

TOWN OF DERRY

**Special Town Council Meeting
Derry Municipal Center**

**December 27, 2012
Thursday 7:00 p.m.**

PUBLIC HEARING

Call to order 7:00 p.m.

Salute to Flag, Warning of Fire Exits, Handicap Access, Turn off all Cell Phones and Pagers

Roll Call: Councilors Milz, Olbricht, Wetherbee, Chirichiello and Chairman Benson
(Absent Councilors Fairbanks & Katsakiores)

Public Hearing -

12-130 Proposed Charter Amendments

Motion to Open the Public Hearing 7-0-0

No Public Input

Motion to Close the Public Hearing 7-0-0

Discussion & Vote Charter Amendments Pursuant to RSA 49-B:5-a

Order Charter Amendments to be placed on March 12, 2013 ballot

The Town Council voted on December 18, 2012 to initiate the process to order that amendments to the Derry Town Charter be placed on the ballot of the next regular municipal election on March 12, 2013.

The amendments will be placed on the ballots as shown below.

**Move that the Derry Town Council order that the following amendment to Derry
The Derry Town Charter Section 2.5 (D) be placed on the March 12, 2013 ballot:**

1. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6):

Amendment to Section 2.5 (D) - Conduct of Elections by deleting language, shown as crossed through, so it reads as follows:

~~"The filing period for candidates to be placed on the ballot for Town elections shall be 10 days, beginning on the seventh Wednesday before the Town election. A filing fee of one dollar will be charged unless a candidate files petitions complying with State law and requesting that the candidate's name be printed on the ballot."~~

Summary Explanation: Pursuant to the 2008 amendment to RSA 669:19, regarding repealing the filing fees, the amendment eliminates the \$1.00 fee and allows candidates for town office to file and be placed on the ballot without paying a fee.

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

Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 8.2 be placed on the March 12, 2013 ballot:

2. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6)

Amendment to Section 8.2 Qualifications by removing language shown as crossed through, and adding language shown as underlined, so it reads as follows:

"The Administrator shall be appointed solely on the basis of qualifications for the office, with special reference to education, training, and previous experience in public or private office. The Administrator need not be a resident of the Town or of the State of New Hampshire ~~at the time of appointment unless contractually obligated~~. The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, except as authorized by this Charter, nor engage in any other business or occupation unless with the approval of the majority of the Town Council."

Summary Explanation: The change removes the residency requirement for the Town Administrator, unless contractually obligated.

**Moved by Councilor Wetherbee, seconded by Council Milz
Vote 5-0-0**

Move that the Derry Town Council order that the following amendment to the Derry Town Charter Section 9.4 (A) be placed on the March 12, 2013 ballot:

3. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6):

Amendment to Section 9.4 (A) – Action on the Budget by removing language, shown as crossed through, and adding language, shown as underlined, so it reads as follows:

"Limitation of Budget Increases: Recognizing that the final tax rates for the Town of Derry are set by the New Hampshire Department of Revenue Administration pursuant to RSA 21-J:35(I) State law, the Administration and Town Council of the Town of Derry shall develop their annual budget proposals in accordance with the mandates of this section. In establishing a municipal budget, the Town Council shall be allowed to assume an estimated property tax rate only in an amount equal to the equalized tax rate established during the prior fiscal year increased by a factor equal to the average change in the National Northeast Region Consumer Price Index for All Urban Consumers (CPI-U) as published by the United States Department of Labor Bureau of Labor Statistics for the calendar year immediately preceding budget adoption. Total expenditures for any given budget year shall not exceed funds reasonably calculated to be derived by a tax rate so established in addition to other revenues generated by the municipality. This provision shall not prevent the Town Council from establishing an annual municipal budget below this limit. This provision shall not limit the Town Council from appropriately funding any programs or accounts mandated to be paid from municipal funds by state or federal law."

Summary Explanation: The changes affect how the Town develops budget proposals. It substitutes a regional CPI (consumer price index) in place of a national CPI. It also recognizes that final tax rates are set by the Department of Revenue Administration and determined by State law (currently RSA 21-J:35, I).

**Moved by Councilor Milz, seconded by Councilor Wetherbee
Vote 4-1-0 (Chirichiello)**

Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.8 (D) be placed on the March 12, 2013 ballot:

4. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6):

Amendment to Section 9.8 (D) – Capital Improvements Plan by removing language, shown as crossed through, and adding language, shown as underlined, so it reads as follows:

"(D) The Town Council and Planning Board shall may meet annually in preparation for and review of the capital improvements plan in a manner determined from time to time by the Town Council."

Summary Explanation: This amendment eliminates the requirement that the Town Council and Planning Board meet annually to discuss the CIP, instead stating that they may.

**Moved by Councilor Wetherbee, seconded by Councilor Milz
Vote: 4-1-0 (Chirichiello)**

Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 9.18 and the creation of new Section 9.19 be placed on the March 12, 2013 ballot:

5. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6):

Creation of New Section 9.19 – Annual Report by removing language from Section 9:18, 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. ~~An annual report of the Town's business for the preceding year shall be made available to the public not later than 90 days after the close of the fiscal year.~~

"SECTION 9.19 Annual Report

An annual report of the Town's business for the preceding year shall be made available to the public not later than 150 days after the close of the fiscal year."

Summary Explanation: The change takes existing language from Section 9.18 and places it in its own section. It also extends by 60 days the time frame for making the annual report available to the public.

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

Move that the Derry Town Council order that the following amendment to Derry Town Charter Section 11.6 be placed on the March 12, 2013 ballot:

6. "Shall the municipality approve the Charter Amendment, effective July 1, 2013, reprinted and summarized below?" (Under the provisions of RSA 49-B:5 and :6):

Amendment to Section 11.6 – Absorption of East Derry Fire District by eliminating reference to the East Derry Fire Department shown as crossed through, to eliminate this section.

~~"Section 11.6 Absorption of the Easy Derry Fire District. If at any time the voters of East Derry Fire District vote to dissolve the district, the functions, responsibilities and duties of the district shall become the responsibilities of the Town. All permanent full time employees of said district shall be transferred to the Town fire service in capacities as similar to their former capacities as is practicable."~~


Summary Explanation: This removes language from the charter based on the merger of the East Derry Fire District with the Derry Fire Department.


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

Council Requests / Open Discussion

Council verified the January meeting schedule of 1/8/2013. John Anderson will confirm the 1/29/13 scheduled workshop at Pinkerton.

Adjournment: 7:25 p.m.


Town Clerk


Date

**Recording & Transcription: Denise E Neale Town Clerk
Reviewed by Larry Budreau, Acting Town Administrator**