



# 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: October 3, 2022  
 Submitted by: Town Treasurer Xenia Simpson  
 Department: Finance  
 Speakers:

Date of Meeting: October 22, 2022  
 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"/>
<b>Public Hearing:</b>	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

## TITLE OF ITEM

Town of Merrimack Returned Check or Electronic Means Policy Update

## DESCRIPTION OF ITEM

The Town Council to consider the recommended changes to the Town of Merrimack Returned Check or Electronic Means Policy.

## REFERENCE (IF KNOWN)

RSA: \_\_\_\_\_ Warrant Article: \_\_\_\_\_  
 Charter Article: \_\_\_\_\_ 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: Xenia Simpson Address: 8 Baboosic Lake Road  
 Phone Number: 603-424-7075 Email Address: xsimpson@merrimacknh.gov

## APPROVAL

Town Manager: Yes  No:  Chair/Vice Chair: Yes  No:   
 Hold for Meeting Date: \_\_\_\_\_



## **TOWN OF MERRIMACK RETURNED CHECK OR ELECTRONIC MEANS POLICY**

### **I. PURPOSE:**

This policy serves to protect the Town from the administrative and financial burden of processing returned checks or electronic means remittances (ACH).

### **II. APPLICATION:**

This policy applies to all payees and payors of the Town of Merrimack.

### **III. GUIDELINES FOR RETURNED CHECKS AND ELECTRONIC MEANS REMITTANCES:**

#### **a) Notification Schedule:**

- i. **First Returned Check/ACH:** The customer will be notified in writing by the Finance Department or the Town Clerk/Tax Collector with a notification advising the person of the returned check/ACH plus the fees due to the Town. They will have 14 days from the date of the Town's notice to make full payment. This notification will also indicate that a returned check/ACH cannot be covered with another check. A sample form letter for non-sufficient funds is attached to this policy.
- ii. **Second Returned Check/ACH:** The customer will be notified in writing that they may now only make payments with cash, money order, or bank certified check within any town department until further notice.

#### **b) Fees and Collection:**

- i. It is the responsibility of the customer to cover all associated bank fees regarding returned checks and electronic means remittances. Per RSA 80:56, the Town of Merrimack shall charge for all returned checks and electronic means remittances a fee of \$25.00. The Town Manager may waive said fee upon consideration of a formal written request from the customer which includes proper justification.
- ii. For payment to be received, it must be a bank check, money order or cash.
- iii. Per RSA 638:4, if within fourteen days after providing notice that the bank refused to pay the check/ACH the Town does not receive the amount of the check plus all costs and protest fees, the Town will contact law enforcement for further action.

iv. If the returned check was for a motor vehicle registration, the Merrimack Town Clerk shall also process an Administrative Complaint with the State of NH-DMV. Pursuant to RSA 261:156 the State of NH will suspend the registration certificate and number plates of such person until the Town of Merrimack has been reimbursed the full amount of the returned check plus any protest fees.

c) Authority to Reinstate:

i. With the consultation of the applicable Department Head, the Finance Director has the authority to reinstate a repeat offender due to unusual or extenuating circumstances. A written petition by the offender must be made to the Finance Department.

d) Tracking/Notification Responsibility:

- i. Each Department Head shall track returned check/ACH offenders separately and share an updated list with the Treasurer monthly by the 15<sup>th</sup> of the month for the prior month's activity.
- ii. The Treasurer will create a compiled list of offenders and make it available to Department Heads monthly.
- iii. The Treasurer will track returned checks and compare records with the Finance Director on a regular basis.

**IV. AMENDMENTS:**

This Policy may, from time to time as needed, be amended by a majority vote of the Town Council at a regularly scheduled Council meeting.

**V. EFFECTIVE DATE:**

This policy shall be effective upon a vote of the Merrimack Town Council and shall replace any and all Returned/Bad Check Policies previously enacted by the Town.

Effective: \_\_\_\_\_

Adopted by the Merrimack Town Council on \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SAMPLE FORM LETTER**

[DATE]

To Whom It May Concern,

It has come to our attention that your check/ACH transaction # \_\_\_\_\_ issued to the Town of Merrimack in the amount of \_\_\_\_\_ dated \_\_\_\_\_ for \_\_\_\_\_, has been returned by your bank due to “Not Sufficient Funds”.

Therefore, it is required that you provide a **certified check, money order, or cash** in the amount of \$\_\_\_\_\_ to replace the returned check and to reimburse the Town for the related bank service charge of \$25.00. These funds must be received by the Town within 14 days of the date of this letter or we will forward this matter to law enforcement for further action. If you pay by certified check, please have the check made payable to the “**Town of Merrimack**” and mail it to the following address:

Town of Merrimack  
Finance Department  
6 Baboosic Lake Rd  
Merrimack, NH 03054

Please contact the Finance Department at (603) 424-7075 if you have any questions concerning this matter.

Sincerely,

Finance Director