

TOWN OF DERRY

Town Council
Derry Municipal Center

June 22, 2015
Monday - 6:00 PM

SPECIAL MEETING

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

New Business -

15-82 Referendum Petitions

Chairman Cardon stated the purpose of this meeting is to continue the process for the eight referendum petitions and to discuss hiring an outside law firm to review the petitions (someone who will be neutral).

Chairman Cardon read excerpts from each of the eight referendum petitions presented to the Council to reverse the decisions made on May 19, 2015 by the Derry Town Council as follows:

Petition #1 Repeal Reduction of 4 Full-time Positions in the Fire Department \$384,424

Petition #2 Repeal Reduction of Overtime in the Fire Department \$339,012

Petition #3 Repeal Reduction of Overtime in the Police Department \$566,581

Petition #4 Repeal Reduction of Overtime in the Department of Public Works \$63,500

Petition #5 Repeal Reduction of 4 Full-time Positions in the Police Department \$384,000

Petition #6 Repeal Reduction of 2 Full-time Positions in the Department of Public Works \$150,000

Petition #7 Repeal the Elimination of Full-time Position of Director of Human Resources/ Assistant Town Administrator

Petition #8 Repeal the Closure of a Fire Station

Move that the Derry Town Council retain the law firm of Devine, Millimet & Branch of Manchester to review the validity and sufficiency of the eight petitions submitted to the Town Clerk on June 11, 2015.

Motion by Councilor Osborne, seconded by Councilor Fischer

Discussion:

Councilor Tripp – questioned Section 3.3 of the Town Charter and asked what point the petitions were at and asked if we are we determining if the petition is sufficient?

Councilor Fischer – stated this is a very important matter and to have legal counsel determine what are the next steps in the process.

Councilor Katsakiores - questioned why Devine, Millimet was chosen out of the four law firms suggested. She agrees with this choice

Councilor Osborne replied he is confident that this firm can handle this matter well. They are not a go-to firm Council uses on a regular basis. The Council is seeking objectivity.

Councilor Dimmock – agrees and he feels this firm has the experience with type of law.

Vote: 7-0-0

Further move that an amount of up to \$10,000 be appropriated with the authority invested in Town Council pursuant to the Town Charter Section 8.8b which permits the Town Council to appropriate funds to seek out legal advice from an independent counsel to go directly to the Town Council.

Moved by Councilor Osborne, seconded by Chairman Cardon

Discussion:

Chairman Cardon asked in regards to a timeframe. Where are we at?

Mr. Stearns replied that Council has 30 days to act upon the petition based on the town clerk's certification of June 15th and June 16th.

Chairman Cardon asked Mr. Stearns to speak with the law firm to see if Council could get answer by the July 7th meeting.

Councilor Osborne read Section 3.3(c) "When a referendum petition has been finally determined sufficient." He stated that usually when the signatures have been determined sufficient but the definition is not exclusive to number of signatures. He sees it as 30 days after legal review determines it is sufficient.

Councilor Bourdon question if town clerk deems it sufficient by signatures.

Mr. Stearns will ask legal counsel the definition of sufficient in accordance with the charter and get that answer as soon as possible so that everyone can understand it.

Vote: 7-0-0

15-83 Free Petition

Chairman Cardon read a petition submitted by Michael Gill as follows:

1. Request the Town Administrator contacts the Greater Derry Arts Council and determines what monies and assets were transferred from the Derryfest Corporation to the Greater Derry Arts Council, in addition, inquire as to what monies and assets are currently available that could be applied towards the 2015 Derryfest.
2. That the Town Administrator ask the Greater Derry Arts Council should the Parks and Rec Department supply labor for the 2015 Derryfest would the Greater Derry Arts Council reverse their decision not to proceed with the 2015 Derryfest. Should the Greater Derry Arts Council decide to go forward with the 2015 Derryfest and if the Greater Derry Arts Council depleted any funds or assets that were to be used for Derryfest.
3. That the Town Council instructs the Derry Trustees of the Trust Funds to withdraw some monies from the accrued income of MacGregor Trust Fund and make available to the Greater Derry Arts Council to fund the labor of Parks and Rec for the 2015 Derryfest.


Chairman Cardon asked that Mr. Stearns handle this and report back to the Town Council.


Move that the Derry Town Council direct Galen Stearns to address the petition submitted by Michael Gill on June 16, 2015 (dated June 12, 2015).

Motion by Chairman Cardon, seconded by Councilor Osborne

Vote: 7-0-0

Adjournment 6:20 p.m.


Town Clerk


Date

Respectfully submitted and recorded by Denise E. Neale, Town Clerk