

TRUSTEES OF THE TRUST FUNDS  
CITY OF PORTSMOUTH, NEW HAMPSHIRE  
MINUTES OF JUNE 20, 2013 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on June 20, 2013 at the 4<sup>th</sup> Floor Law Library 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 Peter Torrey, Michael Warhurst, David Allen, Robert Sullivan and Benjamin Anderson, Jameson French, Dan Plummer, Sean Mahoney, Claudette Barker, Steve Marchand, David Underhill, Peter Robbins and David Hines.

The minutes of the June 6, 2013 meeting were reviewed and, upon motion duly made and seconded, were approved.

Payroll and operating expense checks were reviewed and signed.

Mr. Torrey reported that the Trustees have now received the proceeds from the former Trustees of the Durgin Scholarship Fund in the amount of \$40,815.00, thereby completing the conversion of that Scholarship Fund from private management to oversight by the Trustees of the Trust Funds.

Messers French, Plummer, Mahoney, Marchand, and Anderson and Ms. Barker appeared on behalf of Prescott Park Arts Festival. As a preliminary matter, Mr. French shared that he had recently had a conversation with an individual who expressed concern about the state of the Prescott Sisters grave site. Mr. Warhurst stated that he periodically provides maintenance for the site and agreed to look into its current state of repair and address any need for maintenance. Mr. French also relayed to the Trustees a recent conversation that he had with former Trustee, John Maher, about the possibility of implementing a planned giving program for Prescott Park. The Trustees expressed their interest in such a plan and suggested that it would be appropriate to schedule a meeting with Mr. Maher and Mr. French toward the end of the summer to explore the idea.

Mr. French then opened the discussion concerning PPAF's capital campaign and issues of common concern with the Trustees. He stated his opinion that the Trustees and PPAF share two common concerns, that of public safety and the impact of PPAF on the Park. Mr. French noted that PPAF intended to go public with its campaign shortly and shared that it would be helpful to the campaign to know whether it could include in its "pitch" that the stage will be relocated and that personalized paver bricks will be available as a fund raiser.

Mr. Marchand stated that he thought PPAF and the Trustees should have three common values: (1) a desire to maximize the "greenness" of Prescott Park; (2) a desire to take advantage of the enthusiasm in the community for PPAF to enhance Prescott Park; (3) public safety. Mr. Mahoney echoed the remarks of Mr. French and Mr. Marchand as well as his own observation, as a member of PPAF's campaign committee, that it is as important for the committee members to know what they are not able to include in their vision statement to prospective contributors as it is to know what they can include. Ms. Barker added her thoughts noting that, as a homeowner

in the vicinity of Prescott Park, she greatly values it as an asset and wishes to see that it is preserved and enhanced.

Mr. French enquired whether the Trustees are currently in a position to make a decision on the brick pavers or the relocation of the stage.

Mr. Watson shared his concerns and that of the other Trustees about the challenges faced by the Trustees in trying to maintain the Park on a limited budget that has not substantially changed in ten years, notwithstanding that usage of the Park, including PPAF related activity, has substantially increased during that time. He noted that the Trustees are just beginning a dialogue with the city about developing a long range capital improvement and maintenance plan for the Park to address deteriorating conditions due to deferred maintenance. He also expressed his opinion that decisions as to whether the stage should be relocated should not be isolated ones but, rather, developed in the context of a total plan for the Park and an assessment of the space needs of PPAF and other users of the park. Ms. Eldridge noted that the Trustees have requested a space needs assessment from PPAF on several occasions over the last year. Mr. Watson added that any discussion about relocating the stage must be prefaced by a clear vision and understanding as to what will be done to clean up the backstage area. He shared his opinion that he would not favor any plan that would move the stage further southerly in the Park with all the current backstage items (tents, trailers, etc.) being pushed southerly into the open space between the Player's Ring building and the river. Mr. Levenson and Ms. Eldridge share similar concerns.

After further discussion, Mr. French acknowledged that it might be premature to try to push a decision on stage relocation but suggested that it might be helpful to all involved if the parties were to do a joint site-walk to get a better understanding of what everyone has in mind. It was decided that such a site-walk will take place on Tuesday, July 2, 2013 at 7:30 a.m.

Mr. French inquired as to the Trustees position on the brick pavers. Ms. Eldridge noted that Trustees have yet to receive a formal request related to the pavers. She stated that the Trustees had become aware of the concept on an informal basis and had brought it up with Mr. Anderson at a recent meeting but he was not prepared to make a presentation on the subject at that time. Ms. Eldridge noted that there are a lot of issues that would go into consideration of a proposal of this nature including the location of the brick work, the size of the bricks, the size and style of any printing, limits on what could be stated and whether the bricks could be purchased by businesses as well as individuals. Mr. Levenson shared his concerns on the same subject. Mr. Sullivan noted that this proposal has implication beyond the consideration of the Trustees and would likely have to receive approval from the City Council. Mr. French stated that PPAF would endeavor to provide the Trustees with more specifics on the paver proposal before the Trustees next meeting in July.

Mr. Robins and Mr. Hines next appeared on behalf of H.M. Payson to provide the Trustees with a presentation on the trust funds currently under their oversight. Mr. Hines distributed a written performance overview of the funds and led a detailed discussion on performance in relation to the Trustees' benchmarks and market performance. Messers Robins and Hines then made certain recommendations for changes in the portfolio. Following further discussions, Trustees unanimously approved implementing those recommendations.

Mr. Warhurst then provided his park report. He summarized the incident which occurred in the park on June 17, 2013 resulting in a bill for clean up services in the amount of \$2,280.00

from CADSC, Inc. Thereafter discussion ensued concerning who should bear ultimate responsibility for this bill, it was determined that the bill was the responsibility of the trustees in the first instance but it should be submitted to the insurance carrier for the City for payment or reimbursement as an insurable incident.

Mr. Warhurst reported that it was also recently discovered that three anchor chains holding the docks at Prescott Park have broken and require repair or replacement. He presented a quote from Pepperell Cove Marine in the amount of \$17,417.12. As part of the discussion which thereafter ensued, it was noted that the proposal includes 600 feet of chain which raised a question as to how much of the proposed work is necessary to address safety issues. The Trustees agreed that the broken chains nonetheless required repair and instructed Mr. Warhurst to engage Pepperell Cove Marine to begin the work but to have the work done on an as need basis to solve safety issues, recognizing that it would also be a waste of resources to perform work presently that is not required to solve safety issues given the plans to replace the docks later this year.

Mr. Warhurst next reported that the recent microburst storm caused substantial damage to trees in the park, several of which still have partially disconnected limbs sitting in their upper branches, thereby creating a safety hazard. He estimates that it will cost about \$2,000.00 to have tree experts remove the damaged sections and clean up thereafter. After further discussion, the trustees authorized Mr. Warhurst to proceed with that work.

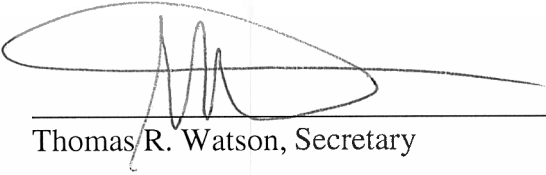
Mr. Warhurst next presented a proposal from Kathleen Cavalaro to establish an open air market in the public forum area of the park. Under her proposal, the market would involve local artisans and would operate during the summer from Thursday to Sunday between the hours of 10:00 a.m. and 5:00 p.m. After further discussion, the Trustees voted to deny the request as contrary to established policies of the park preventing the sale of merchandise in the park.

Mr. Torey brought to the Trustees attention that a dispute has arisen concerning the interpretation of the provision in the rental agreement between the City and PPAF over responsibility for purchasing paper products for the restrooms. Apparently, PPAF has interpreted the provision which requires it to "stock" the restrooms as meaning that it remains the responsibility of the Trustees to purchase the paper products while PPAF's responsibility is limited to placing them in the facility. The Trustees uniformly expressed their disagreement with that interpretation and stated that it was clear in the negotiations and the final document that that provision was intended to place the responsibility for the purchase of all supplies and their ongoing placement in the facility as well as clean up and other maintenance of the facility solely with PPAF. After further discussion, the Trustees requested that Mr. Sullivan write a formal response to PPAF reminding it of that responsibility and also its responsibility to keep the bathroom facilities clean and maintained at all times.

Mr. Allen gave a status report on the dock replacement project. He reported that current schedule calls for the design work to occur this summer and actual construction to begin in the fall after the conclusion of the boating season.

The chair reported that the next meeting will take place on July 15, 2013.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 10:24 a.m.



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Thomas R. Watson, Secretary