

TRUSTEES OF THE TRUST FUNDS  
CITY OF PORTSMOUTH, NEW HAMPSHIRE  
MINUTES OF APRIL 28, 2016 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on April 28, 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 7:30 a.m.

Present were Trustees Thomas R. Watson and Dana S. Levenson. Also present were Michael Warhurst, David Moore, John Bohenko, Christine Dwyer, Benjamin Anderson, Jameson French, Mary Krempels, David Krempels, Judy Nerbonne, Judy Capobianco, Mark Brighton and Daniel Corcoran.

The minutes of the April 14, 2016 meeting were reviewed and, upon motion duly made and seconded, approved.

Payroll and operating expense checks were reviewed and signed.

Mr. Warhurst delivered his Park report. He reported that there are now 11 fully-paid seasonal boaters, thereby leaving only one seasonal rental available.

Mr. Warhurst next reported that he recently met with Terrence Traynor and David Paustine with respect to their request to shoot scenes at the Park and on Four Tree Island for use in a film that they are currently producing. They propose to shoot the film on a date to be determined with the Trustees with filming occurring in the Park during daylight hours and then on Four Tree Island from dusk to approximately 2:00 a.m. The proposed scene includes a woman's body being found with the police roping off the area for investigation. Mr. Bohenko expressed his concern on behalf of the City that filming a scene where a woman's body is found on shore may be too insensitive to the survivors of the recent murder and disposal of a body on Pierce Island. A further discussion ensued, following which, upon motion duly made and seconded, the Trustees unanimously approved the applicants' request, provided that there are no depiction of a dead body incorporated into the scenes and subject to the usual Park rules for all activities in the Park.

Mr. Warhurst reported on the receipt of a request by a gentleman named Jared to film a music video in the Park. He proposes to film one song. He will personally lip-synch to half of the song, followed by 10-15 of his friends lip-synching to the remaining half of the song. The participants will be limited to Jared and his friends. The public will not be invited. After further discussion, on motion duly made and seconded, the Trustees unanimously approved Jared's request to film the song on the condition that he comply with the usual policies governing such usage and that, if the song is to involve any commercial or political speech, that the filming take place in the public forum area of the Park.

Mr. Warhurst next reported that the Cabot Lyford sculpture on Four Tree Island was recently vandalized. The culprit spray-painted the sculpture and the plaque describing it. Mr. Warhurst advised that he will attempt to remove the paint later this week. Mr. Watson suggested that a photographic survey of the damage be performed before any clean-up work is done. Mr.

Bohenko also requested that the damage be reported to the City's casualty insurer before any clean-up work is attempted. Mr. Warhurst agreed to coordinate with the City in doing so.

Mr. Warhurst provided an update on the damage to the underground irrigation system in the Park that occurred during last fall's soil test borings performed in anticipation of erecting a new stage. He also stated that he has recently learned that the Prescott Park Arts Festival will return its annual Chowderfest to the Park from the Strawberry Banke Museum. He is concerned that if booths and tables are set up in the Hovey lawn area, as they traditionally have been, damage will occur to the sod in the lawn which was installed only last fall. Finally, Mr. Warhurst noted that the new sod which was laid at the request of PPAF in the lawn areas adjacent to the stage looks good and is a marked improvement over the worn-out areas that existed prior to its installation.

Mr. Watson distributed copies of an updated schedule for PPAF received from PPAF last evening. Mr. Levenson noted that the schedule calls for the first concert to take place on Wednesday, June 22, 2016. He expressed concern that this date may occur before the end of the school year. Mr. Moore clarified that the school year will end on June 20, 2016. Mr. Levenson also noted that the schedule calls for concerts on August 31, 2016 and September 7, 2016, Wednesdays that fall after the beginning of the new school year. Mr. Moore and Mr. Bohenko were able to confirm that these concerts are scheduled to take place the night before school is in session.

Mr. French and Mr. Anderson addressed the schedule on behalf of PPAF. They explained that the 2016 schedule is consistent with the 2015 schedule in terms of the types of performances and number of performances. A long discussion ensued concerning the schedule. Mr. Watson expressed his concern about the concerts scheduled after the commencement of the 2016-2017 school year. Mr. Anderson reported that, while concerts have been penciled into the schedule for these dates, firm contracts with the performing artists have not, as yet, been signed. Mr. French offered to withdraw these events from the schedule so as to "bookend" the Festival calendar after the end of the current school year and before the beginning of the next school year.

After further discussion, Mr. Watson inquired of those members of the public in attendance at the meeting whether any wished to speak specifically to PPAF's schedule. After several individuals raised their hands, Mr. Levenson invited the public to speak to the issue. Ms. Nerbonne reiterated her concerns about traffic and safety issues generated by the anticipated increase in traffic associated with the construction of the upgrades to the Pierce Island Sewerage Treatment Plant. She also noted that the number of parking spaces available in the neighborhood will decrease significantly once construction starts, due to the loss of parking on Pierce Island. She expressed her concern that these issues will become all the more apparent with a full PPAF summer schedule. Mr. French responded that PPAF has already met with members of the City's Public Works Department to address these issues, and will continue to do so in anticipation of the construction work. It is hoped that a safety plan will be put in place. Ms. Capobianco also expressed her concerns about safety, particularly the safety of handicapped individuals, and asked what efforts are being made to allow for accessible drop-off and pick-up locations for such individuals. Mr. Moore stated that this is an issue that will be addressed in the safety plan being developed by the Public Works Department and PPAF.

Ms. Krempels inquired as to why it was necessary to start the musicals at 8:00 p.m. instead of an earlier hour. Mr. French responded by noting that musicals which are performed in

daylight do not create the same “magical” effect, with lighting, as those performed after dark. He noted that the schedule allows for matinee performances of the musical on weekends for those families who find an 8:00 p.m. start to be too late. He also noted that the musicals have started at 8:00 p.m. for decades.

Mr. Krempels shared his opinion that the total number of performances in PPAF’s schedule, particularly those to be held on Saturdays, are too intense for the Park. Mr. Corcoran reiterated that opinion, and observed that the Trustees had just imposed certain conditions on a request for filming in the Park due to a desire to show sensitivity to survivors of a recent crime. He felt that the Trustees should show the same sensitivity to residents in the neighborhood surrounding the Park.

Following the close of comments from the public, and after further discussion, upon Motion duly made and seconded, the Trustees unanimously approved PPAF’s 2016 schedule, subject to the removal of the concerts scheduled for August 31<sup>st</sup> and September 7<sup>th</sup>.


Mr. French shared with the Trustees that PPAF had recently concluded its survey of the community. He reported that the return rate for the survey was approximately thirty percent, a high rate by traditional survey measurements. He also advised the Trustees that PPAF recently began conducting research, utilizing drone pictures, to get a better grasp of actual attendance at PPAF performances. PPAF is developing a protocol which will combine the use of head counts from drone pictures with contribution levels at prior events, to project the actual attendance at such events.

A brief discussion then occurred concerning PPAF’s request to install a gate during performance days at the northeast entrance to the Park from the formal garden. Ms. Dwyer suggested that it would be appropriate to consult with Weston & Sampson, the consultants advising the City on the master planning process for Prescott Park, on their experience on such issues before tackling it at a Trustee meeting. It was agreed to table the issue and solicit the input of the consultants.

Mr. Watson noted the receipt of a contribution from Harold Whitehouse to the Ruth & Harold Whitehouse Scholarship Fund.

The chair reported that the next meeting will take place on May 10, 2016.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 8:44 a.m.



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Thomas R. Watson, Secretary