

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 13, 2024

PORTSMOUTH, NH
TIME: 6:00PM

Mayor McEachern welcomed everyone back to the reconvened Special City Council meeting of February 12, 2024.

X. CONTINUATION OF EVIDENCE

Attorney Eggleton called Rick Becksted as a witness and conducted a direct examination of Rick Becksted.

City Attorney Morrell conducted a cross examination of Rick Becksted.

Rick Becksted was released as a witness.

Attorney Eggleton called James Hewitt as a witness and conducted a direct examination of James Hewitt.

At 7:25 p.m., Mayor McEachern declared a brief recess. At 7:35 p.m., Mayor McEachern called the meeting back to order. Attorney Eggleton continued direct examination of James Hewitt.

At 7:47 p.m., Attorney Eggleton asked for a brief recess. At 7:50 p.m. Mayor McEachern called the meeting back to order.

City Attorney Morrell conducted a cross examination of James Hewitt.

Mr. Hewitt was released as a witness.

This presentation of evidence was concluded.

XI. City Council Questions

City Councilors Blalock, Moreau, Tabor, Lombardi, and Cook, Assistant Mayor Kelley, and Mayor MacEachern asked questions of Attorney Eggleton and City Attorney Morrell. Attorney Eggleton released Mr. Hewitt from the stand.

XII. PUBLIC COMMENT SESSION

Mayor McEachern opened the Public Comment Session and announced that each speaker would have up to 3 minutes to speak.

The following individuals addressed the City Council: Roy Helsel, Christopher White, Sue Polidura, Esther Kennedy, Paige Trace, Pat Bagley, Dick Bagley, Greg Mahanna, Andrew Harvey, Arthur Clough, Petra Huda, Jim Lee, Jacqueline Cali-Pitts, Maureen McCallum, Duncan McCallum, Rick Becksted, Elizabeth Bratter, Justin Richardson.

At 9:50 p.m., Mayor McEachern called for a brief recess. At 10:00 p.m., Mayor McEachern called the meeting back to order.

XIII. FINAL STATEMENTS BY COUNSEL

Attorney Eggleton and City Attorney Morrel delivered their closing arguments.

XIV. CITY COUNCIL DELIBERATIONS

Mayor McEachern Assistant Mayor Kelley, City Councilors Bagley, Moreau, Tabor, Cook, Lombardi and Blalock commented on the proceedings.

Councilor Bagley moved that to conclude the hearing. Seconded by Assistant Mayor Kelley.

Councilor Bagley rescinded his motion and Assistant Mayor Kelley the second to the motion.

Councilor Bagley moved that the City of Portsmouth has not proved inefficiency or neglect of duty or malfeasance has occurred. Seconded by Assistant Mayor Kelley.

Councilor Bagley rescinded the motion and Assistant Mayor Kelley her second to the motion.

Councilor Blalock moved that the Council find that the allegations in the Charging document are supported by the evidence presented at the hearing, including the testimony of witnesses and documents submitted, the Memorandums of Law submitted by counsel, public comment, and the arguments of counsel. The Council finds that the City has established that Mr. Hewitt has committed Malfeasance in Office, pursuant to RSA 673:13, I. Seconded by Councilor Moreau.

On a roll call vote 7-1, motion *failed* to pass. Councilor Blalock voted in favor. Mayor McEachern, Councilors Tabor, Cook, Bagley, Moreau, Lombardi and Assistant Mayor Kelley voted opposed.

At 12:15 a.m., Mayor McEachern moved to adjourn. Seconded by Councilor Blalock and voted.

Trevor P. McCourt
Deputy City Attorney