Merrimack Town Council
Nonpublic Minutes
October 13, 2016

Present: Chairman Nancy Harrington, Vice Chairman Finlay Rothhaus, Councilor William Boyd, Councilor Tom Koenig, Councilor Tom Mahon and Councilor Jackie Flood. Also in attendance was Finance Director / Assistant Town Manager Paul Micali.

Excused: Councilor Dan Dwyer and Town Manager Eileen Cabanel

MOTION – Councilor Mahon moved, seconded by Councilor Koenig, to enter into nonpublic session at 6:30 PM for **RSA 91-A: 3, II (e) – Consideration or negotiation of pending claims or litigation**. Motion passed by roll call vote 5-0-0.

Councilor William Boyd arrived at 6:35pm

RSA 91-A: 3, II (e) – Consideration or negotiation of pending claims or litigation
Chairman Harrington discussed the Fairpoint settlement offer and explained that there were three parts to the lawsuit. Part one is the Right of Way taxation, part two was Conduit and part three were the poles. Fairpoint filed for tax abatement from 2011 - 2015. This settlement would encumber all of the abatement years.
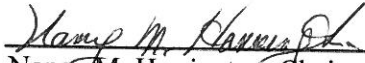
MOTION – Councilor Boyd moved, seconded by Councilor Mahon to enter into a settlement agreement with Fairpoint and pay them no more than $294,086.

Motion passed 5-1-0 with Councilor Koenig voting in the negative

MOTION – Councilor Boyd moved, seconded by Councilor Mahon, to seal the nonpublic minutes. Motion passed unanimously 6-0-0.

MOTION – Councilor Mahon moved, seconded by Councilor Boyd, to come out of nonpublic session at 6:55 PM. Motion passed by roll call vote unanimously 6-0-0.
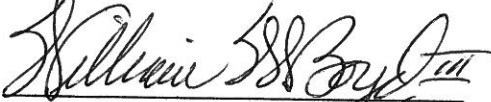
MOTION – Councilor Mahon moved, seconded by Councilor Boyd, to adjourn at 6:58 PM. Motion passed unanimously 6-0-0.
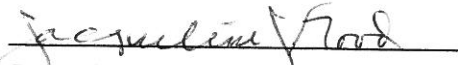
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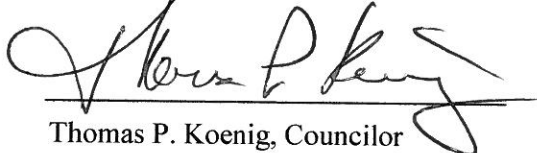Nancy M. Harrington, Chairman

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William W. Boyd, III, Councilor

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Thomas J. Mahon, Councilor

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Thomas P. Koenig, Councilor

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Finlay C. Rothhaus, Vice Chair

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Jacqueline Flood, Councilor

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Daniel Dwyer, Councilor

Respectfully submitted by Paul T. Micali