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6:00 PM Call to order

Pledge of Allegiance, warning of fire exits, handicap access & turn off all cell phones

Roll Call: Councilors Tripp, Fischer, Osborne, Katsakiores, Dimmock, Bourdon and Chairman Cardon

Present: Susan Hickey, Interim Town Administrator – Absent Denise Neale, Town Clerk

**Old Business**

15-82 Town Council discussion regarding litigation of  
Referendum Petitions

The purpose of this meeting is to discuss Judge Anderson's decision. Chairman Cardon stated there are two issues that have come to light for him, he has spoken to Council's Attorney and the Council does have the right to appeal. His other concern is the elections. He has spoken with the Town Clerk, the Council's Attorney and the DRA. The deadline date for the DRA is November 2<sup>nd</sup> to set the tax rate. The issue with the election is there is a 7 day notice in the paper required. The Checklist has to close on a Saturday and then there is 10 days after. According to the judge's decision, the September 30<sup>th</sup> date is going to make it hard to follow the statutes according to Election Law.

**I Move to appeal the decision issued by the Rockingham Superior Court Docket #2182015CU00871 finding for the Petitioners and to file all necessary motions to effectuate appeals.**

**Motion by Chairman Cardon, seconded by Councilor Fischer**

Discussion:

Councilor Tripp – no comment

Councilor Fischer – believes the decisions he's made were in the best interest of the community. He believes the Council should follow through on the process.

Councilor Katsakiores – feels there has been an injustice made against the people of Derry. She believes the Council must obey the court order. She asked the Interim Town Administrator to provide the total cost of legal fees, lawyers, police and the court. She is 100% against it.

Councilor Dimmock – believes the injustice is to the taxpayer. The Council has the right under the constitution to ask for an appeal.

Councilor Bourdon – He is disappointed that he has not had the opportunity to hear or see what Chairman Cardon saw from that attorney. How can he prepare? How come I am not privy to that information?

Chairman Cardon replied, "You have never requested the information".

Councilor Osborne – stated when the attorney advised and spoke to Council in non-public he said he would be happy to answer any questions anyone had and to contact him.

**Councilor Katsakiores requested to overrule the Chair and allow an Election Official to speak**

**Vote: 3-4-0 (Fischer, Osborne, Dimmock, and Cardon) failed**

Councilor Bourdon – asked the Council to hand the decision over to the people and let the vote happen.

Chairman Cardon stated he is just following the legal process.

Councilor Osborne – The Council has the right to appeal. He vowed to cut taxes when he ran. In 2013, proposed & passed budget cuts of \$500K all returned to the taxpayers. In 2014, proposed & passed budget cuts of \$400K all returned to the taxpayers. The Town has spent dollar after dollar defending Town employees in lawsuits and civil lawsuits and no one has ever questioned this absorbent cost. In 2015, there was a \$1.6M savings all to be returned to the taxpayers, in three years that's a total of \$2.5M to go back to the taxpayers. Those who complained about the legal fees, those who complained the loudest have never proposed a cut.

Councilor Katsakiores asked the definition of writ of mandamus?


Chairman Cardon stated it is the court ordering the Town to do a specific thing.

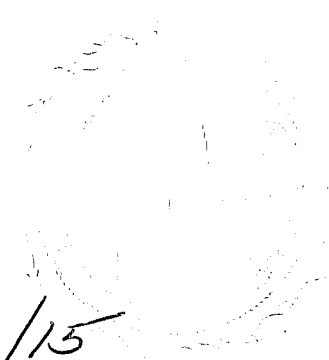
**On the motion to appeal: Vote 5-2-0 (Councilor Katsakiores, Councilor Bourdon)**

**Motion to Adjourn by Councilor Cardon, second Councilor Fischer**

**Vote: 7-0-0**

**Adjournment 6:30 p.m.**

  
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Town Clerk

  
10/9/15  
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Date