

TRUSTEES OF THE TRUST FUNDS
CITY OF PORTSMOUTH, NEW HAMPSHIRE
MINUTES OF AUGUST 25, 2016 MEETING

A regular meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshire was held on August 25, 2016 in Conference Room A at Portsmouth City Hall. The meeting was called to order at 7:35 a.m.

Present were Trustees Thomas R. Watson, Phyllis Z. Eldridge and Dana S. Levenson. Also present were Peter Torrey, David Moore, Mary Krempels, Cathy Baker, David Krempels, Beth Margeson, Judy Capobianco, Mark Brighton, Judy Nerbonne, Christine Dwyer, Amy Brnger, Arthur Clough, Sandra Parr, Jeff McMenemy, and Zelita Morgan.

The minutes of the August 11, 2016 meeting were reviewed. Mr. Watson noted that the minutes erroneously stated the date of the next meeting of trustees. Thereafter, upon motion duly made and seconded, the minutes as so corrected were approved.

Payroll and operating expense checks were reviewed and signed.

Mr. Torrey gave his financial report. He advised the Trustees that, at the request of the City, he is transferring \$59,300 from the Trustee's checking account to a NOW Account with Provident Bank. This money represents additional donations that have been received by the African Burying Ground Trust over the last several months. Mr. Torrey also reported that the City Attorney has requested that the Trustees re-execute the Lower State Street Park Trust trust agreement, originally approved and executed in 2004, because the original signed agreement appears to be misplaced. This trust was set up following the death of Jay Smith to help fund maintenance and repair of the pocket park on lower State Street bequeathed to the City by Mr. Smith.

Mr. Torrey reminded the Trustees that at their March 31, 2016 meeting, they voted to enter into an agreement with the City of Portsmouth to retain the services of a member of the City's finance department to provide bookkeeping services to the Trustees, but that agreement was not thereafter memorialized in writing. Mr. Torrey distributed a proposed form of agreement that was reviewed and approved by the Trustees and executed by the Chair.

Finally, Mr. Torrey distributed and led a discussion of the forms MS-9 and MS-10 for this fiscal year that are required to be filed with the New Hampshire Attorney General. Following review and discussion, the forms were unanimously approved by the Trustees, executed by them and returned to Mr. Torrey for filing with the Attorney General.

The meeting was then opened for public comment.

Cathy Baker stated that she recently attended of couple of Prescott Park Arts Festival events and she believes that the recently re-sodded lawn area that serves as audience seating for the PPAF events has started to develop an unpleasant odor. She believes this is due to overuse of that area. Ms. Baker also reported that the consumption of alcohol in the park during PPAF performances continues to be a problem. She notes that there were seventeen alcohol related sponsors of the recent Wood Brothers concert. She believes that these types of sponsorships

leave the impression that alcohol consumption is permitted during performances. She also attended the Judy Collins performance this week and noted that there was alcohol consumption in the audience but it was consumed in a much more discrete way, likely due to the fact that the audience was an older one.

Ms. Baker also stated that she did not see the police officer now patrolling PPAF events in the Park during the concerts she attended. She suspects that the officer patrols in the background areas of the Park. She believes that this approach does not help with reducing alcohol consumption. She believes that the officer should maintain a higher profile by patrolling in the audience areas during Park performances. Finally, Ms. Baker noted that, when the new "No Alcohol" signs were recently installed in the Park, they were placed at prominent locations including at the "gates" through which concert attendees pass in order to access the audience area. She noted that on the following night, they had been moved to other locations that she believes are less prominent. She believes that the City should be more robust in its enforcement of the alcohol ban in the Park.

Mr. Clough next addressed the Trustees. He made several points including:

- He believes the recent letter to the editor by Ms. Cavalaro, published in the Portsmouth Herald, was both inaccurate and unfair.
- He believes that PPAF is not compliant with the terms of the 2012 Operating Agreement with the Trustees.
- He also attended the Judy Collins concert in the Park and personally saw alcohol consumed.
- He also attended the Wood Brother's concert and noted consumption of alcohol. He provided the Trustees with a list of the different brands of alcohol he noted in the Park and photos of empty alcohol containers found in the recycle or trash bins the following day.
- He also believes that the City is not enforcing its alcohol laws.
- He is opposed to the expansion of concerts in the Park because he believes that they are a driver of increased alcohol consumption.

Beth Margeson stated that there is a secondary effect to the increase in alcohol in the Park. As a resident who lives directly across the street from the Park, she noticed that there is an increase in the number of persons who are consuming alcohol or who are disorderly in the streets outside of the Park during and following PPAF concerts. She also stated that she was required to pass through the PPAF "gates" recently while traversing the Park to approach the visiting tall ship. She experienced the pressure of having to explain she was not attending the PPAF performance so as to pass through the gate without making a donation. She also noted that, contrary to normal PPAF procedures to discontinue use of the gates after about 30 minutes into the performance, on the night she was present, the gate was still in operation at 9:30 pm.

Mr. Brighton told the Trustees that some of the recent conversations he has heard at Trustee meetings or at meetings of the Mayor's Blue Ribbon Committee, about Prescott Park being an evolving urban park are of concern to him. He believes that Portsmouth, with only 21,000 people, is not an urban area. Moreover, he does not believe the Park should evolve over time. It should be true to its founding in 1928 when the Prescott Sisters began to build the Park.

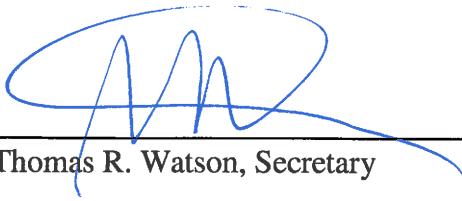
Zelita Morgan told the Trustees that she had a number of points that she wished to share with the Trustees including:

- She recently traveled to Boston to attend a Shakespeare play in the Public Gardens. In contrast to the way the audiences are treated at PPAF events, she was met by greeters who distributed free programs and made no effort to collect donations.
- At the Shakespeare event in Boston, the performances took place on a stage that was not permanent. Moreover, the sound quality was excellent without being too loud.
- She also personally observed the consumption of alcohol while passing through the Prescott Park during a PPAF performance.
- She believes that PPAF's use of roping, with flags stretching between the entrance gates, creates a safety concern. If there occurred an emergency that required the audience to exit the Park quickly, the roping would likely cause people to trip and possibly lead to trampling.
- She believes that PPAF has proven itself to be a successful non-profit notwithstanding the early years of its existence. It now has options that it did not previously have to stage its events at other locations, including locations that would allow for the consumption of alcohol. As alcohol consumption increases and crowd size increases, Ms. Morgan believes that PPAF should move some of its programming to locations outside of the Park.
- She opposes the expansion of a private, non-profit organization at the expense of the City. She questions why PPAF has exclusive rights to hold performances in the Park and believes that the Park should be open to other non-profit arts groups.
- She believes that the real value of arts to the community is to bridge gaps between people and groups, not to disrupt the community. She believes that PPAF is disruptive in the community.

Mr. Krempels stated that he wished to thank the Trustees for listening to neighbors of Prescott Park. He believes that the neighborhood voices are now heard whereas, in the past, they may have been ignored.

The chair reported that the next meeting will take place on September 8, 2016.

There being no further business, upon motion duly made and seconded, the meeting was adjourned at 8:23 a.m.



Thomas R. Watson, Secretary