

TRUSTEES OF THE TRUST FUNDS
CITY OF PORTSMOUTH, NEW HAMPSHIRE
MINUTES OF JULY 29, 2016 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on June 29, 2016 in Conference Room A at Portsmouth City Hall. The meeting was called to order at 7:32 a.m.

Present were Trustees Thomas R. Watson, Phyllis Z. Eldridge and Dana S. Levenson. Also present were Michael Warhurst, David Moore, Amy Brnger, Sandra Parr, Mary Krempels, David Krempels, Kathy Baker, Beth Margeson, Judy Nerbonne, Jane Nelson, Mark Brighton, Zelita Morgan, and Arthur Clough.

Mr. Krempels briefly addressed the Trustees. He expressed his appreciation for the work of the Trustees with respect to noise and related issues surrounding the Prescott Parks Arts Festival. He stated that he believes that those efforts have resulted in a noticeable decrease in noise from PPAF during the last two weeks.

The minutes of the June 23, 2016 meeting were reviewed and, upon motion duly made and seconded, approved.

Payroll and operating expense checks were reviewed and signed.

Mr. Warhurst gave his park report. He reported on the receipt of an inquiry from Climate Ride of Port Townsend, Washington who is conducting a charitable bike ride, with approximately 60 cyclists, from Bar Harbor, Maine to Boston, Massachusetts on Sunday, September 11, 2016. The group would like to hold a water stop in the Park during the ride. Mr. Warhurst advised the Trustees that he will reach out to Climate Ride for more details concerning its plans.

Mr. Warhurst also reported on the receipt of an inquiry from Jessica McCreight of SKDKnickerbocker who would like to film a testimonial in the Park on August 3, 2016. Given the nature of the subject of the film, it was suggested that the filming take place in the public forum area of the Park and subject to the policies governing that area.

Mr. Warhurst advised that he observed work being conducted in the Jay Smith Pocket Park so he anticipates that the Trustees will likely receive a request for reimbursement of expenses incurred in that effort from the small fund established for the benefit of that Park.

Mr. Moore provided the Trustees with an update on the efforts of the City to measure the sound levels at performances of PPAF. He noted that the technical issues with conducting such activity are more nuanced than initially anticipated but the City is committed to moving forward with the testing, recognizing that the testing must take place before the end of the festival season.

Ms. Eldridge distributed a copy of an online comment by Kathleen Cavalaro concerning the issues associated with PPAF, that was provided to her for distribution to the Trustees. Mr. Watson noted that there appeared to be some factual misunderstandings in the comment. He noted, for instance, that the comment states that it will cost PPAF \$17,000 in order to maintain a

police presence during concert performances when the Trustees have been advised that the actual cost of that presence will be approximately \$3,500. Mr. Moore confirmed that estimate. Mr. Watson suggested that Ms. Cavalaro be invited to attend a meeting of the Trustees to share her opinions and clarify any misunderstandings.

The chair than opened the meeting to public comments.

Mr. Brighton relayed his recent experience in distributing flyers in the Park advising concert goers that consumption of alcohol is prohibited under City ordinance. He also advised the Trustees that he recently contacted City Attorney Sullivan to ask if PPAF is exempt from the City's noise ordinance. He stated that Attorney Sullivan advised him that PPAF is not. Finally, Mr. Brighton stated that the noise levels from PPAF have been better over the last two weeks.

Ms. Morgan told the Trustees that she very much enjoys the benefits of Prescott Park and wished to thank the Trustees for their work in balancing the multiple uses of the Park so that citizens are able to utilize the Park for reasons other than attending PPAF performances.

Ms. Margeson also acknowledged that noise levels during PPAF's performances have been better over the last two weeks. She did note, however, the levels seem to go up somewhat at the end of the performances. Of particular concern to her presently is the continued presence of alcohol in the Park. In her opinion, the use of alcohol in the Park has gone "underground" as a result of the recent publicity surrounding its use in the Park and the statements by the police chief that the alcohol ordinances will be enforced. In her opinion, alcohol continues to be consumed in the Park but in a much more discreet or hidden fashion. She has noted the continued presence of intoxicated individuals. Finally, Ms. Margeson stated that it continues to be her opinion that concerts (in contrast to the musicals) should be held outside Prescott Park.

Ms. Baker also offered evidence that alcohol continues to be consumed in the Park during PPAF performances. She offered photographs and described her personal observations during recent performances of *The Tallest Man on Earth*, *Shakey Graves* and *Hurray for the Riff Raff*. She too believes that Park goers are now being more discrete in their consumption of alcohol, i.e. they are hiding it better. She noted that the recycling bins in the Park continue to be filled with alcohol containers following performances.

Ms. Baker also expressed her concern that the "no alcohol" signs in the Park appear to have been moved to locations that are less effective in instructing performance goers of the ban on alcohol. She expressed her opinion that PPAF appears to treat the alcohol ban as a burden imposed upon performance goers rather than embracing the alcohol-free family atmosphere which is a goal of the ban. Finally, Ms. Baker noted that there is an internet campaign against abutters of the Park who have expressed their concerns about PPAF activities or opposed PPAF plans. She read from certain excerpts. She notes that they are very threatening in nature and in her opinion, have caused some residents in the neighborhood to refrain from also expressing their concerns.

Finally, Mr. Clough addressed the Trustees. He also expressed his observation that alcohol continues to be consumed in the Park but in a more surreptitious fashion.

The chair reported that the next meeting will take place on August 11, 2016.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 8:41 a.m.

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

Thomas R. Watson, Secretary