Meeting Minutes and Actions of the Portsmouth City Council

Eileen Dondero Foley Council Chambers
Monday, October 26, 2026, at 7:00 PM

Mayor McEachern called the meeting to order at 7:12 PM

1. **Non-Public Session**

Assistant Mayor Kelley moved to close non-public session and to seal the meeting minutes. Seconded by Councilor Tabor.

Motion passed 8-1, with Councilor Bagley voting opposed.

2. **Roll Call**

Present: Mayor McEachern, Assistant Mayor Kelley, Councilors Cook, Tabor, Blalock, Bagley, Moreau, Flynn, and Hopkins

Absent: None

3. **Invocation**

Mayor McEachern took a moment to acknowledge the passing of long-time City employee and Prescott Park steward, Michael Warhurst. Warhurst was remembered for his lasting impact on Prescott Park and being an understated force in the City.

4. **Pledge of Allegiance**

Mayor McEachern led the Pledge of Allegiance

5. **Acceptance of Minutes**

    a. Minutes and Actions of the October 13, 2026, City Council meeting

Assistant Mayor Kelley moved to accept and approve the minutes of the October 13, 2026, City Council meeting, seconded by Councilor Cook.

Councilor Tabor noted one correction, where *Zero Waste Plant* should have read as *Zero Waste Plan*.

On a unanimous vote, motion passed

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6. **Recognitions and Volunteer Committee Reports**

    a. Proclamation(s) – Domestic Violence Awareness Month: Ryan Grogan, Victim Witness Advocate for the Portsmouth Police Department, was presented with the proclamation by Mayor McEachern and Councilor Moreau

7. **Public Comment Session** – There were eleven public speakers: David Rheaume (361 Hanover permitting concerns), Robin Husslage (361 Hanover permitting and project public input concerns), Esther Kennedy (Critiques on public comment at public events, gifts to developers, Mechanic Street Pump Station), Nicole LaPierre (361 Hanover permitting concerns, gifted public land), Susan Sterry (Fire Boat), Jim Lee (Yes on Question 2), Elizabeth Bratter (361 Hanover project detail discrepancies, lack of public comment), Paige Trace, Exeter (361 Hanover transformer, downtown parking, solid waste collection, Planning Department public visibility), Tyler Garzo via Zoom (RAPP Report Back), Geri Gaeta via Zoom (361 Hanover permitting and development concerns), and Petra Huda (Solid Waste container rollout, Fire Officer MOA, Borthwick Avenue and Sherburne Property Report Back)

Assistant Mayor Kelley moved to suspend the rules and bring forward Item 11. E. Planning Board Recommendation Regarding Licenses and a Sidewalk Easement for 361 Hanover Street, seconded by Councilor Cook.

On a unanimous vote, motion passed.

Councilor Moreau recused herself from item discussion and voting.

8. **11. E. Planning Board Recommendation Regarding Licenses and a Sidewalk Easement for 361 Hanover Street**

City Manager Conard introduced the scope of the item, reiterating that the vote would accept and record a Sidewalk Easement, a Landscape License, and a Pole License from 361 Hanover Steam Factory, LLC for 361 Hanover Street.

Moving into discussion, Councilor Bagley proposed splitting the item into two pieces: a motion to accept and record a Sidewalk Easement, followed by a separate motion to a Landscape License and a Pole License. Mayor McEachern supported hearing from staff and discussing before dividing the motion.

Deputy City Attorney McCourt explained details of the easement and the two licenses. Councilor Cook looked to clarify whether the Sidewalk Easement could be treated independently from the Landscape and Pole Licenses, to which Deputy City Attorney McCourt confirmed. Assistant Mayor Kelley and Mayor McEachern inquired on why the developer opted for underground wires and if it was required. Public Works Director Peter Rice stated he

couldn't confirm all details on behalf of Eversource, but Eversource had previously cited their case for burying wires as safety and longevity concerns.

Assistant Mayor Kelley asked why public comment was not allowed at the Planning Board, to which Deputy City Attorney McCourt explained there's no specific rule that referrals from the City Council to the Planning Board come with a public hearing. Councilor Cook questioned the positioning of the transformer, to which Director Rice explained that it's possible to move a transformer under certain parameters and understood concerns of sight distance and aesthetics. Further questions from Councilor Cook explored details of the transformer, ability to conceal wires, and differences between pole-mounted and ground-mounted transformers.

Councilor Bagley proposed once again splitting the item into two separate motions, but Mayor McEachern requested holding off splitting any motions until all three facets of the item have been heard.

Deputy City Attorney McCourt explained the details of the Landscape License and subsequent responsibility of the developer to maintain the existing retaining wall for a period of fifty years. Councilor Bagley had questions regarding sizing of the transformer, to which Director Rice did not have specifics. Councilor Tabor questioned Deputy City Attorney McCourt on public access to the land, to which Deputy City Attorney McCourt confirmed crossing developer-owned land would be required to access the space. Further questions ensued regarding integrity of the retaining wall and its relativity to new construction. Assistant Mayor Kelley and Councilor Cook noted that it would be helpful to have more information on the green space sizing and logistics, liability concerns, as well as information from Eversource justifying size and placement of the proposed ground-mounted transformer. Councilor Bagley also noted the need for more information and whether the raised green space is actually a win for the City.

Further comments from Mayor McEachern, Councilor Blalock, Councilor Cook, and Councilor Bagley discussed retaining wall viability and details of the transformer's placement and long-term purpose.

Councilor Bagley moved to divide the question into two parts, seconded by Councilor Cook.

On a unanimous vote, motion passed.

Councilor Bagley moved to authorize the City Manager to accept and record a Sidewalk Easement from 361 Hanover Steam Factory, LLC for 361 Hanover Street in a form acceptable to the City Attorney, subject to the recommendations in the enclosed memorandum from Assistant Planning Director Stith, seconded by Councilor Hopkins.

On a unanimous vote, motion passed.

Discussion ensued on how to incorporate the Pole and Landscape Licenses into a work session, as well as whether a transformer on public land is intended to benefit the public.

Mayor McEachern proposed suspending the rules and opening the floor to public comment while the developer is in attendance. Councilor Bagley and Councilor Cook argued against doing so.

Assistant Mayor Kelley moved to schedule a Work Session on November 16, 2026, to happen before the regular City Council meeting, seconded by Councilor Cook.

Councilor Blalock raised concern that this vote would set a precedent of holding a work session before any transformer is installed, but understood the need for this work session.

On a unanimous vote, motion passed.

9. **10. A. Third and Final Reading to Amend Chapter 10, Zoning Ordinance, which will remove most parking regulations from the Zoning Ordinance to the Site Plan Review Regulations (except one and two-family dwellings)**

Councilor Tabor moved to pass third and final reading as presented, seconded by Councilor Blalock.

Councilor Blalock looked to Councilor Moreau for greater detail on the motion, with Councilor Moreau explaining that removals create more condition-based assessments. Councilor Bagley commented this was a good first step. Councilor Tabor noted this has also been a goal of the Housing Committee.

Following a roll call vote, the motion passed 9-0.

10. **10. B. Adoption of Resolution #15-2026 authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act of up to Six Hundred Thousand Dollars ($600,000) for costs related to the purchase of fire apparatus**

City Manager Conard commented the Resolution was considered at the August 3, 2026, City Council meeting as a Public Hearing with a presentation. City Council action was tabled pending the outcome of the City's application to the FEMA Port Security Grant Program. The City's request was not successful, and that Public Hearing was held on August 3rd, explaining why Public Hearing was not noticed for tonight's meeting.

Councilor Bagley moved to adopt Resolution #15-2026 as presented, second by Councilor Moreau.

Councilor Blalock commented he would be voting against the item, citing that $600,000 is too much to spend on a boat based on the current resources and agencies available. Councilor Moreau proposed adjusting the motion to read "fire apparatus emergency boat" but was made aware that changing the motion would be discouraged by bond council. Councilor Bagley expressed his support based on recent rescue calls, citing a need for adequate equipment.

Councilor Hopkins echoed support and rationale. Councilor Cook noted it's critical to have a boat that serves the needs of our first responders, especially for conducting CPR. Councilor Blalock replied that CPR can be done anywhere.

Mayor McEachern invited Fire Commissioner Gamester to comment on the importance of the apparatus. Commissioner Gamester noted the importance of providing the proper apparatus for hazardous conditions, as the present boat is no longer suitable.

Councilor Tabor moved to suspend the rules and offer the ability for anyone in the public to speak to for or against the bond resolution in front of the Council, seconded by Councilor Blalock.

On a unanimous vote, motion passed.

There were two speakers: Erik Anderson reiterated that assembling a regional water response team would not place the entire burden on Portsmouth, sharing responsibility and equipment with neighboring communities. Anderson encouraged exploring more funding sources. Susan Sterry commented that there isn't a centralized plan or coordination when an event happens along the river, and that it would be wise to act now.

Councilor Bagley mentioned that he wished the City had acted sooner on procurement following recent emergency calls on the water. Mayor McEachern thanked Fire Chief McQuillen for his efforts submitting a grant application, thanked members of the public for reaching out to their elected officials, and echoed points made around needing a regionalization of resources

Following a roll call vote, the motion passed 8-1, with Councilor Blalock voting opposed.

Councilor Moreau moved to suspend the rules and bring forward Item 11. F. Memorandum of Agreement - Portsmouth Professional Fire Officers Association, Local #4039, seconded by Assistant Mayor Kelley.

11. **11. F. Memorandum of Agreement - Portsmouth Professional Fire Officers Association, Local #4039**

City Manager Conard introduced the MOA, highlighting a correction to the pay scale.

Councilor Cook moved to approve the Memorandum of Agreement with the Portsmouth Professional Fire Officers Association, Local #4039 as presented, seconded by Assistant Mayor Kelley.

On a unanimous vote, motion passed.

Mayor McEachern called for a five-minute recess at 9:10 PM

Mayor McEachern called the meeting back to order at 9:22 PM

Assistant Mayor Kelley moved to suspend the rules and bring forward Item 11. G. Planning Board Recommendation on Cornwall Street and Item 11. I. Planning Board Recommendation on 0 Elm Street, seconded by Councilor Cook.

On a unanimous vote, motion passed.

12. **11. G. Planning Board Recommendation on Cornwall Street**

City Manager Conard directed the City Council to the memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15, 2026, vote regarding a portion of Cornwall Street. As noted in the memorandum, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Cornwall Street, subject to the recording of a municipal utility easement over the existing sewer line and requesting a voluntary lot merger to align the parcel boundaries with the configuration shown on the City's tax map.

Councilor Tabor moved to schedule a public hearing on the discontinuance of the identified portion of Cornwall Street at the November 16, 2026, City Council Meeting, seconded by Councilor Blalock.

Councilor Moreau provided context to the item, noting questions regarding an access point on a previous Planning Board application and supported the street's discontinuation.

On a unanimous vote, motion passed.

13. **11. I. Planning Board Recommendation on 0 Elm Street**

City Manager Conard directed the City Council to a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15, 2026, vote regarding property located at 0 Elm Street—also noting two possible motions: move to authorize issuance of a building permit, or move to deny the request. City Manager Conard also reminded Councilors that Council approve does not constitute development approval and does not guarantee the parcel is buildable under the City's land use regulations.

Councilor Cook and Councilor Moreau agreed letting this process move forward would be advantageous, especially considering future use of adjacent City-owned lots. Councilor Tabor raised a question of road maintenance by the property owners, which Deputy City Attorney McCourt explained maintenance of the private continuation of the road would be up to the property owners. Councilor Bagley asked for clarification on the Council's role in this decision. Deputy City Attorney McCourt explained that it's in the City's interest to approve the parcel from a public policy perspective, with Mayor McEachern adding that if approved, the City will not intervene on the basis that the road was never initially fully developed. Councilor Blalock also

expressed support for approval. Councilor Flynn inquired on which adjacent lots the City owns, to which Deputy City Attorney McCourt provided tax map and parcel numbers.

Councilor Flynn moved to authorize the issuance of a building permit for 0 Elm Street contingent on the applicant obtaining all other required variances, approvals, and permits, and on construction of a driveway adequate for emergency vehicle access as approved by the Department of Public Works and the Fire Department; this authorization confers no private right of access over Forrest Street or any other private property, seconded by Councilor Hopkins.

On a unanimous vote, motion passed.

14. **11. A. Request for Solid Waste Ordinance Work Session**

City Manager Conard noted the review of the City's ordinance related to the collection of solid waste, yard waste, and recycling in preparation for the Department of Public Work's transition to the collection of solid waste via an automated side loader; and that the ordinance should reflect future changes.

Councilor Flynn moved to schedule a Solid Waste Ordinance Work Session on December 7, 2026, at 6:00 PM to allow staff to provide additional details on solid waste collection challenges and receive City Council and public input, second by Councilor Hopkins.

Councilor Hopkins requested a furthering education component into the work session, explaining variability of recyclable materials. Mayor McEachern also added that the work session would be an opportunity to further explain the staggered roll-out plan of new toters and collection. Councilor Bagley noted this matter has been discussed for years and it appears it's finally moving forward.

On a unanimous vote, motion passed.

15. **11. B. Request for First Reading on Sewer Ordinance**

City Manager Conard explained the updates mandated by the City's federally-issued discharge permits have transitioned the scope of industrial discharge to a national standard.

Assistant Mayor Kelley moved to schedule first reading on November 16, 2026, regarding an amendment to the Sewer Use Ordinance which will delete in its entirety the existing ordinance in Chapter 11, Article II, and replace it with a new ordinance in Chapter 16, Utilities, Article III, Sewers, seconded by Councilor Cook.

Councilor Cook raised concerns on how microbreweries are treated with the ordinance change, hoping that these changes will not create extra burden to their permitting process. Councilor

Tabor noted the increased control over industrial users and requested discussion of requirements by the EPA compared to local policy.

On a unanimous vote, motion passed.

16. **11. C. Friends of Lafayette House PILOT Agreement for FY2027**

City Manager Conard introduced the request from Friends of Lafayette House to enter into a Payment in Lieu of Taxes (PILOT) Agreement with the City in the amount of $3,500 for FY 2027, which will go toward support of City services.

Assistant Mayor Kelley moved to authorize the City Manager to enter into a PILOT Agreement with Friends of Lafayette House in the amount of $3,500 for FY2027, seconded by Councilor Tabor.

On a unanimous vote, motion passed.

17. **11. D. Betty's Dream Foundation PILOT Agreement for FY2027**

City Manager Conard introduced the next PILOT agreement for Betty's Dream Foundation for FY2027 in the amount of $3,000.

Councilor Bagley moved to authorize the City Manager to enter into a PILOT Agreement with Betty's Dream Foundation in the amount of $3,000 for FY2027, seconded by Councilor Moreau.

On a unanimous vote, motion passed.

18. **11. H. Planning Board Recommendation on Taft Road**

City Manager Conard noted a memorandum from Assistant Planning Director Peter Stith regarding the Planning Board's October 15th vote regarding the request to discontinuance of a portion of Taft Road. As noted in the memorandum, the Planning Board voted unanimously to recommend that the City Council approve the discontinuance of the identified portion of Taft Road, subject to the recording of a municipal utility easement over the existing water line. The City Manager also noted this is land that abuts land owned by The Woodlands HOA.

Councilor Cook questioned how delaying would impact homeowner access. Deputy City Attorney McCourt didn't have a firm answer, but could speak with the property owner at 20 Taft Road. Assistant Mayor Kelley inquired if City staff have spoken to the property owner at 22 Taft Road. Deputy City Attorney McCourt noted they have not, but will need to upon finalization.

Councilor Moreau asked if a pedestrian access easement could be built into the sewer easement to account for the informal path, to which Deputy City Attorney McCourt said it could

be possible. Councilor Bagley sought clarification on previous ownership and establishment of the easement.

Assistant Mayor Kelley noted she will abstain from the vote, as she is a resident and HOA member of The Woodlands.

Councilor Bagley moved to approve the discontinuance of the identified portion of Taft Road, subject to the recording of a Municipal Utility Easement over the existing water line and Pedestrian Easement in a form acceptable to the City Attorney, seconded by Councilor Moreau.

On a vote, the motion passed 8-0, with Assistant Mayor Kelley abstaining.

19. **11. J. Sidewalk Easement for Property Located at 48-50 Langdon Street**

City Manager Conard noted on November 20, 2025, the Planning Board granted Site Plan Review and Subdivision approval for property located at 48-50 Langdon Street for the approval of a subdivision into two lots with a single-family dwelling and accessory dwelling units proposed on each lot with associated site improvements. As a part of the Site Plan approval, the Planning Board recommended that the City Council accept a Sidewalk Easement over a narrow strip at the front of the parcel, as shown on the depiction included in the City Council packet. The Legal, Planning & Sustainability and Public Works Departments all recommend acceptance of this Easement.

Councilor Moreau recused herself from discussion and voting, as she is a direct abutter.

Assistant Mayor Kelley moved to authorize the City Manager to accept and record a Sidewalk Easement Deed from Martin Husslage, seconded by Councilor Cook.

On a vote, the motion passed 8-0, with Councilor Moreau recusing.

20. **Presentations and Written Communications**

    a. Email Correspondence

Councilor Tabor moved to accept and place on file, seconded by Councilor Blalock.

On a unanimous vote, motion passed.

21. **Mayor McEachern**

    a. Appointments to be Considered
        - Peter Weeks reappointment to the Trustees of the Trust Funds

b. Appointments to be Voted
    - Zachary (Zach) Dombrowski as full member to the Economic Development Commission
    - Matthew Jeffers as alternate member to the Economic Development Commission

Councilor Bagley moved to appoint as presented, seconded by Councilor Moreau.

On a unanimous vote, motion passed.

22. <u>City Council Members</u>

a. Councilor Bagley
    - Sealed Minutes of the Monday, September 28, 2026, Non-public Session

Councilor Bagley moved to release the sealed minutes of the Monday, September 28, 2026, non-public session, held under RSA 91-A:3 II(l) as the circumstances warranting their sealing no longer apply.

The motion was not seconded. The motion failed.

b. Councilor Hopkins
    - Parking & Traffic Safety Committee Action Sheet and Minutes of the October 1, 2026, meeting

Councilor Hopkins moved to approve and accept the action sheet and minutes of the October 1, 2026, Parking & Traffic Safety Committee Meeting, seconded by Assistant Mayor Kelley.

On a unanimous vote, motion passed.

23. <u>Approval of Grants/Donations</u>

a. Point of Graves Cemetery Donations

Councilor Flynn moved to accept with thanks donations for the Point of Graves Cemetery Wall Replacement from an anonymous resident, Charles & Barbara Bickford, and B. Michael Pennington, in the amounts as presented in the attached Gift and Donation Submission Forms, seconded by Councilor Hopkins.

On a unanimous vote, motion passed.

b. FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 from the Office of Justice Programs to fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program

Assistant Mayor Kelley moved to accept the FY26 Byrne Discretionary Community Projects Grant in the amount of $1,000,000 and its terms and conditions from the Office of Justice Programs to fund NH Internet Crimes Against Children Task Force's COPS and Enhanced Capacity Program, seconded by Councilor Cook.

Assistant Mayor Kelley noted the significance of this grant and the City's involvement in this task force. Councilor Cook noted that this is one of two grants this evening over $1,000,000 for our police force and thanked the department for the work they've done to secure this level of grant.

On a unanimous vote, motion passed.

c. FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000, from the Office of Community Oriented Policing Service for the Portsmouth Police Department

Councilor Tabor moved to accept the FY26 COPS Technology and Equipment Program Grant in the amount of $1,031,000 and its terms and conditions from the Office of Community Oriented Policing Service for the Portsmouth Police Department, second by Councilor Blalock.

Councilor Bagley raised concerns that documentation was too vague on what the funding would actually cover and requested more information. Discussion ensued on what the funding should and should not cover.

Councilor Tabor amended his motion to add **"with a report back on the application, which will include what the funding is being used for."** Councilor Blalock agreed to the amendment.

Upon discussion, Deputy City Attorney McCourt cited the funding would be used for upgrading, expanding, and improving information technology communications and facility security equipment at the Portsmouth Police Department.

On a unanimous vote, motion passed.

24. <u>City Manager's Informational Items</u>

a. <u>Annual Food and Liquor Permit Renewals</u> - City Manager Conard directed attention of the Council to a memorandum from the City's Health Department regarding their annual food and liquor permit data. Councilor Cook inquired about the drop of mobile units licensed with the City.

b. Pease Development Authority Board Meeting Update - City Manager Conard reported back on the October 20, 2026, meeting, noting the recently completed FY26 audit and airport updates.

c. Resident Access Parking Program (RAPP) Q1 Report Back - Combined presentation with Deputy City Manager Carl Weber, Parking Director Ben Fletcher, Parking General Foreman Mike Casad, and Public Works Director Peter Rice. Deputy City Manager Weber spoke on resident feedback, new downtown options, and service area.

d. Off-Peak/Workweek Parking for Downtown Businesses Report Back - Combined presentation with Deputy City Manager Carl Weber, Parking Director Ben Fletcher, Parking General Foreman Mike Casad, and Public Works Director Peter Rice. Deputy City Manager Weber answered questions from the Council, primarily on feedback from employers and employee eligibility, offering recommendations to the program moving forward.

Councilor Blalock moved to continue past 10:30 PM, seconded by Councilor Moreau.

On a vote, the motion passed 8-1, with Assistant Mayor Kelley voting opposed.

Councilor Moreau moved to adopt recommendations as presented, seconded by Assistant Mayor Kelley.

On a unanimous vote, motion passed.

e. General Fund Revenues Update - Deputy City Manager for Finance and Administration Nathan Lunney provided a brief verbal overview of current year revenues in comparison to FY25 and FY26 actuals.

f. Offsite Water and Sewer Improvements - Borthwick Avenue and Sherburne Property - City Manager Conard was pleased to share City staff have identified a need to upgrade this sewer line, separate from the housing project. As part of the US Environmental Protection Agency's per- and polyfluoroalkyl substances – (PFAS) requirements, the City is commencing design of a new treatment facility at the drinking water well site off Griffin Road. This new treatment system will require additional sewer capacity for sections of sewer mains including the section of Borthwick Avenue. City staff recognize that upgrading the section of sewer along Borthwick Avenue will also provide additional benefit by providing additional sewer capacity to support commercial and housing development. In addition, the existing sewer main is in an undesirable configuration outside of the roadway, causing issues with access and maintenance in occupied parking lots. The City intends to pay for this utility work with existing capital monies from the Water and Sewer Enterprise Funds. Councilor Bagley requested a detailed report

on how much the project will cost. Public Works Director Peter Rice noted this will be available once the project design is further developed. Further discussion ensued regarding project timeline and prioritization.

g. Mechanic Street Pump Station 2nd Public Meeting - November 9, 2026, in Council Chambers at 6:30 pm - City Manager Conard noted Public Works staff will host a second Mechanic Street Pump Station Public Meeting to answer questions raised at the first meeting and to provide additional information on November 9th at 6:30 p.m. in City Council Chambers.

25. Miscellaneous Business

Assistant Mayor Kelley extended her appreciation for all who showed up for the New England BIPOC Festival, the Health Department who assisted with inspections on site before the festival, and the EMS team who spent the day on site.

Councilor Blalock thanked the Recreation Department for their assistance at the Fall Family Fun Fest.

Councilor Hopkins noted the Bike and Pedestrian Blue-Ribbon Committee had a table at the Fall Family Fun Fest, announcing rollout of Bike Bus soon. Councilor Hopkins also discussed #JustOneTrip, an initiative to swap trips by means of walking or biking to save on greenhouse gas emission.

Mayor McEachern also announced this would be Assistant Mayor Kelley's last City Council meeting before she welcomes her new baby and wished her all the best.

26. Adjournment

At 11:10 PM, Assistant Mayor Kelley moved to adjourn the meeting, seconded by Councilor Blalock.

On a unanimous vote, motion passed.

Prepared by:
Jefferson H. Lane
Interim Recording Secretary

Submitted to City Council by:

Sally A. Kellar
City Clerk

Approved by the City Council

Date:_____

The Portsmouth City Council meeting of October 26, 2026, can be viewed in its entirety on the City of Portsmouth YouTube Channel.