does not require a change in auditors.

**Motion by Councilor Wetherbee, Seconded by Councilor Milz**  
**Vote: 5-0-0**

**MOTION:** Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.5 (D) be placed on the March 13, 2012 ballot.

- 2.** “Shall the municipality approve the Charter Amendment, effective July 1, 2012, reprinted and summarized below?” (Under the provisions of RSA 49-B:6):

Amendment to Section 9.5 (D) – Quarterly Budget Reports by removing language, shown as crossed through, and adding language, shown as underlined, so it reads as follows:

**SECTION 9.5 - Quarterly Budget Reports**

At the beginning of each quarterly period during the fiscal year, and more often if required by the Town Council, the Administrator or designee shall submit to the Town Council data showing the state of the Town's financial affairs. The Administrator shall, at the Town Council's first regular meeting in the quarterly period, using the same data furnished to the Town Council, provide a report to the public that shows the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses. The Town Administrator, with simple majority approval of the Town Council, may reduce appropriations for any item or items, except amounts required for debt and interest charges or other legally-required expenditures, to such a degree as may be necessary to keep total expenditures within total anticipated revenues.

Summary Explanation: State statute requires RSA 49-D towns to adopt procedures using the guidelines established in RSA 49-C. RSA 49-C:23, VIII, requires town charters to contain a provision for reducing appropriations. Derry's current charter fails to provide for such a provision; adoption of this amendment would bring us in compliance with State Statute and allow for a provision to reduce appropriations.

**Motion by: Councilor Milz, seconded by Councilor Wetherbee**  
**Vote: 5-0-0**

**MOTION:** Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.16 be placed on the March 13, 2012 ballot.

- 3.** “Shall the municipality approve the Charter Amendment, effective July 1, 2012, reprinted and summarized below?” (Under the provisions of RSA 49-B:6):

Amendment to Section 9.16 – Town Treasurer by adding language, shown as underlined, so it reads as follows:

Title of Section 9.16 – Town Treasurer; Deputy Treasurer

“There shall be a Treasurer of the Town, elected for a term of 3 years. The Treasurer shall have custody of all monies belonging to the Town and shall pay out the same only upon orders of the Administrator and the Chairman of the Town Council or as otherwise authorized by State law. The Administrator shall initiate and sign a document, to be co-signed by the Chairman of the Council or designee, listing payments to be made. The Administrator shall attach to the document all supporting papers, as specified by the Administrative Code, authorizing the Treasurer to make payment.

The Treasurer shall deposit all monies, invest excess funds and account for same as directed by this Charter, the Administrative Code, and State law. A vacancy in the office of the Town Treasurer shall be filled by appointment by the Town Council for the unexpired term.

A Deputy Treasurer shall be appointed by the Treasurer with the approval of the Town Council. The Deputy Treasurer shall be qualified in the same manner as the Treasurer and shall perform all the duties of the Treasurer in the event of the Treasurer’s absence by sickness, resignation, or otherwise.”

Summary Explanation: The change includes in the Town’s Charter the position of Deputy Treasurer. The position already currently exists but is not formally recognized in the Charter. The proposed language follows the statutory language regarding the role of the Deputy Treasurer (RSA 41:29-a).

**Motion by Councilor Olbricht, Seconded by Councilor Wetherbee**  
**Vote: 5-0-0**

**MOTION:** Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.18 be placed on the March 13, 2012 ballot.

- 4.** “Shall the municipality approve the Charter Amendment, effective July 1, 2012, reprinted and summarized below?” (Under the provisions of RSA 49-B:6):

Amendment to Section 9.10 – Purchasing Procedure by removing language, shown as crossed through, and adding language, shown as underlined, so it reads as follows:

“The Administrative Code as approved by the Town Council shall establish a purchasing and contract procedure, as well as a non-competitive bid procedure, including the assignment of all responsibility for purchasing to the Town Administrator or designee, and the combination purchasing of similar articles by separate departments. The Town Administrator, through a written procedure and notification of the Town Council, shall establish dollar limits for purchases and contracts which must be by competitive bid and shall establish bidding procedures. No competitive bids shall be required when purchasing through the State of New

Hampshire or at State of New Hampshire bid prices. Requirements for bids may be waived in specific instances by the Town Administrator; however the Town Administrator must have the approval of the Council Chair to waive bidding requirements on his/her purchases.

Summary Explanation: The amendment changes purchasing procedures to include a non-competitive bid procedure. It also authorizes the Town Administrator to waive bidding requirements, except that waiving bidding requirements for Town Administrator originated purchases require the approval of the Council Chair.

**Motion by: Councilor Wetherbee, Seconded by Councilor Milz**

**Vote: 4-1-0 (Coyle)**

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**Town Clerk**

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**Date**

**Recorded by: Denise E Neale, Town Clerk**