Members in attendance: Tom Watson, Chair; Chris Dwyer, City Councilor; Alan Gordon, Resident; Genevieve Aichele, Resident; Michael Barker, Resident; Robin Lurie-Meyerkopf, Art-Speak Representative

Staff Present: John P. Bohenko, City Manager; David Moore, Assistant City Manager

1. Call to Order and Introduction of Committee Members

Chair Watson called the meeting to order at 7:30 a.m.

2. Consideration of Meeting Minutes – March 30, 2017

Ms. Lurie-Meyerkopf moved to accept the Meeting Minutes of March 30, 2017, seconded by Mr. Barker.

Councilor Dwyer suggested several amendments.

Motion to accept the minutes as amended passed unanimously.

3. Governance Framework Discussion

Chair Watson explained that he wanted this on the agenda because the Trustees of Trust Funds and the Prescott Park Master Plan BRC members are aware of the governance framework, but wanted to inform everyone else as well.

Assistant City Manager Moore reviewed the handout of an excerpt from the 2017 Prescott Park Master Plan regarding Governance Framework. He explained that early on, the committee established the need for a set of facts on which discussion surrounding the governance of the park could be based and the understanding of how the park had been run in the past. He explained that #8 – The City’s Trustees of Trust Funds have provided the supervision and oversight in the Park as a matter of tradition as opposed to a requirement of any document or law – is unique to the City of Portsmouth. He stated that with the adoption of the Prescott Park Master Plan, it will now go back to #3 – The Portsmouth City Charter Article V; section 5.3, charges the City Manager to oversee all City property.

City Manager Bohenko stated that with this transition this will become a division of Public Works and will be budgeted like a Special Revenue Fund to track expenditures and the costs of running the park. He continued that the Trust was no longer enough to cover the operation of the park so 10 years ago the City started putting the capital projects for Prescott Park and rolling stock items into the budget. He stated that this year the city will be putting in approximately $33,000 from the general fund to cover the Park expenditures.

Chair Watson stated to clarify #8, the Trustees of the Trust Funds had started the Prescott Park Arts Festival way back and then it grew in the 1980’s so the Prescott Parks Arts Festival 501c organization was formed. He stated the Trust fund no longer had the money to contribute to the Arts Festival and then in 2009 the Prescott Park Arts Festival was asked to contribute funds for the upkeep of the park.
Mr. Gordon asked for clarification regarding the Trustees of the Trust Fund and the Trustees of the Park as he has heard both terms used.

City Manager Bohenko explained that by State law, the Trustees of the Trust Fund are appointed by the City Council to oversee all Trusts of the City including scholarships, parks, etc. He stated that the Trustees retain a financial advisor who invests the funds. He stated those are the only Trustees by State Law. He stated that the Prescott Park Arts Festival has a Board of Directors, but are not Trustees.

Councilor Dwyer stated she is glad the question was asked because there has been confusion. She clarified that the Gundalow Company and NH Arts Association also have Board of Directors and suggested a list be put together.

City Manager Bohenko stated he would suggest a summary of operations, list of the Board of Directors and an annual reporting of the 990’s.

4. Agreement Updates 2017

Assistant City Manager Moore explained that both the Gundalow Company and NH Arts Association agreements expired last year but the Prescott Park Arts Festival Agreement is still in effect. He concluded that the Prescott Park Master Plan looks to make all of the agreements more robust which will begin in the 2018 season.

A. Gundalow Company

Assistant City Manager Moore stated that there are no new changes to the Gundalow Company agreement since the last meeting and have incorporated the request to add a table/chair/umbrella to be removed daily and the use of the Sheafe Building in the off-season of the NH Arts Festival.

City Manager Bohenko stated that the Gundalow Company will be contributing $5500 towards the maintenance of the Park and includes $500 for the use of the Sheafe Building.

Mr. Barker stated he would like to have added to the agreement that the table/chair/umbrella is upon approval after review.

Assistant City Manager Moore stated he can add approval of the set up by the City Manager in the agreement.

Mr. Gordon asked if the goal is to have a consistency with all agreements and how they arrived at the figure for park maintenance and building use.

City Manager Bohenko stated yes starting in 2018 the agreements will be more consistent. He stated the amount was negotiated for this season but he would like this committee to come up with a funding formula.

Mr. Gordon asked several more questions regarding the agreements. City Manager Bohenko responded that we can’t put all specifics into the agreements, and should have general clauses. He asked that specific suggestions be e-mailed to Assistant City Manager Moore.

Mr. Gordon then addressed Section 4, Article D i and ii stating that it seems to be contradictory to the Park Policy of no alcohol. He also suggested that the use of “pot” be added as well.

City Manager Bohenko stated that “pot” is illegal in the State of New Hampshire. He explained the use of the alcohol within the Gundalow Company agreement is on the boat so does not fall under the Park requirements at that point.
Ms. Aichele asked about the signage clause in the agreements.

Chair Watson stated that this will be topic of discussion at an upcoming meeting.

Councilor Dwyer asked about the security of buildings when they are being “rented” and who will be responsible and for what time period. She also asked if we are able to prohibit firearms in the Park as there is an open carry law.

City Manager Bohenko stated that we can clarify the time of use in the agreement. He continued that he believes that the State law would have to be recognized within the Park as well but will ask for clarification from the City Attorney. He stated that Police Officers will be required at concerts.

Chair Watson asked for clarification as to if there will be alcohol stored on the vessels overnight.

Molly Bolster, Gundalow Company Director, stated that they do not store alcohol on the boats but wanted to make sure that if there was something left on the boat overnight and wasn’t removed until the next morning that they wouldn’t be in violation of the agreement. She continued that they are governed by different laws once they are on the boat in the water and they do have a “carry in, carry out” policy for private events. She further explained that passengers are allowed to bring “picnics” which can include beer or wine, no hard alcohol, but they cannot be opened until on the boat. She further explained that they asked for the 20 minute period for consumption at the dock to allow people to finish their beverages and not having to dump out open containers before leaving the boat.

B. NH Arts Association

Assistant City Manager Moore stated that the NH Arts Association previously only had a Letter agreement but the President is willing to enter into a regular agreement. He further explained their 40 year history and gave a brief update of the various programs they offer.

President of the Board, Barbara Albert, introduced herself as the new President stating she is new to the area but had many years of experience in non-profit work.

Councilor Dwyer asked about sale of artwork stating that they previously had not been permitted to do so at the park but had people go off-site.

Assistant City Manager Moore explained that it is permitted as part of the Art Show on page 2, item e.

Chair Watson stated that they had required this because they had learned that sales had been occurring onsite without the Trustees knowledge so they tried to correct that issue.

City Manager Bohenko stated that with technology they can now “swipe” payments and maintain a small area for that purpose.

Ms. Albert thanked the Committee for allowing the sales onsite stating that this a good showcase of work to a very diverse audience from all over the world. She concluded that she is also excited and encouraged to bring back the children’s programs.

Chair Watson stated that the agreement for the Gundalow Company states they are responsible for the maintenance of the dock but neither agreement addresses maintenance of the Sheafe Warehouse so he would like to see something requiring daily minimal maintenance.
Mr. Gordon stated he appreciates the history we have with these groups of working well together but feels we need to be careful not to be swayed by the “good” relationships in going forward with negotiating agreements. He also cautioned against praising one group over another.

City Manager Bohenko stated that he feels it is important to show appreciation of the cooperative relationship we have and be able to reach common sense solutions to things as they come up. He stated that we also don’t want to be too rigid as each group has their own idiosyncrasies. He stated that these 2 groups have small footprints and the Prescott Park Arts Festival has a large footprint and will be harder to negotiate.

Ms. Lurie-Meyerkopf excused herself at 8:40 a.m.

C. Prescott Park Arts Festival

Assistant City Manager Moore stated that some progress has been made regarding issues discussed since the last meeting with the goal of having one document to refer to for 2017 for clarity. He stated that since the initial submittal of the performance schedule by the PPAF the schedule has been reduced by two concerts.

City Manager Bohenko stated that we are trying to find a middle ground on issues that we disagree. He stated it is important for the economy but we need to keep the Park in good shape as well.

Councilor Dwyer asked if there has been any discussion regarding use of the Shaw Building as “back of stage” for PPAF.

City Manager Bohenko stated there has been discussion with Peter Rice and Michael Warhurst regarding cleaning out some of the maintenance equipment to allow them some access and reduce their footprint for 2017 the backstage area.

5. Discussion of Planning for 2018

Chair Watson stated that the next meeting will be a discussion of the Prescott Park Arts Festival and then the committee will review specific issues relating to 2018 agreement issue at subsequent meetings.

6. Public Comment

Mary Krempels – stated her pet peeve that she was hoping would be addressed in the 2017 season are the dumpsters at the entrance at State Street. Secondly, she stated she was happy to read that the NH Charitable Trust has approved the Prescott Park Master Plan. She stated the Plan is a Park First plan but feels that with the 96 events planned by the Prescott Park Arts Festival it is not Park first, but overuse.

Dan Corcoran – stated that the City of Portsmouth has extensive zoning ordinances which are intended to protect people. He stated that noise is a part of that ordinance and there are common sense ways to deal with the noise complaints including turning down the sound and enforcing the rules.

Beth Margeson – stated there was never a noise problem until 2013 when they go a new noise system. Next, she discussed the $500.00 from the Gundalow Company for the use of the Sheafe Building and wonders if this is a fair rate. She suggested going with a market rate per square foot and also looking at the use of park property for weddings etc. Finally, regarding the impact the PPAF has on the economy, she stated that is not the purpose of the Park. She stated that at most 2,000 people attend an event in the park and there are 22,000 restaurant seats.

Mr. Barker stated that all three organizations are non-profit so market rate would not be appropriate.
Ben Anderson, PPAF Director – stated that they have reduced the number of events to 95 and are going dark 2 nights and one week in July. He stated they have also shifted all of the Tuesday dates as well. He addressed the concern raised regarding the trash barrels stating they had previously been located on Peirce Island but were moved because there was a safety concern due to the lateness they were being used, but welcomes any suggestions for other locations.

David Krempels – stated he has been on an emotional roller coaster because they attended all of the Master Plan meetings and were happy with the Park First concept that was embraced by the Council. He stated he feels that they have still lost the park and that nothing will be changing in the upcoming season and does not feel grateful for the reduction of one event.

6. Adjournment

Chair Watson announced that the next meeting will be held Wednesday, April 26th at 7:30 a.m.

Meeting adjourned at 9:00 a.m.