

CITY COUNCIL E-MAILS  
February 12, 2024 Special Council Meeting

**Submitted on Thu, 02/08/2024 - 07:52**

**Full Name**

Brian Gibb

**Email**

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**Address**

348 Maplewood Ave

**Message**

\*This message was sent to all Councilors.\* I am writing to share things that I think should be considered relative to the removal of Mr. Hewitt. First, I will state clearly that as an alternate commissioner, I am committed to being unbiased and following the regulations. I do not know Mr. Hewitt and I have not followed his involvement closely. So I do not have an informed opinion as to whether the grounds to remove him are valid. What I will say is that while I'm no attorney, I've briefly read the related RSA's and the case as I've read, seems to be very shaky relative to the specifics of these regulations. And it would appear that prior planning board cases that went to the state court were lost by the towns/cities attempting to use similar RSA basis. It is rather clear that this will result in a very expensive lawsuit by Mr. Hewitt that he will have a good chance of winning. I could not believe it when I read that City Attorney Morrell said that city would be using "volunteer lawyers" to "try the case". Our tax dollars are precious and a recognizable portion of them are already the result of legal actions that could have mostly been avoided. Please think about whether you need to "make an example" of Jim Hewitt. I believe we are better served to manage him and let him finish his term unless you feel that this is a widespread problem with board and commission members (which I do not find to be true). Councilors Denton and Bagley were wise to vote against this action and I suggest that each of the rest of you consider the benefits and consequences carefully. The approach to handling it to date seems inadequate and could even be perceived as politically motivated. In my opinion, there's no "win" here. As always, I thank each of you for your service which I know takes much effort and sacrifice. Best regards, Brian

**Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.** Yes

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**Submitted on Sat, 02/10/2024 - 07:59**

**Full Name**

Mary Lou McElwain

**Email**

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**Address**

259 South Street

**Message**

Councilors, the "case " against Jim Hewitt is very close to deplorable ! When Attorney Morrell presented her side to all of you, John Tabor was the only one who made a comment, and not one that would dismiss these charges. The rest of you took her word without question.

That is unacceptable .

I have been on Parking and Traffic Safety for ten years . During those years Jim Hewitt has emailed the committee with reference material , either relevant to upcoming agenda or to items we have discussed and maybe voted on. His comments have been informative, not offensive, and shows that he does his homework. He is a concerned, involved , and committed Portsmouth resident . He is damaged by these accusations that were given to ,or leaked to , The Portsmouth Herald. Again, unacceptable! I have often questioned items at PTS only to be told , not for this committee. Well, there is very little communication amongst boards and committees in this city and maybe Jim Hewitt has brought this to the forefront.

Your actions could deter anyone from volunteering for the city. PLEASE DISMISS THIS " CASE" .

Thank You, Mary Lou McElwain

**Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.** Yes

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Submitted on Sun, 02/11/2024 - 10:03

**Full Name**

Gerald Duffy

**Email**

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**Address**

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**Message**

Dear Mayor and Councilors:

You have a tough task ahead of you at Monday's meeting to discuss the possible removal of Jim Hewitt from the Planning Board. Several years ago, I watched the Ethics Board hear the case against former councillor Esther Kennedy on an ethics charge. They conducted themselves with complete integrity, heard all the evidence, weighed it carefully, and came to a unanimous clearly articulated decision. I hope that you give Jim Hewitt an equally fair shake before making a decision that does justice to him and to the city and its high ethical standards, and all us residents.

You'll hear the argument that removing a board member would cast a chill on the community and discourage other citizens from volunteering. Don't believe it. There's only one Jim Hewitt. Regardless of how you vote in this case, you will be making it clear that Portsmouth takes the behavior of members on quasi-judicial land use boards very seriously, as it should. The pragmatic reasons are obvious. The city has burned through far too many taxpayer dollars in the courts in recent years. If anything, this process may well actually encourage citizens to apply for vacancies, knowing that they will be expected to work to high ethical and legal standards. There are community members who would love to rise to that task! Conduct a fair process, educate the public, and you may actually be recruiting for the future!

Good luck with your deliberations and, whatever solution you come up with, please make us proud.

Regards,

Gerald Duffy

**Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.** Yes

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**Submitted on Mon, 02/12/2024 - 07:35**

**Full Name**

Jim Splaine

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**Message**

THE JIM HEWITT-PLANNING BOARD MATTER: "PAUSE. "REWIND."

I would like to offer some thoughts about your planned discussion this evening concerning the Jim Hewitt-Planning Board situation.

Much detail has been written and said in news reports, op eds, social media, and public comment so I won't add to that. What I will add is my advice that we should not do this to ourselves. From what I have heard in discussing this matter, no one really wants to do this.

Good minds can find a way to resolve this situation by some mutual agreement. I urge you not to risk the fallout of removing Jim Hewitt or risking losing the interest of citizen participants for other committees. We need them. As we all know, citizen volunteers and advocates are the core of our community.

Therein lies where the City Council, the City Attorney, and Jim Hewitt can focus. There's a solution to this problem that will allow a resolution that will put it behind us so we can move on.

I'll offer three thoughts, keeping in mind one overriding theme: this is not just about Jim Hewitt; it's about the job of being a public servant. With that in mind, perhaps the following can be a mutual agreement by the good public servants who will be focusing on this matter Monday night.

1. All members of a governing body, including land-use boards, must follow the letter and intent of the N.H. Right-to-Know Law and have no communications with the majority membership of their governing body (which constitutes a "quorum") except in a formal and properly-called meeting.

2. Members of land-use boards and commissions -- the Planning Board, the Board of Adjustment, and the Historic District Commission -- cannot engage in personal one-on-one investigations of their own other than observing the locations under their purview, except with staff members or in a quorum of the members of the body they are on so that they may understand the issues before them.

However, when they are at properly-called public meetings they may ask any investigative questions they have, or encourage other people to ask questions. That's the purpose of the formal public meetings. Agree to limit your decision-making based on the testimony, information, and data provided at the meeting.

3. Agree to recuse from and not speak or vote on any matter that is before the governing body about which you have any conflict of interest that may benefit you personally, or in the role of a land-use member when your obligation is to serve in a quasi-judicial position if you have engaged in personal discussions or contacts that are outside the prerogatives of your duties.

I don't know if such an agreement offered here can provide resolution of the Jim Hewitt-Planning Board matter, but it offers a pathway forward for you to consider such an agreement as an alternative to removal. Please try. It's worth it.

Please make your best effort to find a compromise that will allow Jim Hewitt to serve the community he loves. It is also an obligation of Jim Hewitt to concur that he has an obligation to follow expectations and the rules of law and proper process.

Good people are involved in this matter. From what I can see, city staff are doing their job bringing this matter to the City Council. All should be thanked, and I'm sure this hasn't been pleasant for anyone. From what I know of him, Jim Hewitt is a good man, and loves his community. With that dynamic of good intent, a way to move forward should be possible.

All involved in this matter should press "pause," then "rewind." That gives a chance for positive quiet closure. There are a lot of important issues facing us in 2024. Bring us together, don't divide us.

You do face a difficult meeting and decision, but I'm reminded of what Mayor Arthur Brady, who I worked with and enjoyed very much in the 1970s, would often say: for every problem, there is a solution. The job, of course, is to find it. On a matter like this one, I think we have to appeal to the better angels in one another.

Thank You,  
Jim Splaine  
February 12, 2024

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