

MEETING MINUTES AND ACTIONS OF THE PORTSMOUTH CITY COUNCIL
JULY 13, 2026, 7:00 PM
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

Mayor McEachern called the meeting to order at 7:11 pm

A Non-Public Session was held in Conference Room A in accordance with RSA 91-A:3, II (a), (d), (e), and (l)

Assistant Mayor Kelley moved to leave the non-public session and seal the minutes. Seconded by Councilor Moreau. Motion passed unanimously.

1. Roll Call

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

Absent: Councilors Blalock and Bagley

2. Pledge of Allegiance

Mayor McEachern led the Pledge of Allegiance

3. Acceptance of Minutes

Minutes and Actions of June 22, 2026, City Council Meeting

Assistant Mayor Kelley moved to accept and approve the minutes of the June 22, 2026, City Council meeting. Seconded by Councilor Cook. Motion passed unanimously.

4. Recognitions and Volunteer Committee Reports

A. Recognition – The Mayor recognized July as Parks and Recreation Month. This year's national theme, "The Power Of", celebrates how parks and recreation brings together community and reconnects us with nature while supporting health and well-being. Tim Bailey and Rich Duddy were in attendance.

5. Public Comment Session

There were four speakers.

Beth Margeson – Echoed the Mayor's sentiments towards Park and Recreation. Spoke to Mechanic Street Pump Station presentation and the need for more timely notices and materials prior to meetings. Requests better notice and adding materials to the City Website in a timelier fashion.

Roy Helsel – Spoke to stop signs. Hodgdon Way and Gate Street have a stop sign coming from the Route 1 direction, placed on the wrong side of the street. Roy expressed concerns about accidents and injuries.

Erik Anderson – Requested explanation of the bond regarding the fire apparatus.

Tyler Garzo - via zoom, discussed the informational item regarding Complete Streets Policy on page 58 of the meeting packet. Tyler asked if staff could identify how many such determinations have been brought forward to the City Council since 2013.

Councilor Cook moved to suspend the rules and bring forth Agenda Items 17.C, SchoolCare Litigation update, and 17.D, Banfield Litigation Resolution. Seconded by Councilor Hopkins. Motion passed unanimously.

City Attorney Morrell announced that the City filed a lawsuit against SchoolCare to challenge payment of the \$1.57 million assessment issued last Fall. The City requested the Court issue a preliminary injunction against SchoolCare which would order SchoolCare to continue to pay the School's claims during the pendency of the lawsuit. The City also requested that the court hold the money in escrow during the litigation process. The Court has granted the Preliminary injunction requested and ordered SchoolCare to continue to pay all claims for the length of the litigation. The City also asked that our lawsuit be stayed during the pendency of the lawsuit filed by Dover against SchoolCare earlier this year that also challenges the legality of the assessment. The Court has granted that request as well.

City Attorney Morrell announced that the Banfield Realty lawsuit has been settled. In 2023 the new property owner of 375 Banfield Road filed a lawsuit against the City of Portsmouth, seeking money damages alleging the city dumped toxic material onto the property in the late 1960's, causing environmental contamination on the property. The City has continually denied these allegations. The lawsuit has progressed through several stages, including a motion to dismiss, that was partially granted, and some discovery and depositions. The City recently filed a Motion for Summary Judgement on the matter. Before the scheduled hearing date on the motion, the plaintiff agreed to resolve this matter and dismiss all claims against the City. The Court has approved that agreement. The case has been dismissed with prejudice, meaning there can be no further action for the same cause, with no damages awarded, meaning at no cost to the City. The City Attorney emphasized that the settlement is not contingent upon and is in no way connected to the recent rezoning request filed by the owners of that property.

6. Public Hearings and Vote on Ordinances and/or Resolutions

A. Public Hearing and Second Reading of Ordinance Amending Chapter 7, Vehicles, Traffic and Parking, Article I - Parking Meters, Section 7.102, Parking Meter Rates, Relative to Fees

There were no speakers during the public hearing.

Councilor Tabor moved to pass second reading and schedule a third and final reading on August 3, 2026, on the amendment to Chapter 7, Vehicles, Traffic and Parking, Article I, Parking Meters, Section 7.102, Parking Meter Rates as presented. Seconded by Councilor Moreau. Motion passed unanimously.

Councilor Moreau moved to suspend the rules and bring forth the Third and final reading. Seconded by Councilor Cook. Motion passed unanimously.

Councilor Moreau moved to pass third and final reading as presented. Seconded by Councilor Cook. Motion passed unanimously.

Councilor Moreau moved to schedule a public hearing to enact the fees as recommended by staff at the August 3, 2026, City Council meeting. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

B. First Reading of Ordinance Amending Chapter 6 - Licenses and Encumbrances, Article I, Encumbrance Permits and Licenses for use of Public Property, Relative to Section 6.111, fees

Councilor Moreau moved to pass first reading and schedule a public hearing and second reading at the August 3, 2026, City Council meeting regarding an ordinance amending Chapter 6, Licenses and Encumbrances, Article I, Encumbrance Permits and Licenses for use of Public Property, Section 6.111, Fees, as presented. Seconded by Councilor Flynn. Motion passed unanimously.

C. First Reading Regarding Ordinance Amendment to Chapter 12, City of Portsmouth Building Code, Sections 1201 through 1209, by deleting and replacing the entire Chapter

Discussion - Councilor Cook inquired why the 1208 Green Building code was struck from the ordinance even though it is not required at the State level and if it could be kept or replaced outside of the Building Ordinance. City Attorney Morrell reiterated that the State Legislators have been updating the State Building codes and anything that differs needs to be approved by the State. These amendments would bring the City ordinance in line with the State Building code. City Manager Conard asked that the Inspection and Legal staff to collaborate with the State Building Code Board of Review and bring forward a City draft ordinance at their August 12, 2026, meeting. The City can then schedule a Third and Final reading. Once the new Building Code ordinance is in place, it can be established where to include the 1208 Green Building Code.

Councilor Hopkins moved to pass first reading of the amendment to Chapter 12, City of Portsmouth Building Code, Sections 1201 through 1209, and schedule a public hearing and second reading at the August 3, 2026, City Council meeting. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

7. City Manager's Items Which Require Action

A. Request for First Reading for Annual Omnibus Ordinance, Amending Chapter 7, Vehicles, Traffic and Parking

City Manager Conard – This ordinance which amends Chapter 7 Vehicles, Traffic and Parking, is completed every year. The City takes the changes made over the last twelve-month period to the Parking and Traffic Safety Committee and brings them to fruition. The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for approval. The ones being brought forth at the next meeting are presented in the packet.

Councilor Cook moved to schedule first reading of the Annual Omnibus Ordinance Amending Chapter 7, VEHICLES, TRAFFIC and PARKING, Article III, TRAFFIC ORDINANCE, Section 7.326, Limited Parking – Fifteen Minutes, Section 7.330 A, No Parking, and Article VI, LOADING ZONES, Section 7.601, Limited Hours Loading Zones at the August 3, 2026, City Council meeting. Seconded by Councilor Tabor. Motion passed unanimously.

B. Fleet Street Section 1 Reconstruction Report Back

Presentation reported by Eric Eby, Traffic Engineer for the City of Portsmouth.

Discussion – Councilor Moreau inquired about the loading zone shown on the plan and Mr. Eby noted it would not be there in the future due to spacing. Councilor Cook asked how this change in parking may impact on tree coverage. Dave Desfosses, DPW, spoke to this. The shifting of parking would not affect the trees overall, and only certain spots would have trees. Councilor Cook asked if there was a preference for one or two-way traffic for Congress Street as this impacts traffic flow. Consensus is the City should maintain its pedestrian friendly downtown. General discussion ensued.

City Manager Conard recommended that the City Council move to approve the Parking and Traffic Safety Committee recommendation to change traffic flow on Fleet Street to one-way from Congress Street to Hanover Street and maintain on-street parking.

Mayor McEachern requested motion per the recommendation of the Parking and Traffic Safety Committee to schedule a first reading of the changes to Fleet Street, to change to one-way, inclusive of counter traffic bicycle lane, at the August 3, 2026, City Council meeting. Councilor Hopkins moved the motion. Seconded by Councilor Moreau. Motion passed unanimously.

C. Drain Line License for 134 Pleasant Street

May 21, 2026, the Planning Board voted to grant Double MC LLC, Site Plan Approval for the reuse and expansion of the existing structure, and the construction of a new structure for residential and commercial uses associated with improvements at the 134 Pleasant Street location. The Planning Board also granted a Conditional Use Permit for a proposed drain line to cross City-owned Parrott Avenue parking lot. License from the City is required and the Planning Board recommended that the City Council agree to grant this license only if the property owner is obliged to repair, remove, alter, or relocate the drainage infrastructure at its sole expense.

Councilor Flynn moved to authorize the City Manager to execute a Drain Line License granting Double MC LLC, a License to construct and maintain drainage infrastructure within the Parrott Avenue Parking Lot, substantially in the form of the Drain Line License contained in the agenda packet. Seconded by Councilor Hopkins. Motion passed unanimously.

D. Request for Public Hearings Regarding Various Bonding Resolutions for Projects to Begin in FY27

- FY27 School Projects - \$6,500,000
- FY27 Various City Projects - \$6,485,000
- FY27 Fire Apparatus - \$600,000
- FY27 Water Projects - \$4,900,000
- FY27 Sewer Projects - \$3,100,000

Assistant Mayor Kelley moved to authorize the City Manager to bring back for public hearings and adoption, the various proposed CIP projects to be bonded, as presented, for the August 3, 2026, City Council meeting. Seconded by Councilor Cook. Motion passed unanimously.

8. Consent Agenda

A. Pole License Requests - 63-0654, 63-0740, 63-0749, 63-0748 and 63-0776

B. Active City Encumbrances Report

Councilor Tabor moved to adopt the Consent Agenda as presented. Councilor Hopkins seconded. Motion passed unanimously.

9. Presentations and Written Communications

A. Email Correspondence

Councilor Moreau moved to accept and place on file. Seconded by Councilor Flynn. Motion passed unanimously.

10. Mayor McEachern

A. Appointments to be Considered

- Reappointment of Stephen Buzzell to the Cemetery Committee
- Appointment of John (Jack) Holzman to the Zoning Board of Adjustment

Mayor McEachern received an email of resignation from Paul Mannle. Paul has resigned from the Zoning Board of Adjustment effective July 1, 2026. The Mayor asked that the appointment of Jack Holzman to the Zoning Board of Adjustment be put on hold until the next meeting for consideration.

B. Appointments to be Voted

Appointment of Gary Dozier to the Police Commission effective August 1, 2026, until the next Municipal election (November 2027)

Councilor Hopkins moved to appoint Gary Dozier to the Police Commission as presented. Seconded by Assistant Mayor Kelley.. Motion passed unanimously.

C. Report Back on Sidewalk Encumbrance Permits

Mayor McEachern spoke to the impact on City businesses while having sidewalks blocked long term and if there are timelines. The Mayor would like a report back on feasibility of timing when the City Council is involved and when a permit is reissued for 30-day increments but is still 90 days before it comes before Council. He would like to know how to incentivize scaffolding going up rather than a lift on the sidewalk.

Councilor Cook moved to request a report back on City Encumbrances, sidewalks and permits. Seconded by Council Hopkins. Motion passed unanimously.

D. *Report Back on Rolling Stock as part of FY28 – FY33 CIP

Mayor McEachern requested a report back so we may gain a better understanding of how the Rolling Stock effects the CIP and discuss current practices and if they were to be updated what would need to be changed.

Councilor Tabor moved for a report back on Rolling Stock as described. Seconded by Councilor Hopkins and voted. Motion passed unanimously

E. Veteran Organization Committee

The goals of the Veterans Organization would be to help local Veterans within the City and create a designated committee to help with resources and fundraising. Applications will be opened to the community for the next City Council meeting.

Councilor Tabor moved to reestablish the Veteran Organization in the form that it was originally established. Seconded by Councilor Cook. Motion passed unanimously.

11. City Council Members

A. Assistant Mayor Kelley/Councilor Tabor

*Update on Housing Action Plan

The Housing Committee has completed working on the draft action plan with light revisions and the working draft is available on the City website. General discussion ensued.

B. Councilor Cook

- Vaughan Mall Design

General discussion ensued speaking to the design, public awareness, and maintainability.

Councilor Cook moved to request a report back on the Vaughan Mall Design before the August 3, 2026, City Council meeting. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

- Establishment of a Heritage Commission

Discussion followed about historic homes, concerns with losing valuable heritage buildings and historical information. A Heritage Commission would help provide additional review processes and preservation of naturally occurring affordable housing, apply for grants and education around preservation.

Councilor Cook moved to request the Planning Board review the potential establishment of a Heritage Commission, and report back to the City Council by September 28, 2026, Seconded by Assistant Mayor Kelley. Motion passed unanimously.

C. Councilor Tabor

The Energy Advisory Committee recommended taking no action at this time regarding a potential pause to the Community Power Customer Refresh scheduled for September 2026. The discussion was prompted by a question from Councilor Bagley at the previous City Council meeting.

Councilor Tabor referenced a presentation asking the Council to consider pausing customer refreshes when Community Power rates would exceed Eversource's rates and questioned what rate difference would justify such a pause. Committee members noted that pausing the refresh would create two tiers of customers with no clear process for returning those who were excluded to the program. At present, the rate difference between CPCNH and Eversource is approximately 6% (about \$6.00).

The committee emphasized that CPCNH should clearly communicate rate comparisons and the opt-out process, so participation remains a consumer choice. Members also noted that if the Council wishes to pause the customer refresh, a formal motion would be required.

The discussion concluded with additional conversation comparing Eversource and CPCNH rates.

Assistant Mayor Kelley moved for the City Council to adopt a policy that if CPCNH rates are higher than Eversource rates then CPCNH would not conduct a customer refresh. Seconded by Councilor Hopkins.

The gavel was passed to Assistant Mayor Kelley.

Councilor Tabor moved to amend the current motion of withholding a refresh when the difference with Eversource is 10% higher. Councilor Flynn seconded the motion to amend. Motion failed on roll call vote 1-6. (Councilor Tabor voted in favor).

Councilor Hopkins moved to amend the current motion, to have no refresh if rates exceed Eversource rates by 5% or more. Councilor Tabor seconded. Motion passed on a roll call vote 4-3. (Mayor McEachern, Assistant Mayor Kelley and Council Moreau voted against).

Roll call vote on underlying motion as amended: for the City Council to adopt a policy that if CPCNH rates are 5% or higher than Eversource then CPCNH would not conduct a customer refresh. Motion passed 6-1. (Councilor Tabor voted against).

A short recess was taken at 9:25 pm.

D. Councilor Bagley

Request that the City Manager work with the Planning & Sustainability Department, Inspection Department, and the Chairs of the Zoning Board of Adjustment, Planning Board, and Historic District Commission to develop "one page" plain language guides for residents and property owners approaching a City land use board or the permitting process for the first time, and to return to the Council with a draft.

Assistant Mayor Kelley moved for a report back at the August 3, 2026, City Council meeting. Seconded by Councilor Hopkins. Motion passed unanimously.

E. Councilor Hopkins

Childcare on the Seacoast Report

Councilor Hopkins reviewed the Report with the Council and discussed 5 key recommendations:

- Free pre-inspections

- Plain language zoning guide
- Childcare-appropriate parking standards
- Name childcare in the FY28 CDBG process
- Welcome the new state laws

Councilor Hopkins moved to adopt the five (5) City Council recommendations from the Child Care Task Force as presented. Seconded by Assistant Mayor Kelley. Motion passed unanimously.

12. Approval of Grants/Donations

A. Senior Activity Center Donation

Assistant Mayor Kelley moved to accept a \$500 donation made to the Senior Activity Center towards our senior luncheon funds, from Portsmouth resident and Senior Activity Center member Karen Parnes. Seconded by Councilor Tabor. Motion passed unanimously.

B. *NH Settlement Funds for PFAS Drinking Water Treatment

Councilor Moreau moved to accept \$3,062,540 in New Hampshire PFAS settlement funds allocated by NHDES to the City for the Portsmouth Water Works system, as presented. Seconded by Councilor Flynn. Motion passed unanimously.

Councilor Moreau moved to accept \$1,563,527 in New Hampshire PFAS settlement funds allocated by NHDES to the City for the Pease Tradeport system, as presented. Seconded by Councilor Flynn. Motion passed unanimously.

13. City Manager's Informational Items

A. Report Back on Municipal Arts & Cultural Banner Program Policy

Report back on the establishment of an implementation tool to accompany policy 2025-02 for the Arts and Cultural Banner program. A pilot is proposed to understand the need and the interest. This will be a City program and these banners will not call into question that these are anything other than government speech so as not to create a public forum area. We will accept applications from January 1 to February 15. The banners will run from April through June and again July through September. A report back will be shared at the end of 2027.

B. *Report Back on Complete Streets Policy

City Manager Conard reviewed the information provided in the packet, reiterating the design guidelines, as part of the Complete Streets Policy, are intended as a reference to accommodate all users on city streets. The City has been adhering to this policy for nine years and will continue to do so.

C. SchoolCare Litigation Update (Agenda item 17.C taken out of order)

D. *Banfield Litigation Resolution (Agenda item 17.D taken out of order)

E. FY28 - FY33 CIP Submissions – The portal for citizen requests is now open on the CIP section of the Finance Department page. Members of the public, boards, commissions, and committees, can apply online up to and through Friday, September 18, 2026.

F. Establishment of Special Revenue Fund for Sister Cities – Christine Friese and Councilor Blalock, as part of the Sister Cities Committee, worked with the finance and legal departments to establish the creation of a special revenue fund, that can be used for specific purchases as mentioned in the packet. This Special Fund will be used to decide how to allocate monies for a Sister or Friend City they'd like to honor or general use by committees.

Mary Carey Foley will be the first donor in honor of her late mother, Eileen Foley, a true champion of the Sister Cities initiative.

14. Miscellaneous Business Including Business Remaining Unfinished at Previous Meeting

15. Adjournment

Assistant Mayor Kelley moved to adjourn the meeting at 10:07 pm. Seconded by Councilor Hopkin. Motion passed unanimously.

*Indicates verbal report with no attachments

Prepared by:

Katelyn A. Griggs

Katelyn A. Griggs

Deputy City Clerk

Approved by the City Council

Date: August 3, 2026

The Portsmouth City Council meeting of July 13, 2026, can be viewed in its entirety on the City of Portsmouth YouTube Channel.