

TRUSTEES OF THE TRUST FUNDS
CITY OF PORTSMOUTH, NEW HAMPSHIRE
MINUTES OF MAY 14, 2015 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on May 14, 2015 at the second floor conference room in the Shaw Building at Prescott Park. The meeting was called to order at 7:34 a.m.

Present were Trustees Phyllis Z. Eldridge, Dana S. Levenson and Thomas R. Watson. Also present were Robert Sullivan, Peter Torrey, Michael Warhurst, Benjamin Sanderson, David Allen and Angela Greene.

The minutes of the April 16, 2015 meeting were reviewed and, upon motion duly made and seconded, approved.

Payroll and operating expense checks were reviewed and signed.

Angela Greene introduced herself to the Trustees as the new operations manager for the Prescott Park Arts Festival. She has served as general manager for PPAF for the past year. She also described some of her other background and experience. Ms. Greene stated that her present primary focus is developing a safety plan for the festival and, in conjunction with that effort, she has met with various city officials, including members of the health and fire departments. She also plans to take online crowd management training.

Ms. Greene reported on PPAF's "good neighbor" plan. As part of that effort, the festival will be meeting with park neighbors on Thursday. Also of importance to PPAF is its desire to adhere to the start and end times for performances as negotiated with the Mayor's Working Group. She advised that PPAF is currently developing a food app which will allow park visitors to pre order food for intermissions.

Ms. Greene and Mr. Anderson advised that the festival has an opportunity to purchase a food truck and would like permission from the Trustees to operate in the Park during performances, with the hope that it would reduce the food lines during intermissions. A long discussion thereafter ensued concerning the proposal. Mr. Levinson expressed his concern about parking the truck within the Park when it is not in use. He also expressed his concern about the possibility of ads or promotional materials on the truck and the overall appearance of the truck. A discussion also ensued concerning whether the food truck should be in use during afternoon performances on weekends. After further discussion, Mr. Watson moved and Ms. Eldridge seconded that PPAF be permitted to operate the food truck in the park subject to the following conditions:

- The food truck is to be operated on weekdays during evening performances and on weekends during afternoon and weekend performances.
- The food truck may not open for business any sooner than two hours before the start of the performance and must close by the end of the performance.

- The food truck must be parked or stored somewhere outside the park when not in operation.
- The food truck will be set up in the paved area of the park in the vicinity of the entrance to the new docks. The actual location must be approved by the Trustees.
- PPAF must develop a safety plan for moving the food truck in and out of the park to avoid potential injuries to park visitors.
- The truck shall not be painted or covered with promotional or advertising material or appear garish. Final Appearance of the truck food truck is subject to Trustee approval.
- The approval is provisional and limited to the 2015 season only. No presumption to continue thereafter shall exist or be implied.

The motion was called and passed by a vote of two to one, with Ms. Eldridge and Mr. Watson voting affirmatively and Mr. Levinson in opposition.

Ms. Greene also advised the Trustees of the festival's "Bike & Chair" program whereby attendees at the festival whom travel to the park on a bike are given free use of a chair. As part of that discussion, some concern was raised about the park having an adequate number of spaces where bikes can be secured. Mr. Anderson suggested that the festival try the program for a few weeks to determine the demand and, if that demand exceeded the park's capacity for securing bikes, that the festival work with the City to, possibly, install additional bike stands. Mr. Watson expressed his concerns about over crowding the park with bike racks when the likely demand for them will be limited to periods of performances only during the summer season. He suggested that the festival explore the possibility of creating the equivalent of a "coat check" where, during performances, bike owners can check in their bikes and receive a slip to retrieve them later. Mr. Anderson and Ms. Greene stated that they would look into that possibility.

Ms. Eldridge expressed concern about the "Build-the-Box Contest" in which PPAF has joined with *Sound* newspaper to create a box from which the newspaper would be available for park patrons during performances. Mr. Watson expressed his concern that such a program implicates public forum issues. Mr. Sullivan confirmed that concern and expanded on those issues and the ramifications of such a stand. After further discussion, Mr. Anderson stated that PPAF will cancel the contest.

Ms. Eldridge also expressed concern about not having received from PPAF the proposed schedule of performances in the Park for 2015, and having to learn about the schedule in the press. Ms. Eldridge reminded PPAF that the operating agreement requires that all performances be approved by the Trustees in advance of the season. Ms. Greene indicated that she would ensure that such notification and approval occurs in the future.

Mr. Warhurst then provided his park report. He reported on the receipt of a request by Burt Cohen on behalf of Senator Bernie Sanders of Vermont to hold an event in the public forum area on May 27, 2015 at 6:00 p.m. After discussion, the request was approved subject to the requirement that the event must occur in the public forum area only and is subject to other policies of the Trustees governing use of the public forum area.

Mr. Warhurst also reported on the receipt of a similar request on behalf of Governor Chris Christie of New Jersey for such an event on May 18, 2015. After discussion, the request was unanimously approved by the Trustees subject to the same conditions employed with respect to the Sanders event.

Mr. Warhurst reported that a pump in one of the fountains in the formal garden is presently functioning but appears to be on its last legs and will likely need to be replaced before the end of the season.

Mr. Warhurst was asked if there are any developments with respect to the Air Force concert to occur in the park on June 7th. As part of the discussion that thereafter followed, Mr. Anderson revealed that PPAF did not view this concert as one that is sponsored by PPAF, particularly since it is outside the calendar window in which it may conduct performances as negotiated with the Mayor's Working Group. Mr. Anderson was asked if PPAF had given permission to the Air Force, or the concert sponsor, the Greater Portsmouth Chamber of Commerce, to use its stage. Mr. Anderson reported that PPAF had not done so. Mr. Sullivan reminded PPAF that only it had the right to authorize the use of PPAF's stage under the terms of the operating agreement with the Trustees. The Trustees advised him that, when proposed to them by a PPAF staff member at an earlier Trustee meeting, they understood that PPAF had authorized the use of the stage for this event. The Trustees advised Mr. Anderson that they were not in a position to unilaterally authorize the use of the stage by anyone and that such authority must come from PPAF. The Trustees advised that they have approved this concert notwithstanding that it is outside the "window" for PPAF events but PPAF must approve the use of its stage. Mr. Anderson stated that he would bring the matter to the attention of his board and would advise the Trustees and the Greater Portsmouth Chamber of Commerce concerning its decision as soon as possible.

Mr. Warhurst advised the Trustees that he has received a request from the Portsmouth Fire Department to tie up its fire boat at one of the wooden docks in the Park for the 2015 season. He explained that the department could not use its normal slip in the vicinity of the Sarah Long Bridge because of the reconstruction to begin this summer. After discussion, the Fire Department's request was unanimously approved by the Trustees.

Mr. Warhurst advised that the new docks at the Park are now scheduled to be completed on May 22nd. Mr. Warhurst also reported on the receipt of a request by a yoga instructor to conduct yoga classes on Four Tree Island on Mondays, Wednesdays and Fridays at 6:30 a.m. and on Wednesdays at 12:00 noon. Mr. Levinson asked if the person making the request was the same individual who earlier requested permission to conduct yoga classes on multiple days in the park and whether this proposal also included the ability to solicit donations, a condition that was rejected by the Trustees. Mr. Warhurst indicated that he would contact the requesting individual and obtain further information with respect to the request and whether this request is intended to supplement or replace approval that was earlier given by the Trustees.

Mr. Warhurst also expressed his concerns about a tree on private property neighboring the park which has largely died and is creating a potential safety hazard. Ms. Eldridge asked Mr. Sullivan how the city normally handles such nuisances. After further discussion, the matter was referred to Mr. Sullivan for action by the city.

Ms. Eldridge stated her intent to send a thank you letter to those tree companies who participated in the Arbor Day volunteer effort at the park. She also stated that she has received proposed dates for a dedication ceremony for the new docks. Of the dates available, the Trustees agreed to set the dedication ceremony on June 10, 2015 at 4:00 p.m.

Mr. Torrey then provided his financial report. He distributed and led a discussion of the revenue and expense summary for the Park for the period ending April 30, 2015. He also distributed and led a discussion of the dock activity summary for the Marine Maintenance Trust Fund for the same period. Mr. Torrey also distributed performance statements received from H.M. Payson.

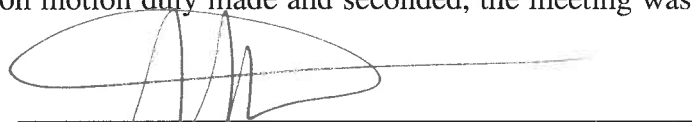
Mr. Torrey reported that he has received two requests for disbursements from funds under the Trustees' management, one from the Memorial Bridge Trust fund and the other from the Army-Navy Fund. Each request will be circulated to the city manager for processing in accordance with the terms of the trust documents.

Mr. Sullivan stated that The Gundalow Company has objected to signing the 2015 operating agreement proposed by the Trustees, primarily because it wants to defer the question of paying an annual fee until later in the season. After discussion, the Trustees again declined that request and asked Mr. Sullivan to communicate to The Gundalow Company that it must sign the agreement if it wishes to tie up to the Park this summer.

Mr. Watson stated that he has now been scheduled for a court appearance on May 28, 2015, the next regularly scheduled meeting of the Trustees, and asked the other Trustees if they would be willing to move that meeting until the following day, May 29, 2015 at 7:30 a.m. After discussion, the request was unanimously approved.

The chair reported that the next meeting will take place on May 29, 2015.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 9:06 a.m.



Thomas R. Watson, Secretary