

TRUSTEES OF THE TRUST FUNDS
CITY OF PORTSMOUTH, NEW HAMPSHIRE
MINUTES OF APRIL 2, 2013 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on April 2, 2013 at the 3rd floor Planning Department conference room at Portsmouth City Hall. The meeting was called to order at 7:32 a.m.

Present were Trustees Phyllis Z. Eldridge, Dana S. Levenson and Thomas R. Watson. Also present were David Allen, Michael Warhurst, Robert Sullivan, Kevin Galeaz, Gary Hildreth, Carol Abrams Norton, Steve Achilles, Robert Flannery, Richard Cecchetti and John Fisher.

Kevin Galeaz addressed the Trustees on behalf of the Thresher Base United States Submarine Veterans with respect to that organization's request to utilize the South Pier for a wreath laying ceremony and 21-gun salute on Saturday, April 6, 2013 as part of an event commemorating the 50th anniversary of the sinking of the USS Thresher. Appearing with Mr. Galeaz were Messrs. Hildreth, Flannery, Cecchetti and Fisher and Ms. Norton. They requested that the Trustees reconsider their decision of March 7, 2013 denying the request to use the South Pier for the ceremony because it lies outside of the "public forum" area of the Park.

Mr. Galeaz delivered a Powerpoint presentation which provided a description and history of the organization, a description and history of prior anniversary ceremonies, and plans for this year's ceremony. Mr. Galeaz explained that sequestration issues have caused the event to have to be scheduled outside the Portsmouth Naval Shipyard and it is now set for Portsmouth High School. He emphasized that the events that are to take place at Prescott Park, which include a prayer, 21-gun salute, laying of wreaths and playing of taps, will involve only a very limited number of participants (approximately 30 people). The event will be broadcast back to the high school as well as broadcast to the public generally.

Mr. Galeaz presented a list of the reasons that made the South Pier a preferential location over the North Pier (in the public forum area) for the event. These included reduced traffic noise, reduced construction and water pump noise, stronger wireless signal strength, greater space, and the ability to orient the cameras filming the event so as to have the Shipyard in the background.

Mr. Galeaz offered his opinion and the position of the organization that the proposed event does not involve the expression of political speech and, therefore, would not violate the Prescott Park public forum policy.

Mr. Levenson inquired as to whether the organizers of the event expected media coverage at the Park. Mr. Hildreth responded that he anticipated that the event would draw local media, as well as coverage by the statewide newspaper and television stations and, probably, NESN. Thereafter, a question and answer dialogue ensued.

Ms. Eldridge then asked City Attorney Sullivan to weigh in on the implications of allowing this event to take place outside the public forum area, that is, to take place at the South Pier rather than the North Pier. Attorney Sullivan reported that long ago, the Trustees established the public forum area to offer a location at the Park where expressive conduct could occur without subjecting the entire Park to such conduct. He reported that the Trustees have strictly maintained that policy. In his opinion, the proposed event, while seemingly non-political, is, nonetheless, expressive conduct. In his opinion, if the Trustees permit this event to occur outside the public forum area, they are vulnerable to requests by other groups in the future to hold events outside that area as well.

Mr. Fisher, who identified himself as counsel for Mr. Galeaz, offered his opinion that the proposed memorial event is not expressive conduct.

All three Trustees expressed their desire to support the event but also felt compelled to maintain the public forum policy. Mr. Watson suggested that certain adjustments could be made to make the North Pier more suitable for the event. He suggested that the construction company working on the new Memorial Bridge be approached to cease construction activity for the 30-45 minute period of time immediately prior to and during the event to minimize noise. Mr. Allen indicated that he would assist in contacting the company for that purpose. Mr. Watson also suggested that the owner of the deck at the location of the former Pier II restaurant be approached to allow for placement of one or more cameras to film the event on the North Pier and such a location would allow for the Shipyard to serve as a backdrop for the event. Mr. Watson also suggested that the construction company be approached about allowing a camera to be placed in the approach area to the bridge which would allow for an even better angle for filming the event. The Trustees also offered to cordon off the parking area at the north end of the Park so as to dedicate the same for use by participants in the event and the press. The Trustees expressed their hope that such accommodations would minimize the disadvantages perceived to be associated with the North Pier and allow the event at that location to achieve its goals.

After further discussion, the Trustees unanimously voted to decline to reconsider their decision of March 7th to require that the event be held at the North Pier within the public forum area.

Deputy Fire Chief Steven Achilles appeared on behalf of the Portsmouth Fire Department to present the Department's request that it be permitted to dock its fire boat at the Prescott Park docks this summer and, possibly, in future years. Mr. Achilles explained that the Department operates a 33' fire boat. Until recently, the boat utilized as its base a pier constructed by the New Hampshire Port Authority lying north of the Sarah Mildred Long Bridge. However, the boat has been displaced from that pier due to its use as part of the Memorial Bridge replacement project. Moreover, because of the issues associated with the deteriorating condition of the Long Bridge, the Department has concerns about being able to access areas south of the bridge during an emergency.

A discussion then ensued concerning where the fireboat could tie up to the dock. After further discussion, the Trustees unanimously voted to approve the Fire Department's request on a

one-year trial basis with the Department directed to work with Mr. Warhurst on appropriate placement.

The minutes of the March 7, 2013 meeting were reviewed and, upon motion duly made and seconded, were approved.

Payroll and operating expense checks were reviewed and signed.

Mr. Warhurst next presented his Park report. He reported that nine out of the ten individuals who were chosen in the lottery for seasonal boating licenses have paid the annual fee. If the final licensee, whose fee is overdue, has not paid within the next day or so, Mr. Warhurst will proceed to the next person on the list.

Mr. Warhurst reported on the receipt of a request of a boater who wants to utilize one of the transient slips for one month this summer but pay a fee based upon a proration of the seasonal fee. After discussion, the Trustees voted to decline that request but authorized Mr. Warhurst to agree on a reduced rate for a month-long rental.

Mr. Warhurst reported that The Fabulous Find community thrift shop will hold a reception on Thursday, April 4, 2013 to pay to the recipients of its March sales the proceeds of such sales and to recognize Prescott Park and Prescott Park Arts Festival as recipients of its April sales.

Mr. Warhurst reported that the sealed bids for work on the Shaw Building project are expected to be opened this week. He reported that the brick sidewalk restoration on Marcy Street adjacent to the Park which began last summer is expected to resume within a week. He also reported that Prescott Park will be the recipient of approximately 36 pallets of excess bricks for future use in the Park.

Mr. Warhurst reported on the receipt of a request by Micah Kieffer, a federal fisheries research biologist, to attach a data logging receiver to one of the pilings on the boat dock in the Park to document sturgeon activity in the Piscataqua River as part of a research project. After discussion, the request was unanimously approved by the Trustees.

Ms. Eldridge reported on the receipt of a request from Sara Curry of Bikram Yoga Portsmouth to conduct free yoga classes on Tuesdays at noon between June 4th and August 27th as she did last summer. Following discussion, the Trustees unanimously approved the request subject to the usual Park rules governing such activity.

Ms. Eldridge reported that inquiries within the City have failed to locate a repository for the voluminous records of the Trustees currently in storage in the attic in the Shaw Building. Mr. Warhurst offered to begin a review of the records to locate items of historic or other value before beginning to dispose of the older records.

The Trustees noted that they had yet to receive the financial records from Prescott Park Arts Festival. Ms. Eldridge offered to contact PPAF to once again remind them that the records are overdue.

The chair reported that the next meeting will take place on April 18, 2013.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 9:25 a.m.

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by several vertical strokes and a long horizontal line extending to the right.

Thomas R. Watson, Secretary