

TRUSTEES OF THE TRUST FUNDS  
CITY OF PORTSMOUTH, NEW HAMPSHIRE  
MINUTES OF MAY 26, 2016 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on May 26, 2016 at the 3<sup>rd</sup> Floor Conference Room of the Seybolt Building at Portsmouth City Hall. The meeting was called to order at 7:31 a.m.

Present were Trustees Thomas R. Watson, Phyllis Z. Eldridge and Dana S. Levenson. Also present were Michael Warhurst, Peter Torrey, Robert Sullivan, Christine Dwyer, Jameson French, Benjamin Anderson, David Krempels, Mary Krempels, David Moore, Judy Nerbonne, Kathy Baker and Jane Nelson.

The minutes of the May 10, 2016 meeting were reviewed and, upon motion duly made and seconded, approved.

Payroll and operating expense checks were reviewed and signed.

Michael Warhurst delivered his Park report. He reported that the Trustees have received a request from Kevin Beane of Portsmouth to hold Tai Chi classes in the Park on Saturday mornings at 9:00 a.m. beginning June 18 and running through the end of August. Mr. Beane's request notes that the classes are free and open to the public and he carries a liability insurance policy covering members of the class. Mr. Warhurst noted that Mr. Beane has conducted these classes in the Park in past years on Sunday mornings. He expressed his concern about adding further activity in the Park on Saturdays, the one day of the week in which there is programming from late morning to late in the evening. After discussion, the Trustees approved Mr. Beane's request, subject to the classes being conducted on Sunday mornings.

Mr. Warhurst reported that, with the assistance of Jonathan Taggart, he was able to clean the paint off the Lyford statue on Four Tree Island recently caused by vandals. He also reported that the brick column which tumbled when hit by a motor vehicle has been rebuilt and the cost thereof paid by the responsible party. He also advised the Trustees that Northeast Shade Trees was retained last week to clean up some damage to trees in the Park.

Mr. Warhurst reported that one of the seasonal owners has requested use of one of the transient slips, adjacent to his slip, wherein he can tie up his dingy. Apparently, due to the size of his boat, he ties lines to the dock next to the transient boat slip as well as the dock adjacent to his vessel for stability. He intends to release those lines when there is demand for the transient slip. However, he would like to lease the slip for an additional \$500.00 for the season. Mr. Watson inquired of Mr. Warhurst if he could determine how much revenue that slip has generated, on average, in prior years. After discussion, the Trustees requested that Mr. Warhurst and Mr. Torrey review the dock rental history records to project lost revenue if the Trustees agreed to this proposal, and to report back at the next meeting.

Mr. Warhurst reported on the receipt of a request from John Savastano of Hokule'a Portsmouth 2016 to tie up the Hokule'a vessel at the Park's docks on July 17 through 19, 2016 and conduct educational programming concerning the vessel and the Hawaiian maritime tradition. The vessel will be open to the general public without charge. After further discussion,

after motion duly made and seconded, the Trustees unanimously approved the request as so proposed and subject to the Park's other policies.

Finally, Mr. Warhurst reported on an increase in the use of mopeds in the Park, a clear violation of the Park policies. He advised that he is working with the Portsmouth Police Department to address the problem.

Mr. Torrey provided his financial report. He advised the Trustees that the grantor of the Ricci Scholarship Fund did, in fact, make a further contribution to the Fund this month so as to allow the Fund to give a full scholarship of \$1,250.00 this year. Mr. Torrey reported that the Trustees have received a check for \$156,731.32 from Comcast as this year's contribution to the Cable TV Public Access Fund. In turn, Mr. Warhurst reported that he has received written authorization from the City Manager to release \$119,620.00 to Portsmouth Public Media, thereby leaving a residual balance in the public access fund of approximately \$60,000.00. Given the size of the residual balance, Mr. Torrey advised the Trustees that he would speak with the City Manager about whether the City has interest in transferring those funds from a cash account to an investment account.

Mr. Torrey reported on the status of the Dockwa Agreement. He advised that the contract is still subject to negotiation of its terms between Dockwa and the City Attorney's Office. In the interim, he has purchased the smartphone necessary for Mr. Warhurst to access the system once it becomes operational. Mr. Sullivan reported on the issues that remain to be resolved with respect to the Dockwa contract.

Mr. Sullivan also reported on his contacts with the legal counsel for the John A. Tibbetts Trust concerning the possible interest of the Trustees of the Trust Funds in the Trust. He reported that the Trustees have a small financial beneficial interest under Mr. Tibbetts' Trust, but the earliest that those funds would be accessible will be upon the death of another beneficiary who is currently 68 years of age. Once those funds are accessible, they are to go into a scholarship fund for the benefit of graduates of Portsmouth High School.

Mr. French and Mr. Anderson appeared on behalf of Prescott Park Arts Festival. They reported that the annual chowder festival is returning to Prescott Park from Strawberry Banke Museum. Mr. French distributed a proposed site plan for the festival in the Park showing the location of food, booths and other activities. He emphasized that the booths are set at locations which minimize possible damage to the recently re-sodded areas of the Park. In the discussion that thereafter ensued, Mr. Warhurst expressed concern about the location of two food booths easterly of the Hovey fountain in the area that was re-sodded by the Trustees last fall. It was suggested that those booths (nos. 7 and 15) be relocated more easterly on the lawn so that patrons of those booths will stand in the paved areas instead of on the lawns. After discussion, Mr. French agreed to make those changes.

Mr. French next addressed the Trustees concerning PPAF's proposal to reinstall a gate at the northeast entrance to the formal garden. A long discussion ensued concerning this proposal, with some uncertainty about the history of a gate at that location. Ms. Dwyer inquired whether the objections to the gate were to its being in place or its being locked. Mr. Moore reported that he had inquired of the Fire Department about safety issues associated with the use of such a gate, and stated that he had received a response that there were no safety issues. Mr. Watson inquired

on the possibility of utilizing temporary signage at the northeast gate during productions. After further discussion, the Trustees resolved to table the issue until the next meeting.

Mr. French next expressed the interest of PPAF in reestablishing its relationship with the New Hampshire Art Association. He briefly gave an overview of that relationship in the past. He stated that PPAF understands that it may have crossed some boundaries during the last couple of years but is now interested in returning to the earlier arrangement between the organizations. Mr. Moore noted that NHAA has been contacted by the consultants as part of the master planning process and has expressed its interest in a continued presence in the Park. He advised the Trustees that he would reach out to NHAA and ascertain its plans for the current season. Mr. Watson suggested that the relationships involved NHAA should probably best be dealt with as part of the master planning process.

Ms. Eldridge expressed her hope that the Arts Festival will be more vigilant in enforcing the blanket policy during the coming season. Also, a brief conversation ensued concerning the contribution to be made by PPAF to the Trustees for the 2016 season. Mr. French reported that the Form 990 and audited financial reports for PPAF for 2015 are expected to be finalized before the end of June, and he would look into obtaining preliminary versions of each of them to provide to the Trustees within the next couple of weeks. Mr. Levenson asked PPAF to provide a copy of its audited 2014 financials if the 2015 preliminary reports are not available by then. After further discussion, it was agreed that the issue of PPAF's contribution will be addressed at the next meeting of the Trustees.

The meeting was then opened for public comment. Ms. Baker expressed her concern about the possible installation of another gate in the northeast entrance of the formal garden. She repeated her concerns expressed at earlier meetings that she and others feel intimidated by PPAF's method of soliciting "voluntary" contributions at events. She also expressed her concern about PPAF's proposal to bring NHAA under its umbrella. She believes that NHAA should be treated as an independent organization by the Trustees.

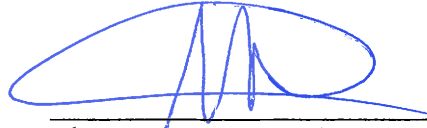
Mr. Krempels spoke against installing a gate or otherwise blocking the northeast entrance to the formal garden during PPAF performances. Ms. Nerbonne expressed her concern about the condition of the stage based on statements by PPAF representatives reported in the newspaper throughout the winter. Mr. Moore stated that, as part of setting up its stage and backstage areas for summer productions, PPAF must obtain a permit from the City and that permit requires an inspection by City officials. That inspection will include examination of the stage. Ms. Nerbonne also reported on her observation that there is an increasing number of people who are walking their dogs in the Park, notwithstanding that such activity is banned. She notes that most of the dog walkers appear to access the Park through the walkway adjacent to the Liberty Pole.

Ms. Nelson inquired whether the master planning process for the Park will specifically address the negative impacts upon the south end neighborhood. She expressed particular concern about parking problems. She noted that Park users are increasingly parking in the neighborhood, often illegally. She also said that she has conducted a fair amount of research on the adverse health effects of long-term exposure to loud noise and noted that some cities that have traditionally hosted music festivals are now relocating them to the outskirts of town. Mr. Watson and Mr. Moore expressed their understanding that the impact of activities in the Park on the neighborhoods will, in fact, be a subject for consideration by the master planning committee and encouraged Ms. Nelson to bring her information forward to that committee. Mr. Watson also

suggested that Ms. Nelson's research on noise impacts may be beyond that presently envisioned by the committee, and he encouraged her to share with the committee any and all research that she has.

The chair reported that the next meeting will take place on June 9, 2016.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 8:59 a.m.

A handwritten signature in blue ink, consisting of a large, sweeping loop on the left and several vertical strokes on the right, all connected by a horizontal line at the bottom.

---

Thomas R. Watson, Secretary