

**Merrimack Town Council  
Nonpublic Minutes  
June 18, 2020**

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

Also in attendance where Public Works Deputy Director Dawn Tuomala and Attorney Steven Whitley

**MOTION** – Councilor Harrington moved, seconded by Vice Chairman Boyd, to enter into nonpublic session at 6:45 PM for **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 (I).**

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

**RSA 91-A: 3, II (I) – 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**

Attorney Whitley informed the Town Council of the Ruland lawsuit which was filed to discontinue the Jebb Road paper road. The Council was informed that this should have gone directly to them first for them to decide whether or not to discontinue the paper road and return the property back to the adjacent lots. The Town Council heard from Public Works Deputy Director Tuomala about how this paper road is not needed for MS-4 and drainage purposes as originally thought.

**MOTION** – Councilor Harrington moved, seconded by Councilor Healey, to have legal counsel approach the Ruland's to go to the Town Council to discontinue the paper road and release any further action against the Town.

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

**Public Works Deputy Director Dawn Tuomala and Attorney Steven Whitley left at 7:26pm**

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Harrington , to approve the nonpublic minutes of April 2, 2019, referencing **Personnel, RSA 91-A: 3, II (a) and Personal, RSA 91-A: 3, II (c)**

Motion passed by roll call 7-0-0

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Harrington, to unseal the nonpublic minutes of April 2, 2019 pertaining to **Personnel, RSA 91-A: 3, II (a) and Personal, RSA 91-A: 3, II (c)**

Motion passed by roll call 7-0-0

**MOTION** – Councilor Woods moved, seconded by Vice Chairman Boyd, to approve the nonpublic minutes of April 25, 2019, referencing **Personal, RSA 91-A: 3, II (c)**

Motion passed by roll call 5-0-2 with Councilor Rothhaus and Vice Chair Boyd abstaining

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Woods , to approve the nonpublic minutes of June 13, 2019, referencing **Consideration or negotiation of pending claim or litigation RSA 91-A: 3, II (e) and Personal, RSA 91-A: 3, II (c)**

Motion passed by roll call 6-0-1 with Councilor Harrington abstaining

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Harrington, to unseal the nonpublic minutes of June 13, 2019 pertaining to **Consideration or negotiation of pending claim or litigation RSA 91-A: 3, II (e) and Personal, RSA 91-A: 3, II (c)**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Albert, to approve the nonpublic minutes of July 18, 2019, referencing **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 (l).**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Healey, to approve the nonpublic minutes of August 15, 2019, referencing **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 (l).** With the following change “... Boyd was conferenced in on the phone”

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Harrington, to approve the nonpublic minutes of October 9, 2019, referencing **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 (l).**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Albert, to approve the nonpublic minutes of October 23, 2019, referencing **Consideration of the acquisition, sale, or lease of real or personal property RSA 91-A:3, II (d)**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Albert, to approve the nonpublic minutes of November 7, 2019, referencing **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 (I).**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Albert, to approve the nonpublic minutes of January 29, 2020, referencing **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 (I).**

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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Albert, to approve the nonpublic minutes of February 13, 2020, referencing **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 (I).**

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

**MOTION** – Councilor Harrington moved, seconded by Vice Chairman Boyd, to close the nonpublic session at 7:45 PM.


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

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Harrington, to seal the nonpublic minutes as they relate to **RSA 91-A: 3, II (I) – 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 – Ruland Lawsuit**

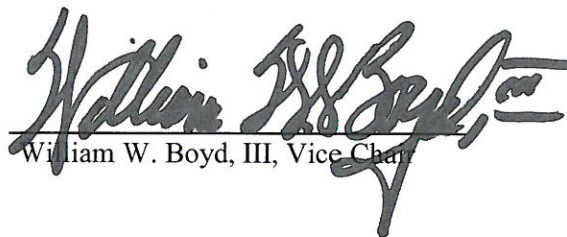
Motion passed unanimously by roll call 7-0-0

**MOTION** – Vice Chairman Boyd moved, seconded by Councilor Healey, to adjourn the public session at 7:46 PM.

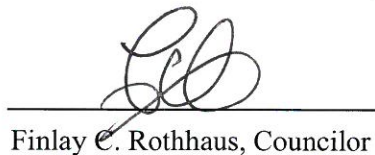
Motion passed unanimously by roll call 7-0-0.



Thomas P. Koenig, Chairman

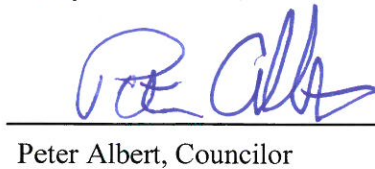


William W. Boyd, III, Vice Chair

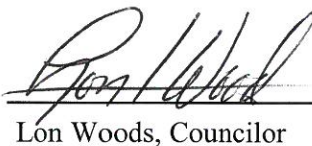


Finlay C. Rothhaus, Councilor

Barbara Healey, Councilor



Peter Albert, Councilor



Lon Woods, Councilor

Nancy M. Harrington, Councilor

Respectfully submitted by Paul T. Micali