

**Merrimack Town Council
Nonpublic Minutes
December 2, 2015**

Present: Vice Chairman Tom Mahon, Councilor Bill Boyd, Councilor Dan Dwyer, and Councilor Tom Koenig. Also in attendance were Attorney Matt Upton and Finance Director/ Assistant Town Manager Paul Micali.

Excused: Chairman Nancy Harrington, Councilor Jody Vaillancourt and Town Manager Eileen Cabanel

MOTION – Councilor Boyd moved, seconded by Councilor Dwyer, to enter into nonpublic session at 6:00 PM for **RSA 91-A: 3, II (e)** – Consideration or negotiation of pending claims or litigation. Motion passed by roll call vote 4-0-0.

Councilor Rothhaus arrived at 6:07pm

Attorney Upton discussed pending legal settlement with Oceanus over the pending tax abatement appeal. He stated that it was a fair settlement agreement for both parties and he did not see any added benefit to proceeding any further with the appeal.

MOTION – Councilor Boyd moved, seconded by Councilor Koenig, that the Town Council approve the Oceanus settlement tax abatement agreement dated November 16, 2015 change. Motion passed unanimously 5-0-0.

Attorney Upton left the meeting at 6:35 PM

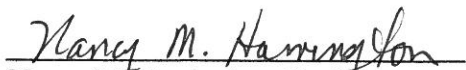
MOTION – Councilor Boyd moved, seconded by Councilor Koenig, to approve the nonpublic minutes of August 20, 2015, referencing **RSA 91-A: 3, II (d)** – Consideration of the acquisition, sale, or lease of real or personal property and **RSA 91-A: 3, II (e)** – Consideration or negotiation of pending legal claims or litigation.. Motion passed 5-0-0.


MOTION – Councilor Boyd moved, seconded by Councilor Dwyer, to approve the nonpublic minutes of November 5, 2015, referencing **RSA 91-A: 3, II (a) - Personnel**. Motion passed 5-0-0.

MOTION – Councilor Boyd moved, seconded by Councilor Dwyer, to unseal the minutes of November 5, 2015. Motion passed unanimously 5-0-0.

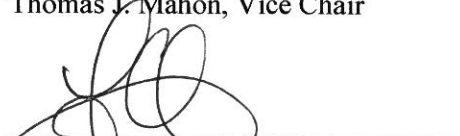
MOTION – Councilor Dwyer moved, seconded by Councilor Koenig, to come out of nonpublic session. Motion passed unanimously 5-0-0.

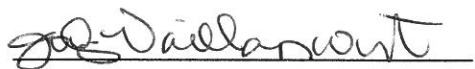
MOTION – Councilor Dwyer moved, seconded by Councilor Boyd, adjourn at 6:39 PM. Motion passed by roll call vote unanimously 5-0-0.


Nancy M. Harrington, Chairman


Thomas J. Mahon, Vice Chair


William W. Boyd, III, Councilor


Finlay C. Rothhaus, Councilor


Jody Vaillancourt, Councilor

Daniel Dwyer, Councilor


Thomas P. Koenig, Councilor

Respectfully submitted by Paul T. Micali