

**Merrimack Town Council
Nonpublic Minutes
December 6, 2018**

Present: Chairman Finlay Rothhaus, Councilor Nancy Harrington, Councilor Peter Albert, Councilor Tom Thornton and Councilor William Boyd. Also in attendance were Town Manager Eileen Cabanel, Finance Director/Assistant Town Manager Paul Micali and Public Works Director Kyle Fox.

Excused: Vice Chairman Tom Koenig and Councilor Barbara Healey

MOTION – Councilor Boyd moved, seconded by Councilor Harrington, to enter into nonpublic session at 6:23 PM for **Consideration or negotiation of pending claims or litigation, RSA 91-A: 3, II (e) and Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present RSA 91-A:3, II (d).**

Motion passed by roll call vote 4-0-0.

Councilor Albert arrived at 6:25pm

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 & 2018 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 worked within the parameters given to them from the October 25, 2018, nonpublic meeting however Fairpoint representatives countered for \$4,000 a year. Avitar feels that they can settle this abatement if the Town Council increases their offer from \$3,000 to \$4,000 for tax year 2017 and include the same amount for 2018. In addition, they feel that they believe that it will be about \$500 for their time on settling this abatement.

MOTION – Councilor Harrington moved, seconded by Councilor Thornton, to reauthorize a settlement for the Fairpoint abatement not to exceed \$8,000 for 2017 & 2018 tax year (option 3) and to include \$500 for Avitar services as well as to allow Avitar to negotiate the settlement of behalf of the Town.

Motion passed by roll call vote unanimously 5-0-0.

Posted: April 29, 2019

MOTION – Councilor Boyd moved, seconded by Councilor Thornton, to seal the minutes.
Motion passed by roll call vote unanimously 5-0-0

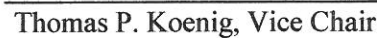
MOTION – Councilor Harrington moved, seconded by Councilor Thornton, to close the nonpublic session at 6:59PM.

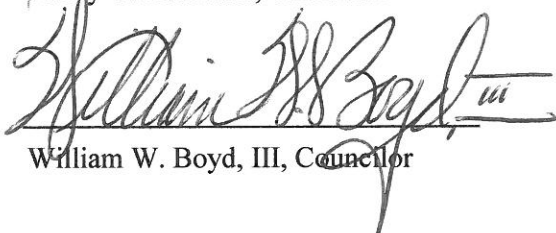
Motion passed by roll call vote unanimously 5-0-0.

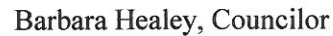
MOTION – Councilor Harrington moved, seconded by Councilor Albert, to adjourn the public session at 7:00 PM.

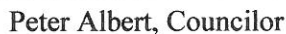
Motion passed by roll call vote unanimously 5-0-0.



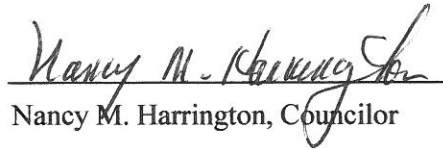
Finlay C. Rothhaus, Chairman

Thomas P. Koenig, Vice Chair

William W. Boyd, III, Councilor

Barbara Healey, Councilor

Peter Albert, Councilor

Tom Thornton, Councilor

Nancy M. Harrington, Councilor

Respectfully submitted by Paul T. Micali