

TRUSTEES OF THE TRUST FUNDS  
CITY OF PORTSMOUTH, NEW HAMPSHIRE  
MINUTES OF JULY 14, 2016 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on June 23, 2016 in Conference Room A at Portsmouth City Hall. The meeting was called to order at 7:34 a.m.

Present were Trustees Thomas R. Watson, Phyllis Z. Eldridge and Dana S. Levenson. Also present were Michael Warhurst, Peter Torrey, John Bohenko, David Moore, Jameson French, Benjamin Anderson, Claudette Barker, Amy Brnger, Julie Bokat, Michael Conaboy, Christine Dwyer, Mary Krempels, David Krempels, Beth Margeson, Judy Nerbonne, Kathy Baker, and Arthur Clough.

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 delivered his Park report. He reported that there were two incidents on July 3, 2016 when boats tied up at the South Docks were boarded by strangers during the night. The incidents were reported to the police but the perpetrators fled the scene before they could be identified. Mr. Warhurst also reported on his conversation with the most recent applicant for a memorial bench concerning the Master Planning process for the Park. The applicant wanted some assurance that her memorial bench would remain in the Park on a long-term basis. Mr. Moore agreed to contact the applicant to discuss possible outcomes and the nature of the planning process in more detail.

Mr. Warhurst reported on a receipt of a request from Samantha Eagan of Sprague Energy to conduct a session of games for its employees in the Park on the morning of September 8, 2016. The session will last about an hour between 8:00 am and 9:00 am. She anticipates 40 participants. After discussion, the Trustees unanimously approved her request subject to the games being held on Four Tree Island instead of Prescott Park and subject to the Park's other policies. Finally, Mr. Warhurst reported that he met with a tree specialist from the Urban Forestry Center to examine the disease affecting the crab apple trees in the formal garden. He was told that the disease is still treatable and is presently being properly handled by Park staff but could have long-term implications.

Julie Bokat of Fuel Training Studio in Portsmouth addressed the Trustees in support of its request to hold a series of free outdoor fitness classes in the Park on Sunday mornings. Voluntary donations would be accepted from the participants off the Park premises and proceeds will be donated by FTS to local non-profit organizations. FTS proposes to conduct the classes between 8:00 am and 8:45 am on July 24, August 20, September 17 and October 13. After discussion the Trustee unanimously approved the request, subject to the usual Park policies and the condition that the classes take place on the South Lawn.

Mr. Torrey presented his financial report. He noted that the Trustees received a check in the amount \$1,250 from the New Hampshire Art Association as its contribution for use of the

Sheafe Warehouse this season. He also noted that it is necessary to effectuate another wire transfer to the American University of Paris for one of the student scholarships. An authorization for the same was distributed and signed by the Trustees.

Mr. Torrey then distributed and led a discussion of the Revenue and Expense Summary for the Park for the period ending June 30, 2016. He noted that the results exceeded the budget for the fiscal year ending on that date. He also distributed and led a discussion of the dock activity summary for the Marine Maintenance Trust Fund for the same period. Finally, Mr. Torrey distributed and led a discussion of the growth report for the trust funds covering both the 2016 fiscal year and the last 10 years. He noted that over the decade, the funds have grown at an average rate of 6.6% per year.

Amy Brnger appeared on behalf of the Futures Program. She reported and distributed documentation that provided for a draw of \$108,657.51 from the New Hampshire Charitable Foundation to the Futures program and expenditures thereafter covering the first semester checks for student members of the Futures Program. The request was approved by the Trustees.

Mr. French, Ms. Barker and Mr. Anderson appeared on behalf of the Prescott Park Arts Festival. Mr. French reported on the growing problem of inebriated persons and hecklers at PPAF's events that are disturbing the performances. He advised the Trustees that PPAF has reached out to the Portsmouth Police Department to arrange for police presence on Wednesday evenings and at other times selected at random to try to combat the problem. Mr. Bohenko suggested that Mr. French contact Chief Mara to arrange for police presence.

Mr. French stated that PPAF would like to revisit the policy adopted at the last meeting concerning the status of the so-called, "fifth gate" during PPAF performances. This gate serves as an entry/exit from the Josie F. Prescott Memorial Garden. He reported that on two nights this week, a disorderly person entered the Park through the gate and caused a disturbance. Because this gate is not manned, PPAF staff were not alerted and could not monitor that individual's activities. Ms. Barker added that she thought keeping the gate open creates safety issues. A discussion thereafter ensued concerning the issue. Mr. Bohenko suggested that there would be no reason to lock the gate while police are present in the Park. Mr. Watson suggested the same is likely true for daytime performances. Ms. Eldridge questioned how a locked gate will solve the perceived safety problem inasmuch as disruptive individuals are able to enter the performance areas of the Park at multiple locations where PPAF staff are not present.

After further discussion, Mr. Watson moved to modify the current policy concerning the fifth gate to read:

The fifth gate shall be left open at all times except under specific circumstances. Specifically, during night performances of the PPAF, the gate shall be closed only when a police detail officer is not in the Park. On those nights, the gate will be closed one hour before the performance, and re-opened no later than 15 minutes prior to the projected end of the performance. When there is a police detail officer in the Park during the night performances, the gate shall remain open. The gate shall not be closed/locked at any time during the day under any circumstances, including for matinee performances of the PPAF play.

The motion was seconded by Mr. Levenson, and after further discussion was unanimously adopted by the Trustees.

Mr. Anderson distributed and provided an overview of the sound protocols adopted by PPAF to reduce noise impacts on the neighborhood adjacent to the Park. These efforts have included new directional speakers, training for staff members, calibration of the sound system at the beginning of the season and daily sound testing from multiple locations. They advised that the Festival has set a goal not to exceed 90 decibels at any performance. Mr. Anderson then answered a number of questions concerning these protocols.

Ms. Eldridge noted that she has observed PPAF patrons laying out their blankets considerably earlier than the pre-performance deadline. She suggested that PPAF be more vigilant in enforcing the rules. Mr. Anderson agreed that PPAF will put up more signs advising patrons of the time limits for laying out blankets.

Ms. Eldridge then opened the meeting for public comment. Ms. Margeson reported that noise continues to be an issue during performances. She has acquired a noise meter. She described the decibel readings as “off the charts.” On Wednesday evening, she recorded a sound level at 79 decibels at 10:00 pm. She also noted that Park patrons are starting to park mopeds at the entrance to the Park. She believes this creates a safety issue. Finally, she stated that alcohol consumption in the Park appears to be significantly higher than in the past. There also appears to be more intoxication that is visible and resultant disorderly behavior.

Mr. Clough distributed to the Trustees photos that he took in the Park at 6:00 am this morning. The photos show a number of trash receptacles were filled with liquor, wine and beer containers demonstrating the level of alcohol consumption occurring during performances. He believes that this consumption is contrary to the restrictions imposed upon activities in the Park by the Prescott sisters and is an insult to the memory of Josie Prescott. Mr. Clough also stated that he and his wife no longer feel welcome in the Park. He again described the incident that took place a couple of weeks earlier where he believed his wife was defamed by PPAF staff and officers.

Ms. Baker reported that she briefly attended the concert in the Park last evening. At approximately 8:30 pm she noted that there were a number of visible intoxicated individuals in the Park and people could be seen consuming alcoholic beverages from beer cans and bottles. She also showed printouts of pages from a new mobile web application found at “Untappd.com” whereby persons in the Park during PPAF performances are socially sharing the alcoholic beverages they are drinking while watching the performance. She also reported that the recycle bins are regularly filled with beer cans and bottles following concerts. She also distributed to the Trustees photos that she had personally taken showing the beverage containers in the recycling bins in the Park.

Mary Krempels, who identified herself as a long-term resident of the neighborhood surrounding the Park, stated that she believes that PPAF has outgrown the Park. More specifically, she believes that the concerts non longer belong in the Park. She reported that last evening the noise level was so high that it disturbed her and her husband inside their home as well as on their porch.

Ms. Nerbonne reported that she has had sound testing conducted by her husband on her deck during PPAF performances and the results have been high. She suggested that the code enforcement officer for the City should conduct noise testing during PPAF performances. She noted that the City has an existing noise ordinance that should be enforced. She also invited the Trustees and City Officials to her home on the night of one of the concerts so that they can personally experience the impacts of the noise. Mr. Bohenko stated that he would look into having a member of the city staff conduct sound checks.

Ms. Nelson suggested that the sound testing by the city should be performed without any prior notice to PPAF. She suggested that the testing should be conducted by an independent testing source.

Mr. Krempels expressed his frustration with the "hotline" established by PPAF to receive complaints and concerns about the activities of PPAF in the Park. He noted that the PPAF policy states that all calls will receive a response within 24 hours. He believes that that is too late. He recently called the hotline at approximately 9:00 pm to express his concern about the noise level and did not receive a call back until the next day when it was too late to obtain any relief from the noise.

Ms. Barker acknowledge the neighbors' concerns about drinking in the Park but emphasized that PPAF neither allows or encourages such drinking.

Mr. Anderson stated that PPAF continues to be great family entertainment in a beautiful setting.

Mr. Bohenko stated that it is now his intention to arrange for sound testing at an upcoming PPAF performance. He plans to do so in conjunction with PPAF so that the City testers can compare results with the PPAF testers at the same times and same locations. He also advised that he will take up the offers of one or more of the neighbors to visit their homes during a PPAF performance to personally experience the effects of the sounds from PPAF performances on them. Mr. Bohenko advises that he will work with PPAF and the police department in arranging for police officers to be in the Park during Wednesday evening concerts and at other random times. Finally, Mr. Bohenko noted from his own experience that the prerecorded music that is played prior to performance appears to be unnecessarily loud and asked PPAF to turn it down.

The chair reported that the next meeting will take place on July 28, 2016.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 9:23 a.m.



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Thomas R. Watson, Secretary