



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: August 28, 2018
Submitted by: Town Manager Eileen Cabanel
Department:
Speakers: Police Chief Denise Roy

Date of Meeting: September 13, 2018
Time Required: 20 minutes
Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input checked="" type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Public Hearing - Consideration of Changes to Chapter A198, Administrative Code, of the Merrimack Town Code

DESCRIPTION OF ITEM

The Town Council will hold a public hearing to consider the acceptance of recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

REFERENCE (IF KNOWN)

RSA:		Warrant Article:	
Charter Article:	V	Town Meeting:	
Other:		N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	Eileen Cabanel	Address:	6 Baboosic Lake Road
Phone Number:	424-2331	Email Address:	ecabanel@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:



LEGAL NOTICE
Town of Merrimack
Public Hearing



Residents of Merrimack are hereby advised that the Town Council will hold a public hearing to consider the recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V. Copies of the proposed changes are available at the Town Manager's office, Town Clerk's office, the Merrimack Public Library and also on the Town's website. All interested parties are invited to attend. The public hearing will be held on **Thursday, September 13, 2018, at 7:00 PM** in the Matthew Thornton Room located at 8 Baboosic Lake Road in Merrimack.

For Town of Merrimack Use:

Posted: August 31, 2018

To Be Published: August 31, 2018 (*Union Leader*)

To Be Published: August 31, 2018 (*Nashua Telegraph*)

To Be Published: September 7, 2018 (*Merrimack Journal*)

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ A198-2 Administrative departments.

- A. A department shall be a legal subdivision of the Town government usually performing a variety of interrelated functions with multiple staff positions.
- B. A departmental division shall have a single primary function.
- C. The administrative services of the Town shall consist of the following departments. Departments may be divided into divisions as provided herein or as provided by the Town Charter.

Department/Division	Department/Division Head
1. General Government Divisions:	Town Manager
Administration	Town Manager
Human Resources	Human Resources Coordinator
Information Technology	Town Manager
2. Community Services Divisions:	Town Manager
Cable	Media Services Coordinator
Parks and Recreation	Parks and Recreation Director
Welfare	Welfare Administrator
3. Finance Department and Town Clerk/Tax Collector Divisions:	Finance Director
Assessing	Office Manager/Chief Assessor
Finance	Finance Director
Town Clerk/Tax Collector	Town Clerk/Tax Collector
Treasury	Treasurer
4. Community Development Divisions:	Community Development Director
Planning and Zoning	Planning and Zoning Administrator

Department/Division	Department/Division Head
Economic Development	Community Development Director
Conservation	Community Development Director
5. Public Works Department Divisions:	Public Works Director
Administration and Engineering	Public Works Director
Buildings and Grounds	Public Works Director
Equipment Maintenance	Highway Operations Manager
Highway Maintenance	Highway Operations Manager
Solid Waste	Public Works Director
Wastewater	Assistant Public Works Director/Wastewater
6. Fire and Rescue Department Divisions:	Fire Chief
Administration and Support Services	Assistant Fire Chief - Support Services
Emergency Management	Fire Chief
Operations	Assistant Fire Chief - Operations
Call Fire/Emergency Medical Services, Training and Safety	Assistant Fire Chief - Support Services
Fire Prevention/Fire Marshal	Assistant Fire Chief - Support Services
Building and Health	Assistant Fire Chief - Support Services
7. Police Department Divisions:	Police Chief
Administrative and Support Services	Administrative and Support Services Captain
Communications	Administrative [and Support] Services [Captain]Lieutenant
Criminal Investigation	Detective Lieutenant

Department/Division

Department/Division Head

[Legal]

[Deputy Chief]

Patrol

Operations Captain

8. Merrimack Library

Library Trustees

§ A198-13 Police Department.

The Police Department, under the supervision of the Police Chief, appointed as specified by § A198-5A of this Administrative Code, shall consist of such forces of permanent officers, special officers, civilian employees and police volunteers as may be recommended by the Chief, in accordance with § A198-6, Department staff, and approved by the Manager.

A. The Police Department shall consist of the following divisions:

- (1) Administrative and Support Services.
- (2) Communications.
- (3) Criminal Investigation.
- (4) ~~Patrol.~~ [Legal]

[(5) Patrol]

B. **[The Deputy Chief may assume the responsibility for the operation of the administration of the entire department in the absence of the Chief of Police.]**

[C] Administrative and Support Services Division. The Administrative Services Division shall be under the command of the Administrative and Support Services Captain [, responsible to the Deputy Chief], and shall perform the following functions:

- (1) Prepare and maintain all necessary records pertaining to the Police Department.
- (2) Maintain payroll, accounting and budget information and records.
- (3) Ensure the proper processing of all purchases and expenditures.
- (4) Prepare and monitor all applications and grants received from federal and state agencies.
- ~~(5) Oversee the preparation and presentation of all Department cases in the Merrimack District Court.~~
- ~~(6) Oversee the preparation and presentation of all cases for the grand jury and/or Superior Court.~~
- ~~(7)~~ **[(5)]** Schedule and maintain training and training records for all Department members.

~~(8)~~ [(6)] Perform all other related functions as required.

~~C.~~[D.] Communications Division. The Communications Division, under the supervision of the Administrative and Support Services Lieutenant **[Captain, responsible to the Deputy Chief]**, shall perform the following functions:

- (1) Coordinate all communications at all times and particularly in times of a declared emergency.
- (2) Investigate, study, report and recommend improvements and/or changes in the ongoing communications system.
- (3) Maintain all call signs and numbers for all departments.
- (4) Maintain and care for all property assigned to the Division.
- (5) Prepare and maintain all necessary records pertaining to the Division.
- (6) Perform all other related functions as required.

~~D.~~[E.] Criminal Investigation Division. The Criminal Investigation Division, under the supervision of a Detective Lieutenant within the Administrative and Support Services Division, shall perform the following functions:

- (1) Investigate all crimes involving serious misdemeanors and felonies and all other cases as may be assigned to it by the Chief of Police/**[Deputy Chief]**.
- (2) Be responsible for the prevention of crime and establishing programs on a day-to-day basis for crime prevention.
- (3) Prepare and maintain an effective juvenile division dealing with juvenile crimes and the prevention of criminal activity in the juvenile area.
- (4) Protect and secure all evidence and confiscated property that comes to its attention.
- (5) Perform all other related functions as required.

~~E.~~[F.] **[Legal Division. The Legal Division, under the supervision of the Deputy Chief, shall perform the following functions:]**

- [(1) Oversee the preparation and presentation of all Department cases in the Merrimack District Court.]**
- [(2) Oversee the preparation and presentation of all cases for the grand jury and/or Superior Court.]**
- [(3) Perform all other related functions as required.]**

[G.] Patrol Division. The Patrol Division shall be under the supervision of the Operations Captain, **[responsible to the Deputy Chief,]** and shall perform the following functions:

- (1) Enforce the laws and ordinances of the State of New Hampshire and the Town of Merrimack that come under its jurisdiction.
- (2) Protect life and property, which includes the prevention of criminality.
- (3) Maintain and care for all property assigned to the Police Department.
- (4) Reduce or suppress crime and apprehend offenders.
- (5) Prevent crime and maintain peace and order.
- (6) Protect lives and property from malicious damage and injury.
- (7) Regulate traffic and perform miscellaneous calls for service.

- (8) Maintain an Animal Control Unit that will be responsible to attend to all complaints and other matters pertaining to dogs and other animals.
- (9) Perform all other related functions as required.

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5. Donation to the Parks and Recreation Department Camp Scholarship Fund

Submitted by Parks and Recreation Director Matthew Casparius

The Town Council to consider the acceptance and expenditure of a donation in the amount of \$1,050.00 from Merrimack Friends and Families to the Parks and Recreation Department for the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

Assistant Town Manager/Finance Director Micali spoke of the generosity Merrimack Friends and Families has shown to the Town. The consensus of the Council was that a plaque be presented in appreciation of their support of the community.

MOTION made by Councilor Albert and seconded by Councilor Boyd to approve the acceptance and expenditure of a donation in the amount of One Thousand Fifty Dollars (\$1,050.00) from Merrimack Friends and Families to the Parks and Recreation Department for the Camp Scholarship Fund, pursuant to RSA 31:95-b and Charter Article 8-15.

MOTION CARRIED 7-0-0

6. Consideration of Changes to Chapter A198, Administrative Code, of the Merrimack Town Code [First Reading]

Submitted by Town Manager Eileen Cabanel

The Town Council to consider the acceptance of recommended changes to Chapter A198, Administrative Code, of the Merrimack Town Code, pursuant to Charter Article V.

When the position of Deputy Police Chief was removed from the chain of command in 2010 it was also removed from the Code. Having been authorized to reinstate the position, Police Chief Roy has requested the position be put back into the Code.

The Deputy Police Chief would assume the responsibility for the operation of the administration of the entire department in the Chief's absence. The Chief has requested the Legal Division move from the Administrative and Support Services Division, making it a separate stand-alone division, supervised and managed by the Deputy Police Chief.

The one addition is the Deputy Chief position. A Lieutenant position has been eliminated. Vice Chairman Koenig spoke of his recollection one of the Captain positions would be eliminated. Chief Roy noted prior to July of 2018 there as an Administrative Services Lieutenant position, which was eliminated.

Chief Roy stated the Prosecutor handles things from the Patrol Division when the officers make the arrest on the street. The Prosecutor is also responsible when the Detectives have their questions, which is on the Administrative side. The Patrol Division and Detectives are on two different sides of the building, both responsible to two separate Captains. To streamline it, it will be put under the Deputy Chief eliminating any question of who the Prosecutor goes to. They go directly to the Deputy Chief.

Councilor Boyd stated his recollection was also that a Captain position would be eliminated. There is a communication gap.

1 **MOTION made by Councilor Boyd and seconded by Councilor Harrington to move to Public**
2 **Hearing the recommended changes to Chapter A198, Administrative Code, of the Merrimack**
3 **Town Code, pursuant to Charter Article V. MOTION CARRIED 7-0-0**

4
5 **7. Cable Franchise Renewal Discussion**

6 Submitted by Town Council Chairman Finlay Rothhaus and Vice Chair Tom Koenig
7 Town Council will review and discuss cable television franchise renewal.

8
9 Nicholas Lavallee, Media Services Coordinator, stated the current ten-year agreement is with *any* cable
10 operator that chooses to do business in Merrimack. The franchising authority is the Town Council.
11 The Franchise Agreement is a non-exclusive contract with Comcast. Any cable provider can do
12 business and provide cable services to the Town as long as they are adhering to the Franchise
13 Agreement that the Council has approved and set up.

14
15 The common misconception is that it is a monopoly. It is really not, it is just the way the industry was
16 set up and reflective of what the industry has become. The Franchise Agreement is only relative to
17 cable services. It is not relative to internet services. Although Comcast provides internet services to
18 residents in Merrimack, the Franchise Agreement is only relative to the cable television portion of
19 those services.

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21 A draft agreement, provided by Comcast, was included with the [agenda](#) packet. In the agreement, the
22 franchising authority (Town Council) does not have the ability to set the cable companies' rates.

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24 The draft agreement includes much of the language contained in the current agreement: cable services
25 are available to all residents within the Town, any potential subscriber located in Merrimack without
26 service may request a line extension to enable cable TV services, basic services are provided at no cost
27 for municipal buildings including school, police and fire, franchise must respond to service calls within
28 24 hours of the original call, 3.75% franchise fee that is traditionally used to fund Merrimack Public,
29 Education, and Government TC (PEG TV, Media Division).

30
31 Councilor Albert questioned whether monitoring occurs relative to the required response time for
32 service calls. Mr. Lavallee stated uncertainty. Chairman Rothhaus commented if the public is aware,
33 he suspects they would monitor and respond accordingly. Councilor Albert questioned if it also covers
34 instances of bad weather. Mr. Lavallee noted it is listed in the agreement as interruption of service.
35 He is of the belief that would be anything that could interrupt service. Councilor Albert questioned
36 who residents would report an instance of non-compliance to.

37
38 Chairman Harrington noted the agreement contains a Complaint Resolution Procedures (Section 13.5),
39 and suggested the procedure be made more readily available to the public. She questioned if a
40 procedure could be posted on the website; contact Comcast first and if, within a certain amount of
41 time, a response is not received, contact Mr. Lavallee. Mr. Lavallee was pleased with the suggestion.
42 Assistant Town Manager/Finance Director Micali stated his belief something could be added under the
43 media section of the website.

44
45 Mr. Lavallee commented on the good relationship the Town has with Comcast noting whenever a
46 resident has contacted the Town complaining of an issue, he puts them in touch with Bryan
47 Christiansen, Comcast Senior Manager of Government and Regulatory Affairs, right away. Most who
48 have gone that route have had their issues resolved quickly.