

Posted: April 29, 2019

**Merrimack Town Council  
Nonpublic Minutes  
October 25, 2018**

Present: Chairman Finlay Rothhaus, Vice Chairman Tom Koenig, Councilor Nancy Harrington, Councilor Peter Albert, Councilor Tom Thornton, Councilor William Boyd, and Councilor Barbara Healey. Also in attendance were Town Manager Eileen Cabanel and Finance Director/ Assistant Town Manager Paul Micali.

**MOTION** – Councilor Thornton moved, seconded by Councilor Harrington, to enter into nonpublic session at 6:35 PM for **RSA 91-A: 3, II (e) - Consideration or negotiation of pending claims or litigation.**

Motion passed by roll call vote 6-0-0.

Councilor Boyd arrived at 6:40 PM

**RSA 91-A: 3, II (e) – Consideration or negotiation of pending claims or litigation**

Town Manager Cabanel discussed a current abatement request from Fairpoint for the 2017 tax year. This abatement request has to do with the way the Town taxed Fairpoint for their portion of the use on the Town's Right-of-way. She mentioned that Avitar Associates has been in contact with Fairpoint representatives and feel that they can settle this abatement request fairly quickly for between \$2,000 and \$3,000 dollars.

**MOTION** – Councilor Harrington moved, seconded by Councilor Healey, to authorize a settlement for the Fairpoint abatement not to exceed \$3,000 and further more to allow Avitar Associates to negotiate the settlement of behalf of the Town.

Motion passed by roll call vote 7-0-0.

**MOTION** – Councilor Harrington moved, seconded by Councilor Boyd, to seal the minutes as they relate to **RSA 91-A: 3, II (e) – Consideration or negotiation of pending claims or litigation.**

Motion passed by roll call vote unanimously 7-0-0

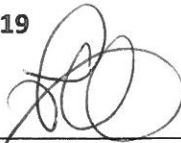
**MOTION** – Councilor Harrington moved, seconded by Councilor Thornton, to close the nonpublic session at 6:49 PM.

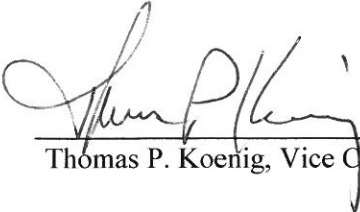
Motion passed by roll call vote unanimously 7-0-0.

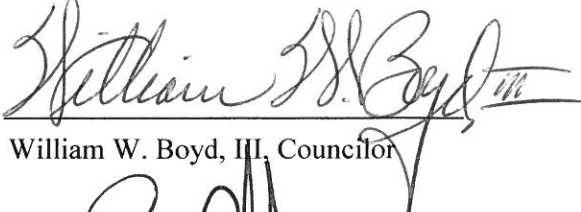
**MOTION** – Councilor Thornton moved, seconded by Councilor Harrington, to adjourn the nonpublic session at 6:50 PM.

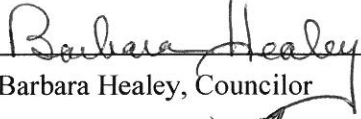
Motion passed by roll call vote unanimously 7-0-0.

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Finlay C. Rothhaus, Chairman

  
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Thomas P. Koenig, Vice Chair

  
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William W. Boyd, III, Councilor

  
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Barbara Healey, Councilor

  
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Peter Albert, Councilor

  
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Tom Thornton, Councilor

  
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Nancy M. Harrington, Councilor

Respectfully submitted by Paul T. Micali