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: March 4, 2022
Submitted by: Town Manager Paul T. Micali
Department:

Speakers: Paul T. Micali

Date of Meeting: March 10, 2022

Time Required: 25 minutes
Background Info. Supplied: Yes: _☒_ No: _☐_

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

Appointment:	☐	Recognition/Resignation/ Retirement:	☐
Public Hearing:	☐	Old Business:	☒
New Business:	☐	Consent Agenda:	☐
Nonpublic:	☐	Other:	☐

TITLE OF ITEM

Consideration of Changes to Chapter A198, Administrative Code, of the Merrimack Town Code [First Reading] Tabled at the February 24, 2022 Town Council meeting

DESCRIPTION OF ITEM

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.

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:	☐	Grant Requirements:	☐
Easel:	☐	Joint Meeting:	☐
Special Seating:	☐	Other:	☐
Laptop:	☐	None:	☐

CONTACT INFORMATION

Name:	**Paul T. Micali**	Address	**6 Baboosic Lake Road**
Phone Number	**603-424-2331**	Email Address	pmicali@merrimacknh.gov

APPROVAL

Town Manager: Yes _☒_ No: _☐_ Chair/Vice Chair: Yes _☒_ No: _☐_

The Town of Merrimack ordains…

Chapter A198, ADMINISTRATIVE CODE

[Amended 2-25-2010 by the Merrimack Town Council; Amended 4-22-2010; Amended 7-21-2011; Amended 12-15-2011; Amended 3-22-2012; Amended 1-24-2013; Amended 9-25-2014; Amended 2-8-2018; Amended 9-27-2018]

ARTICLE I LEGAL BASIS

A. This Administrative Code is established in accordance with the provisions of the Merrimack Town Charter.

ARTICLE II ADMINISTRATIVE DEPARTMENTS

A. A department shall be a legal subdivision of the Town government usually performing a variety of inter-related 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**	**Town Manager**
Divisions:	
Administration	Town Manager
Human Resources	Human Resources ~~Coordinator~~ **[Director]**
Information Technology	Town Manager
2. **Community Services**	**Town Manager**
Divisions:	
~~Cable~~ **[Media Services]**	Media Services Coordinator
Parks and Recreation	Parks and Recreation Director
Welfare	Welfare Administrator
3. **Finance Dept. [Treasury,] & Town Clerk/Tax Collector**	**Finance Director**
Divisions:	
Assessing	~~Office Manager/Chief Assessor~~ **[Administrative Assessor]**
Finance	Finance Director
Treasury	Treasurer
Town Clerk/Tax Collector	Town Clerk/Tax Collector
4. **Community Development**	**Comm. Development Director**
Divisions:	
Planning & Zoning	Planning and Zoning Administrator
Economic Development	Comm. Development Director

ARTICLE II ADMINISTRATIVE DEPARTMENTS (Cont'd)

The administrative services of the Town shall consist of the following departments: (Cont'd)

Department/Division	Department/Division Head
4. **Community Development (Cont'd)**	
Divisions:	
Conservation	Comm. Development Director
5. **Public Works Department**	**Public Works Director**
Divisions:	
Administration & 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	Asst. Public Works Dir./Wastewater
6. **Fire and Rescue Department**	**Fire Chief**
Divisions:	
Administration & Support Services	Asst. Fire Chief - Support Services
Emergency Management	Fire Chief
Operations	Asst. Fire Chief - Operations
Call Fire/Emergency Medical Services, Training and Safety	Asst. Fire Chief - Support Services
Fire Prevention/Fire Marshal	Asst. Fire Chief - Support Services
Building and Health	Asst. Fire Chief - Support Services
7. **Police Department**	**Police Chief**
Divisions:	
Administrative & Support Services	Administrative & Support Services Captain
Communications	Administrative ~~and~~ **[&]**Support Services Captain
Criminal Investigation	Detective Lieutenant
Legal	Deputy Chief
Patrol	Operations Captain
8. **Merrimack Library**	**Library Trustees**

ARTICLE III. DUTIES AND RESPONSIBILITIES OF THE CHIEF ADMINSTRATIVE OFFICER

A. The Town Manager shall be the chief administrative officer of the Town and shall perform all the duties and have all the responsibilities prescribed by Article VII of the Town Charter, New Hampshire State Law, ordinances and resolutions.

B. The Town Manager shall supervise the heads of all departments established by the Town Charter and this code. The Town Manager shall have the power to suspend and discipline, and to perform or delegate, the duties and responsibilities of such department heads, except as may otherwise be provided in the Town Charter and New Hampshire State Law.

C. The Town Manager may prescribe such rules and regulations, not inconsistent with the Town Charter, Town ordinances and New Hampshire State Law, as he may deem necessary for the conduct of the various departments, and he may investigate and inquire into the affairs of any department at any time.

D. The Town Manager shall maintain their skills, education and certifications and licenses, monitor trends and changes in their professional, internal and external environments, and make reports and recommendations of the impacts of the noted trends and changes on their own initiative or at the request of the Town Council.

ARTICLE IV. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS

A. Department heads shall perform all the duties and exercise all the duties and responsibilities conferred upon their office by applicable laws, ordinances and resolutions. They shall be responsible for the management of divisional functions within that department and the orderly and efficient operation of their department.

B. Department heads may submit, for approval by the Manager, recommended amendments to the Administrative Code establishing, consolidating or eliminating such departmental divisions, bureaus or other sub-units as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices.

C. Department heads may submit, for approval by the Town Manager, departmental rules and regulations not inconsistent with general laws, the Town Charter, this Administration Code, and the provisions of the Personnel Plan for the administration of their various departments, conduct of their employees, and the proper performance of the department's business.

D. Department heads shall be responsible for ensuring that the employees and operations of their department maintain effective working relationships with other town employees, the public, outside contractors and agencies, and other political entities.

E. Department heads shall be responsible for satisfactory maintenance and care of all Town property and buildings assigned to their department.

F. Department head shall prepare and submit routine and special reports on the operation of their department as may be required by the Town Manager, Town Council, or any State or Federal Agency.

G. Department heads shall submit an itemized estimate of the operational and capital expenditures for their department for use in preparation of the proposed budget for the next fiscal year, at such time as may be requested by the Town Manager.

H. Department heads shall be responsible for following the purchasing and control system provisions of this Administrative Code and Town Policy with respect to expenditures, purchases and contracts for his/her department.

I. Department head shall maintain their skills, education, certifications and licenses, monitor trends and changes in their professional and department environment, and make reports and recommendations of the impacts of the noted trends and changes on their own initiative or at the request of the Town Manager or Town Council.

ARTICLE V SELECTION, QUALIFICATION, COMPENSATION AND TERMS OF OFFICE OF DEPARTMENT HEADS AND OTHER PERSONNEL

A. All department heads shall be appointed as provided by the Merrimack Town Charter for indefinite terms on the basis of merit and fitness to perform their duties and may be removed by the Manager as provided by the Merrimack Town Charter, State Law and the Personnel Plan.

B. The compensation of all department heads and non represented personnel shall be fixed in accordance with the Personnel Plan and within the limits established by existing appropriations per Charter Article 7-7, C.

ARTICLE VI DEPARTMENT STAFF

A. Department Heads may recommend subordinate positions, appointments and removals, as necessary, within the limitations of the appropriations provided and subject to the provisions of the Town Charter, approval of the Manager and the Personnel Plan.

B. All employees shall be under the supervision of their respective department heads, and all employees in the Town's service shall be compensated in accordance with the Personnel Plan and/or the appropriate collective bargaining agreement.

ARTICLE VII GENERAL GOVERNMENT

General Government shall be under the supervision of the **Town Manager.**

The Town Manager shall manage the functions of the following divisions:

A. **Human Resources Division** shall consist of a **Human Resources** ~~**Coordinator**~~ **[Director]** appointed in accordance with Chapter 198, Section VI.A and shall consist of such other professionals and staff appointed in accordance with Chapter 198, Section VI.A-Department Staff.

The ~~**Coordinator**~~ **[Director]** shall perform the following functions:

1. New employee orientation.
2. Assistance with collecting data and preparing for collective bargaining negotiations.
3. Management of workplace.
4. Behavior issues, including absenteeism, harassment, substance abuse.
5. Compliance with state and federal workplace and employment rules and regulations.
6. Assistance with processing grievances.
7. Management of individual personnel records, including:
    a. Wages and Benefits
    b. Personnel Evaluations
    c. Personnel Actions
    d. Required Testing and Certifications
8. Assistance with employee separation issues.
9. Administer recruitment, selection and retention process.
10. Assist with meeting mission critical training needs.
11. Meeting safety and security compliance issues.
12. Oversee medical/health coverage.

[13. Supervision of General Government office staff.]

B. [Information Technology Division shall consist of an Information Technology Coordinator appointed in accordance with Chapter 198, Section VI.A and shall consist of such other professionals and staff appointed in accordance with Chapter 198, Section VI.A-Department Staff.]

[The Coordinator} ~~**Information Technology Division**~~ shall perform the following functions:

1. Plan for and implement the data processing needs of the Town.
2. Assist division directors in assessing the divisions' data processing needs.
3. Develop and implement all data processing capabilities required.
4. Care for and maintain all property and equipment assigned to the Division.
5. Provide for the training of all personnel using data processing equipment.
6. Provide backup and security mechanisms for all data processing systems.
7. Perform all other related functions as required.

COMMUNITY SERVICES

Community Services shall be under the supervision of the **Town Manager.**

The Town Manager shall manage the functions of the following divisions:

A. ~~**Cable**~~ **[Media Services] Division** - The ~~**Cable**~~ **[Media Services]** Division shall be under the supervision of the **Media Services Coordinator** who is appointed in accordance with Chapter 198, Section VI.A and shall consist of such other professionals and staff appointed in accordance with Chapter 198, Section VI.A - Department Staff.

The ~~**Media Services**~~ Coordinator shall perform the following functions:

1. Oversee all cable related services and relevant technologies for the Town, including contract compliance issues and resolution of subscriber complaints.
2. Manage the Merrimack Community Television (MCTV) to maximize the community's ability to produce Public, Education and Government Television (PEG) access programming. This includes assuring that all users are properly supervised and trained and that policies for use are up to date and applied uniformly.

3. Provide for the maintenance of the institutional network (I-Loop) and coordinate its usage to ensure compatible endeavors.

4. Prepare reports as required to keep the Town Manager apprised of emerging technologies.

5. Work cooperatively with the Town Departments, School District, OVS (Other Video Services), the Town's other agencies and cable provider(s) to ensure the optimum use of available communications resources.

[6. Work in conjunction with Town Manager for a social media presence for the Town to include but not limited to Facebook, Twitter, You Tube etc.]

[7.] Perform all other related functions as required.

B. **Parks and Recreation Division -** The Parks and Recreation Division shall be under the supervision of the **Parks and Recreation Director** appointed in accordance with Chapter 198, Section VI.A and shall consist of such other professionals and staff in accordance with Chapter 198, Section VI.A - Department Staff.

The ~~**Parks and Recreation**~~ Director shall perform the following functions:

1. Develop a general recreational program for the Town.

2. Coordinate and oversee all the recreational activities on Town parks, playgrounds, ~~swimming pools~~, beaches, tennis courts, ~~ski areas~~ and all other recreational facilities, including buildings.

3. Prepare and maintain all records pertaining to the Recreation Division.

4. Coordinate and cooperate with private groups as well as with public officials in the development and promotion of recreational activities in the Town.

5. Cooperate and coordinate with the School Superintendent and Highway Division of the Public Works Department to develop, maintain, and care for all municipal and recreational buildings, parks, playgrounds, athletic fields and other recreational areas and all other departments of the Town.

6. Perform all other related functions as required.

C. **Welfare Division** – The Welfare Division shall be under the supervision of the **Welfare Administrator** appointed in accordance with Chapter 198, Section VI.A and shall consist of such other professionals and staff in accordance with Chapter 198, Section VI.A - Department Staff.

The ~~**Welfare**~~ Administrator shall perform the following functions:

1. Plan, budget, report and control the Town's Welfare Program.

2. Investigate all requests for relief and authorize such relief aid as may be deemed necessary.

3. Exercise all powers and perform all duties conferred or imposed by law on overseers of the poor.

4. Keep full and accurate records of persons fully supported, the persons relieved and partially supported, and the travelers and vagrants lodged at the expense of the Town, together with the amount paid to them for such support and relief, and make such reports to the State Department of Health and Human Services as required by law.

5. Perform all other related functions as required.

ARTICLE VIII FINANCE DEPARTMENT, TREASURY AND TOWN CLERK/TAX COLLECTOR

I. **Finance Department** shall be under the management of the **Finance Director**~~**/Assistant Town Manager**~~ in accordance with Chapter 198, Section V.A and shall consist of such other professionals and staff in accordance with Chapter 198, Section VI.A - Department Staff.

The **Finance Department** shall consist of the following divisions:

- Assessing
- Finance
- Treasury
- **[Town Clerk/Tax Collector]**

A. **Assessing Division** - The ~~**Office Manager and/or chief assessor**~~ **[Administrative Assessor]**, under the administrative supervision of the Finance Director~~/Assistant Town Manager~~ shall perform the following functions:

1. Carry out all the duties relative to taking inventories and make recommendations to the Board of Assessors with respect to the appraisal of property for taxation and the assessment and abatement of taxes and issuing warrants for collection of taxes as are now or may hereafter be required by state statute of assessors of towns.

2. Provide for the preparation of all resident taxes and warrants to be issued by the Town Council/Assessors for collection.

3. Check all property transfers and maintain all property records.

4. Prepare and maintain all tax maps, assessment record cards, filing systems and all other records of the Department.

5. Make regular and frequent checks of the Town to ensure all taxable property is being accurately reported.

6. Perform all other related functions as required.

Functions of Board of Assessors - The Board of Assessors consists of the Town Council and shall perform the following functions:

1. Review and execute all tax warrants to be committed to the Tax Collector.

2. Act as a Board of Tax Review on all tax abatement requests and execute approvals or disapprovals on such forms as are prescribed and take all other action as may be required by state statute in the performance of its duties.

B. **Finance Division** - The **Finance Director**~~**/Assistant Town Manager**~~ shall perform the following duties:

1. Pre-audit all receipts and process all authorized claims against the Town before authorizing payment thereof.

2. Post-audit all receipts and disbursements.

3. Maintain the general financial accounts of the Town and exercise accounting control.

4. Prepare financial reports as required by the Manager and Town Council.

5. Negotiate, upon the authorization of the Manager and Town Council, all loans of whatever term.

6. Maintain custody of all insurance policies of the Town.

7. Supervise and control the operation of all financial data processing functions and its records.

8. Maintain all Town employees' earnings records, including records of all deductions from earnings for retirement, social security, savings plans, and any other related materials, and maintain all Town employees payroll action forms, vacation and sick leave records.

~~9. When assigned by the Town Manager, assumes the responsibilities of the Town Manager when he/she is temporarily unavailable and the Town Council has not appointed an Acting Town Manager pursuant to Section 7-5 of the Charter of the Town of Merrimack.~~

9. Perform all other related functions as required

C. **Treasury -** The **Town Treasurer** shall be appointed pursuant to the Laws of the State of New Hampshire and bonded as required by RSA 41:6 and Charter Article 8-12 A.

The Town Treasurer shall perform the functions in accordance to Town Charter Article VIII.

D. **Town Clerk/Tax Collector ~~Department~~ [Division]** - The Town Clerk/Tax Collector Department shall be under the supervision of the **Town Clerk/Tax Collector**, which is an elected position pursuant to Town Charter Chapter 7-11, the Laws of the State of NH, bonded as required by Statute and shall include such clerical staff appointed in accordance with Chapter 198, Section VI.A - Department Staff.

The Town Clerk/Tax Collector shall perform the following functions:

1. Serve as Keeper of the Records of the Town Council and maintain the records of all proceedings of the Town Council and other Boards and Committees as required by State Law.

2. Arrange for all elections and maintain all election records, and have custody of all property used in connection therewith.

3. Obtain and maintain all statistics on births, marriages and deaths as required by law.

4. File and preserve, as required by State and Federal Law, all contracts, bonds, oaths of office and other documents.

5. Issue licenses and permits and collect all fees, as required by statute and ordinance unless otherwise provided, and deposit these collections through the Treasurer.

6. Be custodian of the Official Town Seal.

7. Keep on file the official copy of the Town Charter, all Ordinances of the Town and maintain a record of all corrections and amendments.

8. Perform all duties and exercise all powers incumbent upon or vested in Town Clerks by the laws of the State of New Hampshire.

Perform all Tax Collection responsibilities as vested in Tax Collectors by the laws of the State of New Hampshire and as outlined below:

1. Mail all tax notices.

2. Collect all taxes due the Town.

3. Maintain proper records pertaining to collection functions.

4. Turn over daily to the Treasurer a record and account for all monies on the date received.

5. Collect permit fees for the registration of motor vehicles, required to be paid under the provisions of RSA 261:153 – Fees for Registration Permits, and amendments thereto.

6. Report financial information to the Finance Director/~~**Assistant Town Manager**~~ as necessary.

7. Perform all other related functions as required.

ARTICLE IX COMMUNITY DEVELOPMENT

Community Development [Department] shall be under the supervision of the **Community Development Director**, appointed as specified by Chapter 198, Section V.A of this Administrative Code and shall consist of such other professionals and staff in accordance with Chapter 198, Section VI.A - Department Staff.

The **Community Development Department** shall consist of the following divisions:

- Planning & Zoning
- Economic Development
- Conservation

Each Division shall utilize the Community Development Department's shared administrative and clerical staff as may be determined appropriate by the Community Development Director and as approved by the Town Manager.

The ~~**Community Development**~~ Director shall also be responsible for carrying out the following duties/tasks:

1. Apply for, receive and process all grants relating to Community Development that the Town Council may endorse.

2. Search, make application for and coordinate all grants relating to the implementation and/or the functions of community development, economic development, housing assistance, or other programs which the Town has ongoing or which the Town may receive in the future.

3. Investigate study and report on all matters relating to overall community development matters of the Town.

4. Perform all other related functions as required.

A. **Planning & Zoning Division** - The Planning and Zoning Division shall be under the immediate supervision of the **Planning and Zoning Administrator**, who shall oversee the day-to-day activities of the division.

The ~~**Planning and Zoning Division**~~ **[Administrator]** shall perform the following functions:

1. Act in the capacity of advisor to the Planning Board and Zoning Board of Adjustment.

2. Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of Town planning.

3. Revise the Zoning Map as changes are made therein by Town ordinance.

4. Prepare notice of appeals and provide administrative support to the Planning Board and the Zoning Board of Adjustment.

5. Perform all research work that might be assigned by the Community Development Director, Town Manager, Town Council and/or Planning Board.

6. Develop and implement the various elements of any existing or future general comprehensive plans being used or that may be used as a guide for the orderly development of the Town.

7. Investigate study and report on all matters relating to the construction of municipal ~~structures~~ [**facilities]**.

8. **[Assist the various governmental entities in the development of the]** ~~Develop the overall~~ Capital Improvement Program pursuant to the provisions of Charter.

9. Supervise the implementation, programming and management of the Town's Geographic Information System.

10. Coordinate the development of GIS mapping for use by other Town departments to facilitate meeting the overall service delivery and policy making objectives of the Town and its various departments, boards, and commissions.

11. Perform all other related functions as required, and as directed by the Community Development Director.

B. **Economic Development Division** – The Economic Development Division shall be under the immediate supervision of the **Community Development Director** and shall perform the following functions:

1. Work to broaden Merrimack's economic base and achieve economic stability through steady growth and quality development, while providing a positive local

business climate for innovative, progressive companies;

2. Provide assistance to new and/or relocating companies;

3. Assist existing Merrimack businesses in their expansion efforts;

4. ~~Act in the capacity of advisor to the Economic Development Citizens Advisory Committee and~~ **[C]**coordinate the economic development activities of the Town with other regional and state economic development organizations.

C. **Conservation Division** – The Conservation Division shall be under the immediate supervision of the **Community Development Director** and shall perform the following functions:

1. Act in the capacity of advisor to the Conservation Commission and coordinate conservation planning activities with the other Divisions of the Community Development Department;

2. Maintain records and files on conservation properties and the maintenance and preservation activities related thereto;

3. Assist legal counsel and the Conservation Commission with securing easements and deeds for conservation properties;

4. Perform other related functions as required.

ARTICLE X PUBLIC WORKS DEPARTMENT

The **Public Works Department** shall be under the supervision of the **Public Works Director**, appointed as specified by Chapter 198, Section V.A of this Administrative Code and shall consist of such other professionals and staff in accordance with Chapter 198, Section VI.A - Department Staff.

The Public Works Department shall consist of the following divisions:

- Administration & Engineering
- Buildings and Grounds
- Equipment Maintenance
- Highway Maintenance
- Solid Waste
- Wastewater

A. **Administration & Engineering Division** - The Administration **[& Engineering]** Division, under the control of the **Public Works Director**, shall perform the following functions:

1. Prepare and maintain all necessary records pertaining to the Public Works 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. Plan and carry out a training program of instruction for all Department employees.

6. Develop and maintain the Department Major Capital Improvement Program.

7. Design, layout and map all municipal public works projects.

8. Maintain all sewer location maps for the Town.

9. Prepare and maintain all records pertaining to the Administration Division as required.

10. Care for and maintain all property and equipment assigned to the Administration Division.

11. Prepare, maintain and revise the street lighting maps of the Town's lighting system and all necessary records pertaining to same.

12. Investigate, study, report and recommend extensions or changes in the street lighting system.

13. Inspect all new sewers, sewer lines and appurtenances, as well as inspection, on a regular basis, of roads under construction, etc., in developments and throughout the Town.

14. Perform all other related functions as required.

B. **Buildings and Grounds Division** - The Buildings and Grounds Division, under the supervision of the **Public Works Director**, shall perform the following functions:

1. Maintain and care for all buildings and grounds not assigned to any other department.

2. Perform all other related functions as required.

C. **Equipment Maintenance Division** - The Equipment Maintenance Division, under the supervision of the ~~**Highway**~~ **Operations Manager**, shall perform the following functions:

1. Prepare and maintain all the motorized ~~Public Works equipment and motorized~~ equipment **[for the Municipality]** ~~of other departments~~.

2. Purchase stock and charge to the using department all necessary parts and materials.

3. Maintain and care for all property and equipment assigned to the Equipment Maintenance (garage and stores) Division.

4. Prepare and maintain all necessary records pertaining to the Equipment Maintenance (garage and stores) Division.

5. Perform all other related functions as required.

D. **Highway Maintenance Division** - The Highway Maintenance Division under the supervision of the ~~**Highway**~~ **Operations Manager**, shall perform the following functions:

1. Construct, maintain and repair all roads, streets, drains, bridges and sidewalks, except where specific projects may be let to contractors.

2. Remove snow; distribute salt and sand on all highways, streets, bridges, sidewalks, parking lots and other public ways.

3. Plant, maintain and remove trees and brush on or affecting Town property, either by Town forces or contractual services.

4. Issue all permits as needed for the erection of highway-related construction signs and for the blocking or excavation of sidewalks, streets or other public ways.

5. Maintain and care for all property and equipment assigned to the Highway Maintenance Division.

6. Prepare and maintain all necessary records pertaining to the Highway Maintenance Division.

7. Performs basic maintenance including mowing, trimming, tree and shrub pruning, fertilizing, pest control and other functions needed to maintain Town public parks, athletic fields, cemeteries and other recreational areas.

8. Perform all other related functions as required.

~~E.~~ ~~**Parks Maintenance Division**~~ ~~This Division has been moved under the Highway Division~~

~~F.~~ **[E.] Solid Waste Division** - The Solid Waste Division (refuse collection and disposal), under the supervision of the **Public Works Director**, shall perform the following functions:

1. Collect, remove and dispose of all refuse as required.

2. Prepare and maintain all necessary records pertaining to solid waste disposal and land fill operations.

3. Perform all other related functions as required.

~~G.~~ **[F.] Wastewater Division**- The Wastewater Division (waste treatment - composting), under the supervision of the **Assistant Public Works Director/Wastewater**, shall perform the following functions:

1. Construct, repair, maintain and operate the sewer system, except where specific projects may be let to contract.

2. Prepare and maintain all necessary records pertaining to the Wastewater Division, including, but not limited to, an annual report containing the following:

    a. Number of cubic feet/gallons of sewerage treated per year.

    b. Average annual cost to treat 100 cubic feet/1,000 gallons of sewage.

3. Operate and maintain all sewage disposal facilities, incineration and composting projects, maintaining all necessary records pertaining to same.

4. Perform all other related functions as required.

ARTICLE XI FIRE AND RESCUE DEPARTMENT

The **Fire and Rescue Department** shall be under the supervision of the **Fire Chief**, appointed as specified by Chapter 198, Section V.A of this Administrative Code, shall consist of such personnel and forces as may be recommended by the Fire Chief, in accordance with Chapter 198, Section VI.A - Department Staff and approved by the Manager.

The Fire and Rescue Department shall consist of the following divisions:

- Administration & Support Services
- Call Fire/Emergency Medical Services, Training and Safety
- Emergency Management
- Fire Prevention/Fire Marshal
- Operations
- Building and Health

The Fire Chief shall have all the powers designated to the fire chiefs as defined by the State of New Hampshire in The New Hampshire Fire Laws Annotated Chapter 154 (RSA 154), Chapter 153 (RSA 153) and the NH Code of Administrative Rule SAF-C 6000 (The State Fire Code)**[.]** In addition, the Fire Chief shall have any and all authority necessary to carry out the following responsibilities~~.[:]~~

1. Interpretation of all fire, building and health codes and ordinances for state and local governments answer questions from the public concerning uses of these codes and investigate all complaints made concerning all fire codes, ordinances and regulations.
2. Enforce all fire, building and health codes, ordinances and regulations as may be established by the Fire and Rescue Department, the Town of Merrimack and the State of New Hampshire.
3. Manage and operate the Fire and Rescue Department by developing budgets, goals, objectives and future planning.
4. Establish, supervise and maintain the following divisions:

A. **Administration & Support Services Division -** The Administration & Support Services Division, under the direction the Assistant Fire Chief **-** Support Services, shall perform the following functions:

1. Prepare and maintain all necessary records and documentation pertaining to the Division.
2. Maintain payroll, accounting, personnel records and information.
3. Prepare and monitor all applications, grants and donations received from federal, state and other agencies, groups or individuals.
4. Cooperate and establish agreements with surrounding communities through mutual aid programs so that additional resources are available when needed.
5. Cooperate and establish procedures with the State of New Hampshire for mutual aid agreements and task forces throughout the state when needed.
6. Establish automatic mutual aid agreements when needed to provide better resource allocation to protect the communities and its citizens.
7. Works with Human Resources on all personnel related issues.
8. Perform all other related functions as required.

B. **Call Fire/Emergency Medical Services, Training and Safety Division** – The Call Fire/Emergency Medical Services, Training and Safety Division, under the supervision of the **Assistant Fire Chief - Support Services**, shall perform the following functions: ~~Prepare and maintain all Division records, reports and documentation as required.~~

1. **[Prepare and maintain all Division records, reports and documentation as required.]**
2. Recruit Call Firefighters/Emergency Medical Services personnel.
3. Plan and carryout all needed training programs, practical and classroom, to ensure all certifications are maintained for all department personnel.
4. Maintain a good relationship with the department's resource hospital and ensure that all Medical Resource Hospital Agreements and Controlled Substance Agreements are reviewed and in the best interest of the department and patients~~,~~ we treat.
5. Coordinate the departments Continuous Quality Improvement (CQI) committee for emergency medical responses.
6. Maintain, upgrade and train all users of the State of New Hampshire TEMSIS Patient Care Reporting records and documentation software program.
7. Prepare reports and documentation as required.
8. Promote and encourage an awareness of personnel safety through community service.
9. .Establish and chair the Fire and Rescue Department Safety Committee.
10. Strive for the highest levels of training and competency available.
11. Administer collective bargaining agreements and process all related grievances.
12. Perform all other related functions as required.

C. **Emergency Management Division** - The Emergency Management Division, under the direction of the **Fire Chief, (Emergency Management Director) and the Assistant Emergency Management Directors**, appointed by the Fire Chief and approved by the Town Manager shall be responsible and perform the following functions:

1. Make mutual aid agreements with other public and private agencies

2. Render aid in accord with such mutual aid arrangements in times of emergency.

3. Accept outside aid, except federal aid which requires the consent of the Governor per RSA 21-P:43.

4. Develop and implement the various elements of any existing future emergency operations plan.

5. Enter into emergency contracts to combat such disaster, protect the health and safety of persons and property and provide emergency assistance to victims without regard to time-consuming procedures and formalities described by law, excepting mandatory constitutional requirements.

6. Provide emergency preparedness education, emergency management planning, and implementation of pandemic planning, emergency shelters, and evacuation plans for the community. Coordinated of the Merrimack Local Emergency Planning Committee (LEPC.)

7. Perform all other related functions as required by the state statute and local ordinances.

D. **Fire Prevention/Fire Marshal Division** - The Fire Prevention/Fire Marshal Division under the supervision of the **Assistant Fire Chief - Support Services**.

The Fire Marshal shall perform the following functions:

1. Enforce all laws regarding the prevention/inspection for and removal of fire hazards and prevention of fires.
2. Prepare and maintain all Division records, reports and documentation as required.
3. Plan and carry out a regular inspection program throughout the community.
4. Review and approve all new and modification to existing site and building plans for all development within the community for fire code compliance.
5. Review and approve all fire protection and safety system plans for all new development and modifications to existing structures within the community.
6. Plan and carry out a regular inspection program for Place of Assembly Permits within the community.
7. Investigate fires within the community to determine area of fire origin and possible fire cause determination as required.
8. Approve building and related permits and inspect for fire codes during construction for compliance with local and state laws, codes rules and ordinances.
9. Work with the Police Department to prosecute all violations of law and codes within its jurisdiction as needed.
10. Provide fire prevention, emergency preparedness education for the community.
11. Perform all other functions as required.

E. **Operations Division** - The Operations Division under the supervision of the **Assistant Fire Chief Operations**.

[The Shift Captains and Lieutenants shall perform the following functions:]

~~1. The Shift Captains and Lieutenants shall perform the following functions:~~

1. Fire Suppression, Rescue and Special Operations.
2. Extinguish fires and protect life and property against fires.
3. Provide special rescue functions when needed.
4. Provide response to mitigate hazardous materials situations.
5. Care for and maintain all department communications equipment and systems.

6. Care for and maintain all property (buildings and grounds), equipment (hand and power) and apparatus Engines, Ambulances, cars, etc. assigned to and associated with the Fire and Rescue Department.
7. Prepare and maintain all Division records, reports and documentation as required.
8. Maintain, upgrade and train all users of the Firehouse records and documentation software program.
9. Prepare reports and documentation as required
10. Issue associated fire related permits as required.
11. Provide professional, emergency medical care in the Town of Merrimack.
12. Promote and encourage an awareness of fire safety and emergency preparedness through community programs
13. Perform all practical testing and certification verification as required for the Fire and Rescue Department.
14. Perform all other related functions as required.

F. **Building and Health Division** - The Building and Health Division shall be under the immediate supervision of **Assistant Fire Chief - Support Services**.

1. The Building and Health Official shall perform the following functions:

a. Be responsible for answering questions asked by the public concerning uses in all building codes, and investigating all complaints made concerning building and construction.

b. Enforce all rules and regulations relating to building codes as may be established by the Planning Board, the Zoning Board of Adjustment, or other Town Ordinance.

c. Issue building and related permits and inspect construction for compliance with local laws, zoning regulations and building codes.

d. Prepare and maintain records of all permits issued.

e. Inspect new construction, remodeling and existing buildings to related codes.

f. Ensure compliance with the sign construction requirements and issue all building and electrical permits for the erection of signs as required.

g. Work with the Police Department to prosecute all violations of law and codes within the Division's jurisdiction.

h. Investigate, study and report on all matters relating to the construction of municipal structures.

i. Perform and/or Supervise all other functions relating to, building inspection, health inspection, and related code enforcement as may be required by the Fire Chief and/or Town Ordinance;

j. Work with Law Enforcement Officials to prosecute all violations of law and codes within the Department's jurisdiction.

2. The Building and Health Official, Health Officer and/or Deputy Health Officers as appointed pursuant to RSA 128:1 shall report, to the Assistant Fire Chief - Support Services. The Fire Chief shall have direct supervisory authority over the Building and Health Official, Health Officer and/or Deputy Health Officers in consultation with the Commissioner of the Department of Health and Human Services and the "Board of Health". [the Town Council]

The Building and Health Official, Health Officer and/or Deputy Health Officers shall have the following functions:

a. Investigate all health complaints that may be brought to his/her attention.

b. Act as Secretary and executive officer to the Board of Health, reporting to the Fire Chief, shall serve all notices and orders issued by the Board of Health and shall enforce all rules, regulations, and local Ordinances affecting the health and comfort of the public.

c. Investigate and render assistance in reference to private water supply and septic tanks.

d. Investigate all communicable diseases or threats of communicable diseases.

e. Investigate all sanitary hazards, enforce all state and local sanitary laws and ordinances, and further, recommend testing of public swimming facilities for the determination of their suitability for that purpose.

f. Prepare and maintain all necessary records required by the laws of the State of New Hampshire or the Town ordinances.

g. Inspect all restaurants, cafes, other eating places and vendors of food as required by state regulations and/or Town ordinances.

h. Perform all other related functions as required by the state, federal and local law, and such other duties as assigned by the Fire Chief or designee.

i. Participate in the Regional Coordinating Committee (RCC) for health and Emergency Management planning and implementation of pandemic planning, emergency shelters, and evacuations.

ARTICLE XII POLICE DEPARTMENT

The **Police Department** under the supervision of the **Police Chief**, appointed as specified by Chapter 198, Section V.A 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 Chapter 198, Section VI.A - Department Staff and approved by the Manager.

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

~~1. Administrative & Support Services~~

~~2. Communications~~

~~3. Criminal Investigation~~

~~4. Legal~~

5. ~~Patrol~~

- Administrative & Support Services
- Communications
- Criminal Investigation
- Legal
- Patrol

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

A. ~~C.~~ **Administrative & Support Services Division -** The Administrative Services Division shall be under the command of the **Administrative & Support Services Captain**, responsible to the Deputy Chief, 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. Schedule and maintain training and training records for all Department members.
6. Perform all other related functions as required.

B. ~~D.~~ **Communications Division** - The Communications Division, under the supervision of the **Administrative & Support Services 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.

C. ~~E.~~ **Criminal Investigation Division** - The Criminal Investigation Division, under the supervision of a **Detective Lieutenant** within the Administrative & 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.

D. ~~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.

E. ~~G.~~ **Patrol Division** - The Patrol Division, shall be under the supervision of the **Operations Captain**, responsible to the Deputy Chief, 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.

ARTICLE XIII MERRIMACK LIBRARY

Merrimack Library - The Merrimack Public Library is an independent department under the fiscal guidance of the Merrimack Town Council in conjunction with the Town Manager. The Library is governed by an elected Board of Trustees in accordance with RSA 202A:11. The Board of Trustees' duties are to adopt bylaws, approve prepared budgets, approve the expenditure of appropriations and appoint the Library Director. Other Library staff appointments will be recommended by the Library Director and approved by the Board of Trustees who determines their compensation and other terms of employment.

The Library consists of the following divisions:

- Administration
- Adult Services
- Youth Services
- Technical Services
- Circulation
- Maintenance

The Library shall provide the following services and functions:

1. Select, purchase, catalog, process and maintain a collection of books, magazines, newspapers, CDs, DVDs, and a variety of other materials for use by residents/library card holders.

2. Purchase and make available digital resources such as databases and ebooks for use in the Library and via the Library's website for residents/library card holders.

3. Provide reference services including, reader's advisory, technology assistance, and research for the public, in person or remotely.

4. Through membership in Regional Consortium, provide Library users with an online catalog of materials that can be used in the Library and accessed remotely.

5. Provide and maintain computers in the Library for public use as well as wireless internet access for those who come to the Library with their own devices.

6. Offer a variety of events located both in the library and out in the community for patrons of all ages, to promote life-long learning and enrichment.

7. Promote literacy for all ages.

8. Maintain and care for all property assigned to the Library.

9. Prepare and maintain all records pertaining to the Library.

10. Perform all other related functions as required.

Authenticated:

_____ _____

Thomas P. Koenig, Town Council Chairman Date

_____ _____

Diane Trippett, Town Clerk/Town Collector Date