

THOMAS R. WATSON

200 New Castle Avenue
Portsmouth, New Hampshire 03802

December 22, 2017

John P. Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: Prescott Park Policy Advisory Committee

Dear John,

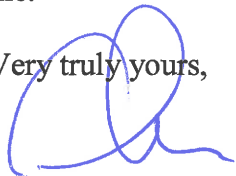
On behalf of the Prescott Park Policy Advisory Committee, I am pleased to present the Committee's Final Report and Recommendations. This report is the product of extensive discussion and deliberation by the Committee during eighteen public meetings over a ten month period of time, culminating in its formal adoption on December 19, 2017. The recommendations reflect the Committee's consideration of comments and testimony of public safety officials, public works personnel, the City's sound consultant, as well as input from representatives of the Prescott Park Arts Festival, The Gundalow Company and New Hampshire Art Association. It also reflects the receipt of substantial comment from the public, both during the public meetings and through the Committee's online forum.

Throughout its deliberations and in adopting its recommendations, the Committee tried to remain true to the "Park First" approach that serves as the foundation for the Prescott Park Master Plan. Indeed, at its final meeting, the Committee concluded that, when faced with competing interests in the use or operation of the Park, the City should always decide in favor of the Park.

The Committee hopes that its Final Report and Recommendations will serve as a roadmap in your negotiation and preparation of license agreements with the primary users of the Park.

Should you have any questions concerning the Report, please do not hesitate to contact me.

Very truly yours,



Thomas R. Watson

CC: Committee Members
David S. Moore, Assistant City Manager

**Prescott Park Policy Advisory Committee
A Mayor-Appointed Blue Ribbon Committee of the City of Portsmouth
Final Report and Recommendations**

December 2017

**Thomas R. Watson, Chair
Genevieve Aichele
Michael Barker
M. Christine Dwyer
Alan R. Gordon
Robin L. Lurie-MeyerKopf**

**Prescott Park Policy Advisory Committee
A Mayor-Appointed Blue Ribbon Committee of the City of Portsmouth**

Final Report and Recommendations

December 2017

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I. Introduction

The Mayor appointed the Prescott Park Policy Advisory Committee in February 2017. The Committee's work is rooted in the 2017 Prescott Park Master Plan adopted by the City Council. The establishment of the Committee was a recommendation in the Master Plan's Governance Recommendations. The Plan, its tenets and the "Park First" vision constitute the framework for the Committee's discussions and ultimate recommendations. An outline of the 2017 Prescott Master Plan can be found in Appendix A. The Governance Recommendations from the Master Plan are included as Appendix B to this Report.

The recommendations in this report, in accordance with the Committee's charge, are advisory to the City Manager and designed for his use in managing the City property and developing and administering agreements with Park licensees. In particular, these recommendations are intended to assist the City Manager in crafting new license agreements as recommended in the Master Plan. License Agreements will be submitted to the City Council for approval.

Accountability and clarity of roles and responsibilities has been a recurring theme of the Committee's deliberations. The Committee urges broad understanding that agreements between Park licensees and the City of Portsmouth are, in essence, agreements between the City of Portsmouth (through the City Council) and the organizations (through their Boards of Directors).

II. Committee Process and Steps

The Committee's Charge was as follows:

Using the 2017 Final Report of the Blue Ribbon Committee on the Prescott Park Master Plan as a guide, advise the City Manager with respect to park policies; events, activities, and services in the Park; and operations of licensees and serve as a communication forum.

Committee members included Thomas R. Watson, Chair; Councilor M. Christine Dwyer, Alan R. Gordon, Robin Lurie-Meyerkopf, Genevieve Aichele, and Michael Barker. Two of these members also served on the Blue Ribbon Committee on the Prescott Park Master Plan.

The Committee's meeting minutes are available on the City's website and video recordings are available on the City's YouTube Channel. In addition, a website was created to host key documents the Committee reviewed and served as an access point for residents to submit comments via an online form. Public comments were regularly updated in a summary document submitted to the Committee and made available to the public. All meetings of the Committee incorporated a public comment period.

Meetings and Main Topics Covered at Each

1. March 9, 2017 – Organizational Meeting (Charge, 2017 Prescott Park Master Plan Overview)
2. March 30, 2017 – Agreements for Gundalow Co, and NH Art Association, discussion of Arts Festival Letter Agreement (and Schedule)
3. April 13, 2017 – Review of Governance Framework, Agreements for Gundalow Co. and Art Association; discussion on Arts Festival Letter Agreement
4. April 26, 2017 – Discussion of Letter Agreement with Arts Festival
5. May 26, 2017 – Discussion of 2018 Festival Schedule
6. June 21, 2017 - Discussion of 2018 Festival Schedule
7. July 12, 2017 – Meeting with Arts Festival Board and Staff on Festival Schedule
8. July 19, 2017 – Meeting for Public Comment on Festival Schedule
9. August 2, 2017 – Site Walk and Discussion of Temporary Facilities
10. August 18, 2017 – Commercialization and Signage in Prescott Park
11. August 30, 2017 – Discussion on Facilities with Public Works Department
12. September 13, 2017 – Sound Management Plan and Monitoring Data Presentation and Discussion
13. October 3, 2017 – Discussion and Final Recommendation Made to the City Manager Regarding Festival Schedule
14. October 18, 2017 - Discussion with Public Safety Officials
15. October 31, 2017 – Discussion with Gundalow Co. and Art Association re: 2017 Season and Tour of Park Buildings with Licensee representatives
16. November 15, 2017 – General License Terms and Conditions
17. November 29, 2017 – Factors in License Agreement Payments and Discussion with PPAF re: 2017 Season
18. December 6, 2017 – Discussion on Committee Recommendations
19. December 19, 2017 – Finalize Recommendations to City Manager

III. Recommendations

A. General License Terms & Conditions

This section is intended to address general terms and conditions for Park licensees going forward. One challenging aspect to the Committee's work has been the context of significant upcoming capital improvements that will change the layout of the Park and in a number of ways both help mitigate impacts of Park programming and affect the location of some Park programming, including, for example, use of temporary facilities associated with the backstage operations of the Prescott Park Arts Festival (PPAF).

- 1. Addressing Differing Impacts of Licensees' Operations** – Terms and conditions in licenses will vary depending upon the extent of activity proposed by Licensees in a number of areas, including but not limited to, number of events, planned attendance at events, impacts to the site (i.e. wear & tear), off-site impacts (parking, traffic & transportation, and sound impacts), character of property to be licensed (historic buildings vs. lawn areas), and extent of use of temporary and seasonal facilities.
- 2. Consistency in Format** – In order to underline the goal of treating park licensees equally, the Committee recommends following a similar form and structure for the license agreements, while still accounting for the differences in programming types and operations.
- 3. Ongoing Assessment, Compliance, and Enforcement Mechanisms.** The Committee recommends specific license terms be included to address ongoing assessment of performance. The Committee also discussed the need to build into future agreements appropriate performance measures and standards to help monitor compliance, including potential consequences for non-compliance. Examples of such terms include:
 1. At time of signing, collecting a separate payment to be deposited in an escrow account, from which funds could be deducted as a result of non-compliance with specific terms (e.g. cleanliness of licensed areas, responsiveness to safety expectations, compliance with sound parameters, and scheduling of performers who draw crowds beyond permitted limits).
 2. Incentivizing compliance by creating a financial incentive such as crediting portions of monies held or collected under the license in exchange for meeting established performance standards.
 3. Reducing the number of permitted performance nights in a future season for repeated non-compliance in a season or further restricting certain activities following repeated violations of the existing restrictions on such activities (e.g., permissible hours of unattended blankets).
 4. Modify the term of the agreement to year-to-year due to repeated non-compliance.

- 4. Approval of Temporary Facilities.** Annually, all Licensees shall work with the City Manager's Office, Police Department, Fire Department, Health Department, Department of Public Works and Inspection Department on layout of temporary facilities (facilities seasonally used and/or brought into the Park) to ensure compliance with all applicable life safety and building codes, risk management practices, and License terms related to facilities, including sound system design. Areas specific to PPAF will include temporary backstage facilities, crowd management barriers, structural design of stage additions and stage set, trusses and electrical equipment, public address/sound system assembly set-up, and any gates and roping. Licensees shall comply with all local laws and building codes.
- 5. Uses of Park Facilities.** The community discussions during the Master Plan enthusiastically welcomed and envisioned use of the Park facilities for programming. This includes public access to and usage of the historic buildings in the Park. As a result, the Committee recommends future agreements be guided by the following when making determinations of which facilities are licensed and what uses are authorized:
1. Prioritize uses that facilitate access by and programming for the public.
 2. Differentiate uses and facilities that are required to be located in the Park and cannot be located elsewhere without adversely impacting the quality of programming in the Park from uses and facilities that can be located outside the Park without adversely impacting actual programming. For example, access to buildings by the public for programming is preferable over office and storage uses.
- 6. Term (Length of Agreements).** Discussions relating to the duration or term of agreements with Park licensees sought to balance a number of factors, including, the usefulness and stability associated with longer-term leases; the management of the timing and final design of master planned improvements; accountability and performance on agreed upon terms and the need for a degree of flexibility as the Park experiences the profound changes envisioned in the Master Plan. The current lease term with PPAF is a year-to-year agreement, which can be terminated upon 60 days notice by other party. Recent agreements with the NH Art Association have been year-to-year. And recent agreements with the Gundalow Co. have been both multi-year and year-to-year. Moreover, there exists one multi-year agreement for a specific building that is inconsistent with the term of the operating agreement for the licensee elsewhere in the Park.

The Committee recommends that the City enter into agreements with licensees, which are three to five years in length (or some number of years tied to the commencement of the first phase of master plan improvements), renewable for similar time lengths upon agreement of the parties. The purpose of including renewals would be to facilitate long-term planning and communicate sustained interest in Park programming.

- 7. Financial Reporting** - In order to promote transparency and public confidence in financial transactions involving the use of the Park, all potential licensees shall provide timely and full financial information (e.g., audited financial statements with management letters; and federal 990 forms), and other financial information (i.e. policies for cash handling, etc.) that may be requested by the City. Where requested by the City, licensees shall provide abstracts or specialized financial reports that contain more limited financial information (e.g., revenue and expenses associated with a particular activity such as movie showings). Clear expectations for the timing of submittals and types of required documentation should be included in licenses, taking in account fiscal year and other requirements (e.g., Federal deadline for 990 forms).
- 8. Requirement for Public Interaction:** As licensees in a City facility, organizations operating in the Park should have protocols for responding to concerns from the public related to their programming. Examples of communications that would meet this requirement would include publicizing the name and contact information of a single contact person, establishing a “hotline” phone number, and/or a dedicated e-mail address. The Committee recommends that the City convene regular public forums prior to, during (once per month) and after the close of the season at which members of the public will have an opportunity to comment on licensee activities in the Park and at which representatives of licensees shall be required to attend and participate.
- 9. Information about Process for Programming Access to Stage.** License agreements should address the policies and processes required of the Licensee in programming the stage as well as expectations for access by other community based groups. Examples of requirements for sub-agreements include: number of and time and schedule allotments for community-based performance groups having access to the stage; process for making selections including the description of artistic and other criteria; and policies for setting fees and sharing revenues.

B. Public Safety and Crowd Management

The Committee had a detailed conversation with Chief Merner and Captain Warchol of the Police Department as well as Chief Achilles of the Fire Department on October 18, 2017. Together the public safety officials offered specific observations and suggestions for ensuring public safety for places of assembly and specifically gatherings and events Prescott Park. The recommendations included below resulted from that discussion.

Recommendation: License agreements should require Licensees to implement safety-related recommendations of the City's Police and Fire Departments.

Recommendation: No event should be planned for Prescott Park which cannot be safely held. Therefore scheduling for the Park should be reflective of the safety considerations addressed below.

Recommendation: Licenses should incorporate these public safety measures:

1. Operations Plan: An Operations Plan developed in coordination with public safety officials and submitted prior to the start of the season, including at least the following:

- i. A detailed risk assessment
- ii. Event types and attendance projections
- iii. Number of personnel needed by event type
- iv. Plan for securing safety personnel
- v. Protocols for alerting officials to relocated events
- vi. Accelerators for police and fire staffing based on audience size and weather
- vii. Physical layout of egresses, aisle ways, pathways and means to keep them clear

2. Crowd Management

- i. Licensee's staff members shall obtain formal crowd management training

3. Public Safety

- i. All existing access points from audience area to remain open
- ii. Licensee to make announcements at beginning of performances for emergency protocols (content to be coordinated with City Manager, Police Dept. and Fire Dept.).
- ii. Minimum detail staffing include two police officers for crowds up to 1,500 people; additional officers for larger crowds and such other measures as Fire Department staff shall recommend as part of the operations plan.

C. Events and Performances Schedule

A significant portion of the Committee's work and time was dedicated to developing recommendations for the Events and Performances Schedule in the Park. In addition to sound, the impacts of the schedule and number of programs and popularity (attendance) have generated intense interest and concern. The development of the schedule recommendations is intended to balance the "Park First" approach of the Master Plan with the vibrant and popular programming that has generated widespread enthusiasm in the community.

In order to facilitate planning for the 2018 season, at the request of the City Manager, the Committee prioritized the development of these recommendations in order to guide the development of the season schedule for 2018. As a result, the Committee transmitted its recommendations to the City Manager in October 2017. The schedule recommendations of the Committee are found in Appendix C. The Committee that the recommendations for 2018 will also serve as a template for future years.

D. Factors in License Agreement Payments

Throughout its deliberations the Committee recognized that the vibrancy which quality programming in Prescott Park brings to the community as a tremendous value and public benefit. The Committee sought to balance this public benefit with the shared responsibility for Park operating costs and capital investments. The Committee's recommendations recognize that license payments should balance public benefit to the residents of the City, operating costs of the Park, impacts on the Park and the size and value of spaces licensed under the agreements.

The Committee recommends that the following factors should be taken into account in developing License agreements across the various Park licensees.

1. In addition to general park uses and consistent with the 2017 Prescott Park Master Plan, the City should ensure quality programming for visual and performing arts, history, and maritime culture in Prescott Park.
2. All operational costs for providing programming in the Park should be the responsibility of the organizations sponsoring programming in the Park (i.e. event staff, program development, advertising, administration, talent costs, etc.).
3. The areas to be licensed to Park licensees should be clearly delineated and updated to reflect changes over time. To illustrate the spaces used in the park, an analysis of square footage in the Park currently used by licensees can be found in Figure 1 below.
4. The City's costs of operating in the Park should be clearly communicated to the public and licensees. As much as possible, costs should be attributed directly to each organization operating in the Park, without regard to whether those costs are passed on to them (e.g. electricity, water/sewer, and other costs). Documentation associated with general administration and oversight of the Park, as well as time spent working with individual Park licensees, is part of the general attribution of costs. General attribution of costs does not necessarily imply the costs will be recouped from the licensees.
5. There are costs associated with maintaining entrances, pathways, lighting, lawns areas, bathrooms, and parking area used by attendees of Park licensee events as well as members of the public generally. For this reason, it is appropriate for Park licensees to contribute to the costs for the general upkeep in the Park and not only those costs directly attributable to their occupancy.

6. In addition to ongoing Park operating costs, the City faces significant capital costs in future years as the Master Plan for the Park is implemented. Because such improvements to the Park and its amenities will benefit Park licensee operations even if not expressly used to support the programming, the City should look to Licensees through license agreement payments or other license terms that advance capital funding for improvements in the Park.
7. The various public missions of organizations operating in the Park can be invaluable in attracting contributions for capital improvements (from public and private sources) as part of the implementation of the Prescott Park Master Plan. Participation by private donors or organizations in capital funding for the Park should not be intended to convey ownership or control or special/exclusive access to the Park or any improved or constructed element.
8. The footprint and impact of Licensee operations differ significantly among Licensees and these differences should be taken into consideration in determining individual License payment fees. This differential implies varying methods, formulas, and approaches for determining License Agreement payments.

This approach recognizes the distinction between treating different Licensees the *same* and treating them *equally*. There should be a relationship between the size of the footprint/impacts and the extent of impact and fees to the City. Examples include foot and pedestrian traffic driven to the Park, sound, traffic and trash generation, square-footage of space dedicated to certain operations (seasonally or year round), amount of time during which programming takes place and other how general park uses are impacted by programming.

9. In general, programming should continue to reflect the Park's nature as publicly-owned and open to all. As a result, donations and contributions from the public should be made on a voluntary basis only. This does not preclude some aspects of Licensee programming to be fee-based, so long as it is for programming subordinate to a dominant "voluntary donation/no fee" program offering (i.e. voluntary donation/no fee access to concert programming versus fee-based camp show programming; voluntary donation/no fee access to Art Show versus fee-based art classes). Each License shall expressly detail the permitted transactions in the Park, be they "fee-based", by "voluntary donation/no fee" or "for sale" transactions.
10. As the owner of the Park and its permanent buildings, the City is responsible for maintenance of the facility. Revenues generated from Park activities including licenses fees should be used for the benefit of the Park, including to offset or eliminate the need

for General Fund dollars as well as assist in preserving and growing the Josie F. Prescott Trust.

11. To promote public transparency, each License agreement should explain the basis on which the License payment was determined.

| Figure 1: Analysis of Park Usage by Square Foot | | |
|--|--------------|----------|
| (as of 12-2017) | | |
| Prescott Park Arts Festival* | | |
| Shaw Warehouse | Est. Sq. Ft. | # Months |
| 1st Floor - Seasonal Storage | 920 | 6 |
| 2nd Floor - Offices | 826 | 12 |
| 3rd Floor - Storage | 1140 | 12 |
| Sheafe Warehouse (Seasonal Storage) | 1538 | 5 |
| Grounds of Park | | |
| Temp. Back Stage Area (72x94) | 6768 | 5 |
| Stage | 2320 | 12 |
| VIP Deck/Sound Booth | 456 | 12 |
| Old Sound Building | 168 | 12 |
| Merchandize/Sound Booth | 430 | 12 |
| Area adjacent to Merch. Building | 605 | 3 |
| Audience Area | 20,000 | 3 |
| Parking (# of spaces May - October) | 9 | |
| NH Art Association | | |
| Sheafe Warehouse | 1076 | 2 |
| Area Outside of Sheafe Warehouse | 500 | 2 |
| Parking (# of spaces May - October) | 1 | |
| Gundalow Company | | |
| Sheafe Dock | | |
| Dock | 350 | |
| Table and Chair | 100 | |
| Sheafe Warehouse | | |
| May to June | 1076 | 2 |
| Sept. to Nov. | 1076 | 3 |
| Parking (# of spaces May - October) | 3 | |
| Players' Ring | | |
| 105 Marcy Street - Marine Railway Building | 1984 | 12 |
| Parking (# of spaces May - October) | 2 | |
| * This figure does not account for the Concession Building in as much as that is covered under a separate agreement. | | |

E. Sound Levels in the Park

Concerns about sound levels associated with Park activities and performances in the Park have been raised by many members of the public, including park neighbors as well as patrons, for several years.

This issue was discussed extensively during the Prescott Park Master Planning process. In 2017 the PPAF agreed to work with the City to implement a Sound Management Plan. The City expended \$7,500 to study the issue, monitor sound levels in real time, and complete a third party review by an acoustical consultant of the sound design and system set-up in the Park. Reuter Associates, LLC ("RA") performed the work.

In the summer of 2017, a sound monitoring system was installed in the Park. The system continuously monitored and recorded the sound pressure level at a fixed outdoor microphone, and provided visual feedback in real time to the sound engineer in the form of an arrangement of lights (green-yellow-red) that provide a warning when sound levels exceed preset ceilings. By observing the light during a performance, the sound engineer is easily able to maintain sound levels within approved ceilings. This system was deemed to be successful and appreciated by members of the public, the PPAF, as well as visiting sound engineers.

At its meeting on August 18, 2017, the Committee heard a full presentation from the City's Acoustical Consultant who oversaw the 2017 Sound Management Plan. Four reports about monitoring data and also a third party review of the sound setup, can be found on the website for Prescott Park (<https://www.cityofportsmouth.com/prescottpark/prescott-park-policy-advisory-committee>).

Recommendation: Relationship of Sound Levels and Schedule

The Committee discussed the relationship between sound levels and policies related to scheduling. The level of disturbance from sound is not only a function of decibel level but exposure over time. The Committee took seriously the need to address the sound issue through a number of means including through schedule discussions, which impact the amount of sound without regard to sound level. This translated into two sound-related schedule recommendations:

- performances and events in the Park be permitted to take place over five days in the park only if recommendations on sound system design are implemented (see below).
- the sixth day should have a lower sound impact on the Park and the surrounding area, such as a movie night.

Recommendation: Sound Monitoring

Monitoring the level of sound generated from the stage in Prescott Park should continue in future seasons to ensure compliance with expectations set in the License agreement. This

work, including data collection and reporting, should be overseen by the City with the cost attributed to PPAF operations (See section D. 4. in *Factors in License Agreement Payments* on page 10). Provisions for setting and reviewing sound ceilings should be included in the PPAF license agreement. For 2018, the Committee recommends the 2017 sound levels be revisited following the implementation of the sound system changes described below.

Recommendation: Design of Sound System

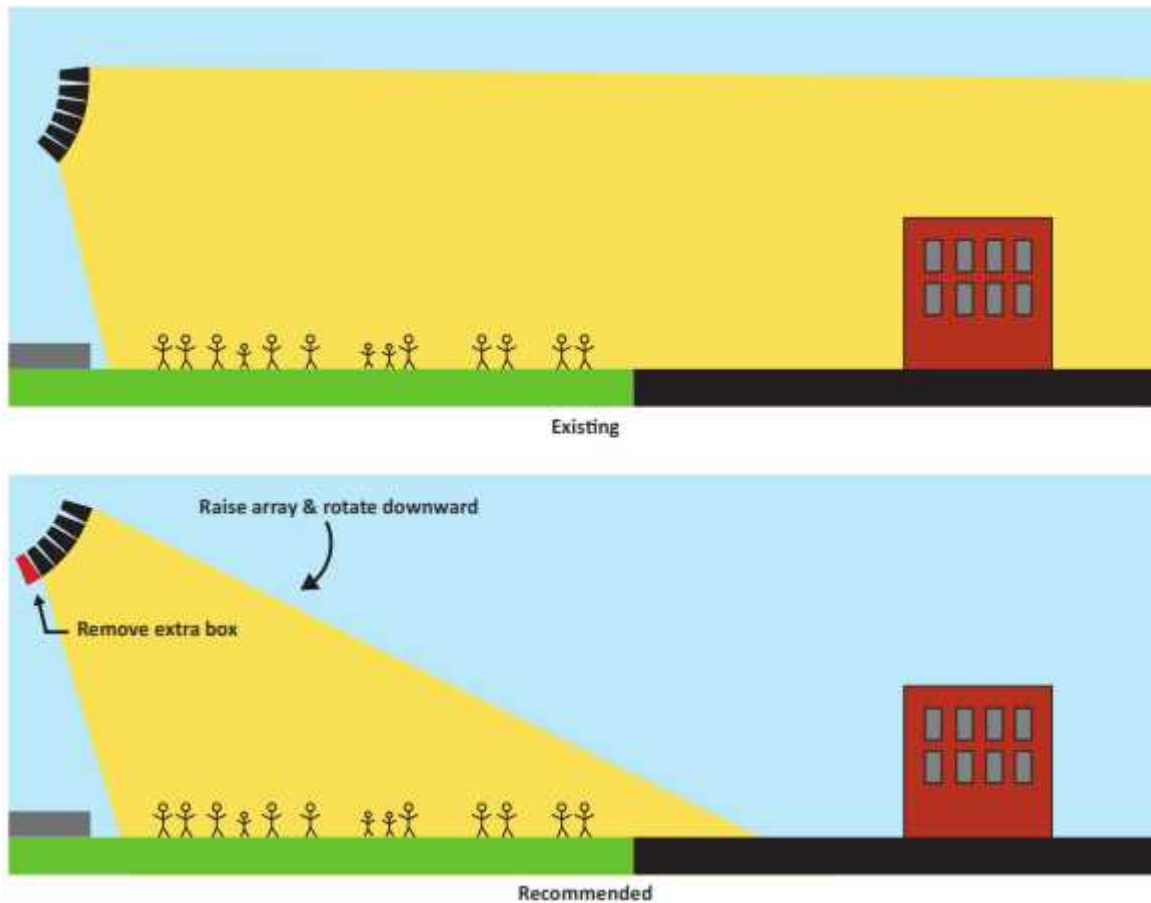
The City's Acoustical Consultant also commissioned a third-party review of the design, installation, and condition of the sound system by Music Factory Inc. ("MFI"). The results of the review were presented and discussed by the Committee at its August 18, 2017 meeting. Reuter Associates and MFI determined that it is possible to maintain and even improve the quality of sound within the seating areas at the park, while reducing sound levels beyond the park boundaries with some speaker design changes.

MFI reviewed the loudspeaker locations, arrangement, and settings currently in use, including an on-site visual inspection. MFI's comprehensive report, including recommendations for modification and adjustment of the line arrays to optimize performance and minimize impact on the surrounding community, is attached in Appendix D.

The Report notes that the speaker arrays are curved, allowing the vertical angle of coverage to be adjusted in two ways:

- The relative angles between the boxes (individual loudspeakers) can be adjusted, making the overall coverage taller or shorter.
- The horizontal angle of the whole array can also be adjusted, thus rotating the whole array up or down relative to the ground.

Currently, the top boxes in each array are horizontal, which means that the coverage area of these boxes is parallel to the ground. The sketches below provide a simple visual representation of the recommended changes. The area in yellow is intended to represent the coverage of the arrays. The same concept will apply to the smaller side arrays, though they contain fewer boxes.



The MFI report should be consulted for more technical detail about the recommended changes to the speaker arrays in order to re-direct sound and avoid spillage beyond Park boundaries. Currently sound is being directed over the heads of the audience, and to areas well beyond the park boundaries. MFI recommends that each of the speaker arrays (both front arrays *and* both side arrays) be raised slightly and rotated downward, thus focusing the sound from the top boxes in each toward the back of the audience area. Once this is done, each of the arrays will have more boxes than required to cover the audience. It is recommended, therefore, that the bottom box from each array be eliminated. For the side arrays, this will leave only one box in each. The recommended relative angles between the boxes are also specified in the MFI report. It is expected that these changes can be made without lowering the arrays to the ground, with the aid of a bucket truck or similar device, and could be accomplished readily for the 2018 season.

MFI further recommends that for future seasons, the existing subwoofers be replaced with more sophisticated Nexo subwoofers that can be operated with a cardioid (directional) pattern to reduce low frequency (bass) emissions to the area behind the stage. Additional recommendations are also provided for improving rigging longevity and safety. Finally, it is noted that none of the loudspeakers in use at Prescott Park are weather resistant, and should not be exposed to rain. It is recommended that the equipment be inspected for damage on a regular basis.

The Committee recommends that the recommendation of the RA and MFI relating to continuous sound monitoring and sound system design be made by PPAF as a precondition of the 2018 license agreement and prior to the start of 2018 programming.

Finally, the committee notes that improvements in technology relating to acoustics and sound amplification are ongoing and a License agreement should not limit the requirements relating to sound control to a static set of recommendations devised in 2017. To the contrary, the License agreement should provide for a regular review and adjustment of sound requirements.

F. Commercialization, Monetization, and Site Signage

The Master Plan governance recommendations recognize the value and purpose of open green spaces and urban parks as places of respite, recreation and enjoyment. According to the Plan, “Maintaining this special status includes limiting commercialization, which unchecked, can disrupt the park atmosphere.” Limiting commercialization in the park in order to maintain a park-like atmosphere extends to park signage.

The Advisory Committee discussed this concept, visited the site, and became familiar with the various forms of signage and commercialization in the Park. See Figure 2 below. The recommendations below have been made to achieve balance between vibrancy created by Park licensees and overall Park values and atmosphere.

Figure 2: Examples of Commercial Transactions and Related Signage

1. City-owned (PPAF-Operated) Concession stand - PPAF
2. City-owned (PPAF-Operated) Merchandize booth - PPAF
3. Sale of Paintings – (Sheafe Warehouse) - NHAA
4. Sale of Tickets – (Sheafe Dock) - Gundalow
5. Gates and Roping and Soliciting Donations for Performances - PPAF
6. Rental of tables and chairs in audience area – PPAF
7. Signage advertising Park licensees programming – Gundalow, NHAA, and PPAF
8. Rental of blankets in front of stage (currently limited to 6) - PPAF
9. Lemonade and Hot Dog vendor – private vendor
10. Naming rights and signage for structures (ex. VIP deck and stage) - PPAF
11. Plaque Memorial near Sheafe Warehouse - City
12. Park Bench Memorial - City
13. Partnerships/promotions with businesses (e.g. couch, pizza, seafood) – PPAF
14. Signage on dumpsters and trailers (example, back stage areas) - PPAF

In this section, the following terms are used:

- a. Commercialization: sale of products and ancillary services (e.g., refreshments)
- b. Monetization: restricting access to the use of park grounds and space on the basis of payment (e.g., reserved blankets, tables, and chairs).
- c. Signage: signs and advertising in the Park, including signs that recognize donors. There is often a link between signage and commercialization

Recommendation: Each proposal for the sale of goods and services should be reviewed through the lens of ensuring a high-quality presentation in keeping with the aesthetic goals of the Park. Square-footage, types of displays, and materials to be sold are all appropriate details to be considered.

Recommendation: Signage, including Donor Recognition

The Advisory Committee recognized the role of donors and contributors to the very existence of vibrant programming in the Park. The following recommendations seek to achieve a balance between aesthetics and vibrancy:

1. Signs should be limited and honor the Park atmosphere.
2. Any and all signs in the Park should be expressly permitted by the License Agreement
3. Recognition of donors should be condensed on one sign for each licensee.
4. All signage in the Park should be installed only for the season. When the season is over, all signs should be removed.
5. No facility in the Park should be named after or assigned to an individual donor or donor business without separate approval of the City Council.
6. All City rules and ordinances associated with naming facilities shall apply in Prescott Park.

Recommendations: Monetizing Park Grounds

The Committee recognizes that the ability to raise funds in the Park during programmed activities is important to supporting programming in the Park. However, reserving areas of the Park for paid access conflicts with free and open access to public facilities and should only be done prudently. In addition, the placement of chairs, tables and blankets contribute to degradation of grass, requiring a higher level of care and attention over the course of the year. Therefore limited and controlled ability to monetize Park space should be expressly limited through the License Agreement. The Committee recommends limits on square footage of Park space available by licensee for this purpose.

Specifically, for the PPAF License Agreement, the Committee recommends the following policy governing blankets and chairs, with some adjustments from the May 5, 2017 Letter Agreement containing 2017 season terms. PPAF shall be responsible for administering the policy on placement of blankets and chairs on the lawn as outlined below.

- i. Neither unattended blankets nor lawn chairs shall be placed on the lawn earlier than 5:00 p.m. on days with evening performances. No plastic or other tarps shall be permitted.
- ii. A blanket area shall be designated in the License Agreement. The area shall be approved by the City Manager.
- iii. PPAF blanket reservations will be limited to six per event; reserve blanket placements shall be subject to the same terms in this section (no placement prior to 5:00 pm on days with evening performances and prior to two hours before an afternoon performance).
- iv. This provision will not prevent blankets or lawn chairs from being placed in the lawn area in front of the stage prior to the restricted time of day if they are attended.
- v. Blanket policy shall be posted clearly in the lawn area in front of the stage.
- vi. Responsibility for enforcing this provision lies with the PPAF.

IV. Additional Recommendations

Board Leadership and the City Council – The Committee emphasizes that agreements in place with Park licensees are between the governing boards of each of the licensees and the Portsmouth City Council. The determination of what is and what is not allowed to take place in Prescott Park is a policy determination of the City Council. Each Board of Directors of the organizations with licenses in the Park is responsible for its organization’s activities in the Park and conducting such activities in accordance with License agreement terms. Park licenses issued by the City of Portsmouth should continue to be approved by the Portsmouth City Council and, likewise, formally approved by vote of the Board of Directors of the licensed organization. Each approval should be recorded in the license agreement.

Future Advisory Bodies or Committees: During the Committee discussions, the Committee reflected on the need to have continuous discussion and community involvement in assessing the effects and suitability of the terms of License agreement, including important elements such as scheduling and sound parameters. Indeed, public comment serves the important function of assisting in the evaluation of whether Licensees are meeting the expectations of the City for activities in the Park.

On several occasions, the Committee discussed the various methods by which the City may encourage and obtain feedback for the public. Chief among these methods is a formalized communication forum and sounding board for issues in the Park. In addition, the Committee encourages the City Council to establish a panel to solicit public comment and offer guidance to the City Manager in the implementation of the Master Plan.

Recommendation: The Committee recommends a formal process be established to function as a communication forum for the public about issues in Prescott Park. Elements of this process should include direct participation by the City Manager or his/her designee, representatives from the governing Boards and staff of the licensee organizations, and members of the public. Regular opportunities should be held for convening this group to address concerns raised.

Recommendation: The Committee recommends that City establish an advisory committee to solicit public comment and provide advice and guidance to the City Manager during the implementation of the Master Plan for Prescott Park.

Authority to Program in Prescott Park – The Committee recommends no single Park Licensee be granted exclusive right to sponsor programming or certain categories of programming in the Park. In the past, the City agreed to authorize one organization to program all arts and cultural events in the Park. That practice is inconsistent with the current practice whereby the City facilitates arts and culture programming through separate agreements with PPAF, the NH Arts Association, The Gundalow Company, and Friends of the South End (for the Fairy House Tour), among others. Continuing this practice in the future will maximize the City’s ability to sponsor

its own or other organizations' programming in furtherance of the Master Plan vision for uses in the Park.

Recommendation: The Committee recommends no single Park Licensee be granted exclusive right to sponsor programming or certain types of programming in the Park.

Citywide Parks and Recreation Policies

Discussions pertaining to City policies in Prescott Park are not unlike the discourse surrounding the rules governing the use of other parks and recreation assets in the City. As new and improved parks and recreation assets come online (Prescott Park, Sagamore Creek Recreation area; Rockingham Branch Rail Trail; the North Mill Pond Multi-Use path, etc.); it is timely to rethink the structures and policies related to Parks and Recreation.

Recommendation: The Committee recommends the City Manager and City Council evaluate the need for a Committee with a City-wide perspective on policies related to Parks and Recreation.

Separate Concession Recommendation

The Committee discussed the Master Plan vision for greater use (e.g. during more hours) of the concession stand and the nature of the facility as City-owned. Mindful of the agreement in place with the PPAF, the Committee noted the utility of renegotiating the lease in support of the goals outlined in the Master Plan. In addition, the length of the concession lease term and other terms in the lease including costs associated with operating the restroom facility on a seasonal basis, create confusion about the terms of use in the Park by the PPAF. Addressing these issues under a single license agreement would serve many goals including greater control of this City asset to meet the Master Plan vision and clarity for the public about Licensee responsibilities and licensed premises. Any renegotiation should acknowledge in concrete ways the funding PPAF and City brought to the facility's construction.

Recommendation: The Committee recommends the City Manager and City Council assess the pursuit of a renegotiated Concession Stand lease with the PPAF to promote Prescott Park Master Plan and promote clarity and consistency in licensing in Prescott Park.

Alternative Venues and New Venues: Throughout its discussions related to PPAF's schedule, the Committee recognized the need to assess the viability of other locations for public programming for the arts on public property. Greater information about public forum opportunities in the City might contribute to easing the demand for events and activities in Prescott Park. In addition, given the opportunity to combine urban place making with event and performance space, the committee supports the concept of creating new public spaces in Portsmouth that permits vibrant arts programming to be available more evenly throughout the Community.

Recommendation: The City should support efforts to create additional outdoor gathering spaces in the City that can accommodate flexible programming in arts and culture. Those spaces should be designed to accommodate temporary, seasonal and visual arts and performance-related programming.

Appendix A

Outline: The 2017 Prescott Park Master Plan

At the beginning of the Committee' work the Committee reviewed highlights of the Master Plan for Prescott Park. Those plan highlights are mentioned below.

- A. A policy statement about the future of Prescott Park
 - a. A design plan (Master Plan level) for the physical changes to the Park
 - b. A new governance structure for the Park
- B. The Process Followed by the 2016 Blue Ribbon Committee (MP page 35)
- C. The Park First Approach and Tenets of Design (MP page 39)
 - a. The "Park First" approach is a framework for decision-making, which prioritizes the Park as a City park and a place for respite and quiet enjoyment.
 - b. The Design Tenants included:
 - i. Recognize City ownership of the Park and its structures
 - ii. Integrate coastal resilience/adaptation strategies
 - iii. Use "for park and recreational purposes" per the Josie F. Prescott Trust
 - iv. Ensure pedestrian through-route accessibility at all times
 - v. Ensure presence for theater, dance, music and visual arts
 - vi. Maximize waterfront connection
 - vii. Maintain and enhance maritime historical connection
 - viii. Improve integration into the neighborhood
 - ix. Ensure that parking does not take up precious waterfront park space
 - x. Maintain a public forum area
 - xi. Include meaningful invitations for youth to play
 - xii. Protect and preserve historic resources
 - xiii. Preserve active maritime recreation, including public docking structures
 - xiv. Maintain/increase large open spaces for formal and informal activities
- D. The Master Plan (MP page 43)
 - a. Design elements: "democratic" walkway, access to waterfront, opportunities for informal use, different park experiences, enhance underperforming areas, planning for future beloved spaces.
- E. Implementation of Physical Master Plan – Phases and Funding (MP page 79)
 - a. Extent and variety of infrastructure in Prescott Park

- b. Six phases identified; costs ~\$15 million
 - c. Capital Improvement Plan, various sources
- F. Park Usage & Capacity (MP page 68)
 - a. Establishes guidelines for future programming based on empirical study
- G. Governance Recommendations – (MP page 74)
 - a. New Governance Framework
 - b. Recommendations for Park Governance
 - i. Role of City Manager
 - ii. 2017 as Transition Year
 - iii. 2018 New Agreements in Place Reflecting Master Plan Recommendations
 - iv. Several other recommendations related to programming for arts, culture, and history; limiting commercialization and signage; ensuring adherence to ordinances and deed restrictions; and others
 - c. Governance Principles & Recommended Provisions for Future License Agreements

Appendix B

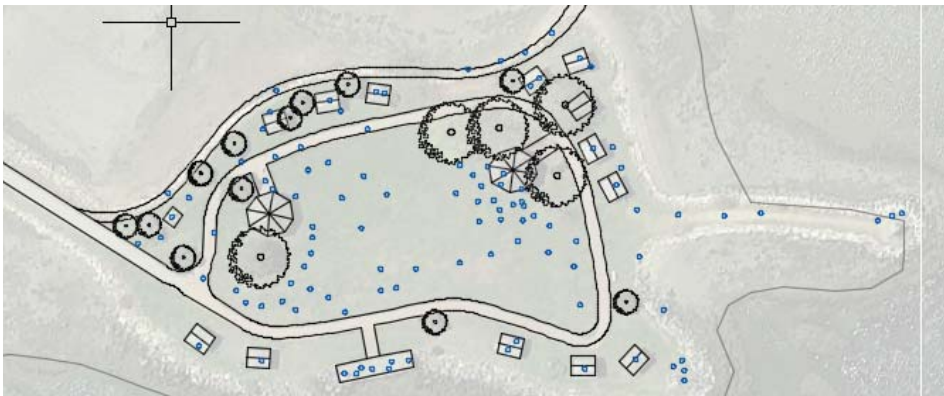
2017 Prescott Park Master Plan Governance Recommendations



Plein Air Garden with 20 people

FOUR TREE ISLAND

Permitting for Four Tree Island will remain largely the same. Currently the maximum group size is about 100 people with a few exceptions through-out the year. It is our recommendation that no private cars ever traverse the causeway and only park staff vehicles access the island proper for maintenance and event support. Given the exposure of the site, tents and other temporary covers shall not be permitted. The picnic shelters and large pavilion covering the main grill will be refurbished and will provide adequate cover. A golf cart with a trailer may be considered for both maintenance and event support operations to ensure the least amount of damage.



Four Tree Island with 100 people

GOVERNANCE FRAMEWORK

Throughout the Committee's work, issues pertaining to activity and operations within the park were raised repeatedly. These discussions informed many design decisions having to do with the physical space planning and drove the need for establishing usage and capacity guidelines. For example, the creation of the walkway that connects each section of the park from State Street to Mechanic Street was an important design characteristic that helped ensure unimpeded access for park users without regard to the schedule of any formal park programming. In other words, operational concerns translated into physical improvements.

The Committee also addressed Governance more generally as part of this Master Plan, and its recommendations appear below. A series of understandings related to the Governance Framework appear first, followed by Recommendations for Governance Going Forward, followed by Principles for License Agreements, Recommended Provisions for License Agreements and Other Recommendations.

I. Governance Framework

Early on the committee established the need for a set of facts on which discussions surrounding the governance of the park could be based. Below is a series of understandings, which was the basis for all discussions about governance by the Committee.

1. The City Council is the policy making body of the City of Portsmouth and controls City-owned land and its uses.
2. The City of Portsmouth owns the land that makes up Prescott Park.
3. The Portsmouth City Charter Article V; section 5.3, charges the City Manager to oversee all City property.
4. Deed restrictions establish the eligible uses of the property ("parks and recreational purposes").

5. The Will of Josie F. Prescott establishes a Trust (financial) whose income “shall be used for the maintenance” of the Park.
6. Current proceeds from the Trust are insufficient to fund the annual operating costs of the Park (full and part time salaries, supplies, and maintenance costs, etc.).
7. The City’s Trustees of Trust Funds oversee the Trust (financial) in their role as defined in State statute.
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.
9. The Charitable Trust Division at the State of NH Attorney General’s Office oversees Trusts and property held in trust to ensure they are used in a manner consistent with the intent of the maker of the Trust.

II. Recommendations for Park Governance Going Forward

The Committee makes the following recommendations to the City Council concerning Park Governance.

1. The Blue Ribbon Committee on Prescott Park (BRC PP) recommends governance of the Park be carried out in a manner consistent with the deeds for the park parcels and city ordinances.
2. BRC PP recommends the City Council commit to implementing the physical space Master Plan for the future of Prescott Park, elements of which should be identified in the City’s Capital Improvement Plan.
3. BRC PP recommends Prescott Park come under the management control of the City Manager (as set forth in the City Charter) effective upon adoption of this report. As a result, the City Manager would be responsible for the day-to-day operations and maintenance of the Park facility (including upkeep of fountains, lawns, gardens, trees, paved surfaces, buildings, drainage and

electrical systems and all other structures and facilities); negotiation and implementation of license agreements (currently known as operating agreements); on-site management; management of dock operations and reservations for Four Tree Island as well as weddings); the development of administrative and personnel structures necessary for operations; general oversight of licensed activities within the Park; and, in coordination with the City’s legal and public safety departments, ensure the enforcement of City policies, ordinances, and compliance with applicable deed restrictions and life, safety, and health codes.

4. The BRC PP recommends the City Manager assume the duties of the Trustees of Trust Funds as referenced in existing agreements and leases with the exception of investment management.
5. BRC PP recommends the City Manager work immediately with park licensees (those with leases, operating agreements and other formal agreements) and the community to plan for 2017 in the Park (during which time new park licenses will be negotiated). As examples, the planning will include addressing schedule and frequency of Park activities, impacts on the neighborhood (including sound levels generated by park activities), signage, and general compliance by licensees and all users with park policies, deed restrictions, and City ordinances.
6. The BRC PP Committee recommends the City establish a separate Special Revenue Fund, which will reflect the costs of running Prescott Park and show the various revenue sources available to support park operating costs.
7. BRC PP Committee recommends the City assess a variety of models for ensuring desired activities and services within the Park (i.e. visual and performing arts; maritime history & culture; and refreshments/food, etc.). This may include the City providing programming;

authorizing programming through contracts, licenses, and/or vendor permits with qualified entities; or a combination of both or some other method. Examples include operation of the concession stand for a longer number of hours or revisiting the model whereby one organization programs the Park for all arts and culture activities.

8. BRC PP Committee recommends replacing existing operating agreements with Park Licenses to be entered into with effective dates beginning no later than January 1, 2018. The City Council will approve park licenses.
9. BRC PP Recommends the Mayor appoint a Blue Ribbon Prescott Park Policy Advisory Committee (Advisory Committee) soon after the adoption of this Report to advise the City Manager with respect to park policies; events, activities, and services in the Park; and operations of licensees and serve as a communication forum. Representation on the Advisory Committee should be made up of at least one member of the City's Trustees of Trust Funds, a City Councilor, two residents of the City (at least one of whom should reside in the area surrounding the park), and a member of the City's Cultural Commission, Art-Speak. The City Manager shall appoint up to two staff advisers and staff from specific city departments as needed.
Recommended charge for the Blue Ribbon Prescott Park Policy Advisory Committee: Using the 2017 Final Report of the Blue Ribbon Committee on the Prescott Park Master Plan as a guide, provide advice to the City Manager with respect to park policies, events, activities, and services in the Park; help oversee operations of licensees; and serve as a communication forum.
10. Because Blue Ribbon Committees expire with each City Council two-year term, the Committee recommends the City Council evaluate the Advisory Committee structure in December of 2017. Examples of questions, which may be asked at that time, could include: Should the

Committee continue to be organized as a Blue Ribbon Committee? Should the Committee's duties be joined with other City Committees? Should the Committee be created via ordinance?

11. BRC PP recommends construction of park improvements and facilities be planned, funded (acknowledging a combination of funding sources including grants and private donations) and owned by the City in conformance with this Master Plan, including compliance with Park Usage and Capacity Guidelines in the 2017 Weston & Sampson Final Report and duly adopted future updates. Participation by private donors or organizations is not intended to convey ownership or control.
12. BRC PP Committee recommends the City encourage and permit a variety of formal programs within the Park. Priority should be given to programs which celebrate the visual and performing arts, the City's maritime connection and history; Portsmouth's history & culture.
13. BRC PP Committee recognizes the value and function of the Public Forum area in Prescott Park and recommends it be retained and improved to make the area more attractive.
14. BRC PP Committee recommends the City provide and/or permit others to provide amenities, which directly enhance users' experience of Prescott Park as a park; including availability of restrooms and food and refreshments (this does not include alcohol, which is prohibited via Ordinance and deed restriction). This includes times outside the hours of formal programming.
15. BRC PP Committee recognizes the value and purpose of open green spaces and urban parks as places of respite, recreation and enjoyment. Maintaining this special status includes limiting commercialization, which unchecked, can disrupt the park atmosphere. In this vein, the City Manager should apply the following criteria when negotiating the terms of financial

transactions in the park by licensees for three types of transactions (food and refreshments; services; other goods):

- a. Exchange of funds for goods and services should be limited.
- b. Exchanges of funds for food, goods or services which are permitted should be expressly addressed in license agreements (the type of items for sale shall be enumerated in the agreement) including area where transactions are permitted.
- c. Any proposed sale of goods should enhance the experience of the user in the park and not detract from a park atmosphere.
- d. Each proposal for the sale of goods or services should be reviewed through the lens of ensuring a high quality presentation in keeping with the aesthetic goals of the park. Square-footage, types of displays, and materials to be sold are all appropriate details to be considered in managing this type of activity.

16. Limiting commercialization in the park in order to maintain a park-like atmosphere also extends to park signage. Signage should be limited in the Park and, signage approved through license agreements, should be in keeping with aesthetic goals of the Park and not detract from the Park atmosphere.

17. BRC PP recommends the City Manager develop formal materials (such as park user request forms, guidelines for users, and other documents) to assist the City administration and potential users who may seek to hold events in Prescott Park. Documentation may vary for different types of events: major users that operate/ reserve space in the park on a regular basis; occasional users requiring designated space (e.g., yoga, informal/ spontaneous use (no approvals needed)).

18. BRC PP Committee recommends the City Manager evaluate City ordinances (such as prohibition on bicycles in the park) in light of the adopted Prescott Park Master Plan and propose recommended ordinance changes accordingly.

III. Principles for Future License Agreements

1. License agreements should be in compliance with this Master Plan (narrative, recommendations, and physical space plan) and consistent with the Governance recommendations above, including Park Usage and Capacity Guidelines.
2. License should clearly outline the benefit to the public for the proposed use (public benefit) and how licensee's use and operation within the Park is consistent with Trust language.
3. License agreements shall make plain all City ordinances will apply (in addition to deed restrictions).
4. License agreements should require that unimpeded pedestrian access through the park be maintained at all times.
5. Revenues generated through license agreements and permit fees in the park should be used to fund maintenance costs and capital improvements for the Park.
6. License agreements for scheduling the stage should address the expectation and terms for use of the stage by community-based performance groups seeking to perform on the stage. License Agreements should include the terms of access to the stage by community groups including (for example) the number of community-based performance groups that will be provided access to the stage; description of the time the stage should be made available; process for making selections by the Licensee; description of artistic standards criteria; and terms for sharing revenues of

any type.

7. The stage facility shall continue to be controlled by the municipality and shall not be established as a public forum.

IV. Recommended Provisions of License Agreements

1. Explanation of public benefit
2. Description of areas to be used, including dimensions of indoor and outdoor areas
3. Provisions for public access
4. Type and nature and schedule of activities (type, frequency, # per day, etc.)
5. Hours of operation
6. Plan for compliance with Park Usage and Capacity Guidelines
7. Responsibilities of the tenant
8. Responsibilities of the City
9. Sound/noise
10. Liability/insurance
11. Limitations or prohibitions
12. Signage approval protocol
13. Enforcement mechanisms and penalties
14. Risk Assessment and Plans for managing risk (public and weather emergencies; risk of non-compliance with City ordinances by patrons; other risks)
15. Required reports/Evaluation of Licensee's performance on License terms.
16. Rent/Payments/Fees. A clear explanation of the basis for the value of the rent/payments should be considered in the development of this section (i.e. public benefit to the City, operating costs of the park; impacts of the use on the park; value of real estate)
17. Term (duration)
18. Requirements for sub-agreements (relationships with/ accommodations for/supports for other users)
19. Other terms and provisions agreed to by the parties.

V. Other Recommendations

1. The BRCPP recommends the City Manager and City Council evaluate the need for a Committee with a City-wide perspective on policies related to Parks and Recreation. The discussions pertaining to City policies in Prescott Park are not unlike considerations needed for other parks and recreation assets in the City. As new and improved parks and recreation assets come on-line (Prescott Park to be managed by the City Manager; Sagamore Creek Recreation Area; Rockingham Branch Rail Trail; the North Mill Pond Multi-Use path, etc.) now may be the time rethink the structures and policies related to Parks and Recreation.
2. The BRCPP recommends the City work closely with adjacent property owners to implement concepts in this plan and coordinate future improvements to maximize the adjacency of key parcels. This includes coordination with Strawberry Banke on the future of the Marcy Street frontage nearest the Park.



Appendix C

Events & Performances Schedule Recommendations

October 10, 2017

Nancy Colbert Puff
Acting City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Colbert Puff,

On behalf of the Prescott Park Policy Advisory Committee, I enclose the Committee's recommendations for "2018 Event and Performance Schedule Parameters" for Prescott Park Arts Festival in Prescott Park. These recommendations reflect the receipt and consideration of considerable input from the Arts Festival and members of the community and much discussion and deliberation by the Committee.

These recommendations are provided at this time so that your office may advise the Arts Festival of schedule expectations next summer so it may begin planning its 2018 season. The Committee will continue its work regarding other policy matters in Prescott Park with a goal of making further recommendations in the future.

Please do not hesitate to reach out to me if I can be of any assistance or provide further elucidation regarding the recommendations.

Sincerely,



Thomas R. Watson
Chair
Prescott Park Policy Advisory Committee

cc: David Moore, Assistant City Manager

2018 Event & Performance Schedule Parameters

Final Recommendation to City Manager

Prescott Park Policy Advisory Committee

October 6, 2017

Introduction

In April 2017, Mayor Blalock appointed the Prescott Park Policy Advisory Committee. Using the 2017 Prescott Park Master Plan as a guide, the Committee's charge is to advise the City Manager with respect to park policies; events, activities, and services in the Park; and operations of licensees and to serve as a communication forum.

The Committee's work has focused on developing recommendations to be used by the City Manager in crafting new license agreements with the organizations operating in the Park. The Committee has deliberated on a number of issues both raised in the Governance Recommendations found in the 2017 Master Plan as well as resulting from its discussions to date as a Committee. The topics to be addressed fall in the following categories: Events & Performance Schedule; Factors in License Agreement Payments; Sound Levels in the Park; Site Signage and "Commercialization"; Layout of Temporary Facilities; and Public Safety. The Committee's Charge is intended to be completed prior to the end of the 2017 calendar year.

In recognition that the timing of the Committee's full recommendations at the end of 2017 do not coincide with 2018 season planning and schedule development, the Committee has concentrated on finalizing its recommendations for the *Events & Performances Schedule* early as called for in the Letter Agreement with the Arts Festival and as recommended by the City Manager.

Parameters for the 2018 Schedule Events & Performances Schedule

The Committee deliberated on the schedule at length in multiple meetings from April to October 2018. The work included direct conversations with representatives of the Prescott Park Arts Festival and a meeting dedicated to public comment on the topic. In general, the Committee recognized that recommendations on the schedule like many other areas of recommendations the Committee is preparing are informed and guided by the Master Plan and the "Park First" approach concept.

Throughout its discussions the Committee recognized programming on the stage as an invaluable community asset, whose continued presence in the Park is desired. At the same time it recognized events and performances generally have four areas of impact: on the condition of the Park itself; on transportation & parking in the vicinity of the Park; off-site sound exposure; and limits on evenings

when the Park is available as a respite and for quiet enjoyment. Out of this list, one, the condition of the park - is addressed at least in part in the Master Plan through a paved path and turf system designed to accommodate an audience area. Discussions on all of these issues led to discussion about the potential benefit of having more spaces in the community that could host some of the largest events (as well as some of the smallest, e.g. outdoor movies).

Also during the Committee discussions, the Committee reflected on the need to have ongoing discussions and community involvement in assessing the effects and suitability of the Scheduling Parameters. The Committee agreed that additional discussion about the need for a similar advisory body to itself or other communication forum should take place in preparation for a recommendation on the topic. The Committee also discussed the need to build in to future agreements appropriate performance measures and standards to help monitor compliance, including potential consequences for non-compliance. This is another area where additional conversation is needed prior to completing the Committee's work.

This section below constitutes the Committee's recommendation for the 2018 Events & Performances Schedule.

Schedule Parameters and Approval Process: In recent years, the process for schedule approval has been limited to the one outlined in the 2012 Operating Agreement. Expectations for the schedule are not explicit, there are limited or no guidelines for season length, number of events, start and end times, etc. In addition, the schedule development by programmers took place without policy guidance and approval was given at the end of the scheduling process. The Committee recommends that schedule parameters (listed below) be established in future agreements and that the approval process for each season schedule take place on an annual basis with an approval decision, which effectively confirms the schedule parameters have been adhered to. This approach will provide some predictability from year-to-year for both residents and other Park users as well as schedule developers. Schedule parameters are recommended to include the following:

A. Program Type and Mix:

- a. Future license agreements define the expectations for an overall program mix. There shall be a variety of programming to be offered in the Park with a musical theater production core to the Festival Season. In addition, programming in the Park shall be appropriate for all ages and include a mix of opportunities for local performers as well as local workforce.

B. Festival Season Start and End dates:

- a. Season bookends shall be established for the regular festival season.
- b. The start of the season **shall be no sooner than the Friday of the week school year concludes** (using the Portsmouth School Board adopted school year calendar).

- c. The end of season **shall be no later than the Sunday night of Labor Day weekend.** However, no events which end after 7:00 p.m. on a night before a school day will be permitted.
- d. The establishment of bookends would not preclude separate approval of "Special Events" (ex. Chowder Festival, Road Race), which have traditionally fallen outside of the regular season schedule. All special events outside of the season **bookends shall end by 7:00 p.m. on Sunday through Thursday and by 10:30 p.m. on Friday and Saturday.**

C. Program Times:

- a. All programming Sunday through Thursday **shall end at 10:00 p.m.**
- b. All programming on Friday and Saturday **shall end at 10:30 p.m.**
- c. For the purposes of this section all programming includes rehearsals, sound checks and the like.
- d. These are hard stop requirements and inclusive of intermission and delays of any kind to the program start, including inclement weather.

D. Weekly Schedule

- a. The recommendation below for a weekly schedule of one "Non-Performance" day (versus two "Non-Performance" days) and one "Low-Impact" day is based on the assumption that the recommendations made as part of the 2017 Sound System Review by Reuter Associates (and any other related recommendations) to concentrate sound in the Park and lessen off-site sound migration will be implemented prior to the start of the 2018 Festival Season.¹
- b. There shall be **at least one** day per week where there is no performance or event on the stage or in the Park (Non-Performance Day). This prohibition includes rehearsals, sound checks and the like as well events not requiring or utilizing amplified sound or music. Exception for daytime camp activities.
- c. There shall be **at least one** day (in addition to the Tuesday, Non-Performance Day) where the event held (and anytime during the day) is "Low-Impact" programming. For the purposes of this provision, "low-impact" is defined as programming reasonably expected to attract attendance levels consistent with those of "movie nights" and create sound impacts lesser than concert or musical theater programming. For the purposes of this section, a "movie night" is an example of low-impact programming.
- d. The Non-Performance Day in a week, shall be on **"Tuesday" for each week of the Festival season.**
- e. There shall be no more than two (2) music concerts per week. There shall be **no more than 24** concerts during a Festival season, which includes all music concerts, including music festivals.

¹ Recommendations on sound mitigation and off-site impacts will be further addressed as part of the Committee's final recommendations and report to the City Manager.

- f. Programming (all types, including rehearsals, sound checks, performances, meet and greets etc.) on weekend days (Saturday and Sundays) will not begin before 12:00 p.m. Exceptions shall include cast "Meet and Greets" and "Camp Shows" (events traditionally held on weekend mornings) commencing **no earlier than 10:00 a.m.** which shall be permitted to take place on up to 6 weekend days.
- g. There will be more musical theater performances than any other performance type.

E. Intensity (audience size):

- a. The PPAF may schedule up to 3 events where the attendance will not exceed 3,400 persons, so long as City public safety officials determine events with this attendance can be safely held in the Park. For all other events: No event shall be scheduled where its attendance is reasonably anticipated to exceed 1,500 persons.
- b. Compliance with paragraph a. above (as well as other agreement terms to be determined), will be a factor in annual reviews of the schedule parameters.
- c. No events or performances in Prescott Park shall be held which cannot be safely accommodated in the Park.

Appendix D

Sound System Review and Resulting Recommendations

**Reuter Associates Report: July 31, 2017 – August 13, 2017
And
MFI Report Appendix**

Prescott Park Arts Festival
Sound Level Monitoring Report
July 31, 2017 – August 13, 2017

Prepared by
Eric L. Reuter, INCE Bd. Cert.
for
The City of Portsmouth, NH

Introduction

Reuter Associates, LLC is under contract with the City of Portsmouth, NH to provide various services related sound management in Prescott Park, including the monitoring of sound levels during events at the city-owned facility. The Prescott Park Arts Festival, a non-profit arts and education organization, presents musical theater, concerts, and other events throughout the summer season.

Background information related to the Sound Management Plan for Prescott Park and the monitoring protocol, including the initial monitoring report (covering the period of June 18th to July 16th, 2017) and second report (covering the period of July 17th to July 30th, 2017) can be found on the Prescott Park Policy Advisory Committee website at (<http://cityofportsmouth.com/prescottpark/pppac.html>).

This report provides sound monitoring data for the period of July 31st to August 13th, 2017, and the results of a review of the Festival's loudspeaker system.

Event Data

The attached Appendix A provides plots of sound levels versus time from 6 pm to midnight for each night between July 31st to August 13th. Nights without events have been included for clarity and comparison.

Each plot presents data measured between 6 pm and 12 am. The lines plotted are both A-weighted sound pressure level in 1-minute intervals, as plotting six hours of data in 1-second intervals makes the plot difficult to interpret. The 1-second data are available for further analysis.

1-minute Leq – The Leq over the minute ending at the data point

Maximum 1-second Leq – The maximum 1-second Leq measured during this minute
Also included are lines indicating the yellow and red light thresholds.

A detailed discussion of decibels, Leq, and other terminology is available in the initial report (covering the period between June 18th and July 16th, 2017).

Event Notes

Sound levels were consistently below 90 dBA for all events during this period. No exceedances were recorded.

Sound System Review

The scope of services being provided by Reuter Associates, LLC to the City of Portsmouth includes administering a third-party review of the sound system used by the Prescott Park Arts Festival. The purpose of this task is to ensure that the loudspeakers have been set up in a manner that optimizes the coverage of the intended audience areas while minimizing the sound outside of the park.

Except for the subwoofers, which are of a more traditional style, the Festival employs modern line array loudspeakers manufactured by Nexo. These arrays of small individual loudspeakers allow for a high level of control of sound coverage. On the recommendation of the manufacturer, this task has been subcontracted MFI Productions of Hooksett, NH. MFI is a Nexo dealer, and has extensive experience with optimizing these systems.

MFI reviewed the loudspeaker locations, arrangement, and settings currently in use, including an on-site visual inspection. They have provided a comprehensive report, including recommendations for modification and adjustment of the line arrays to optimize performance and minimize impact on the surrounding community. The full report is attached in Appendix B.

In summary, MFI found that it will be possible to maintain or improve the quality of sound within the seating areas at the park, while reducing sound levels beyond the park boundaries.

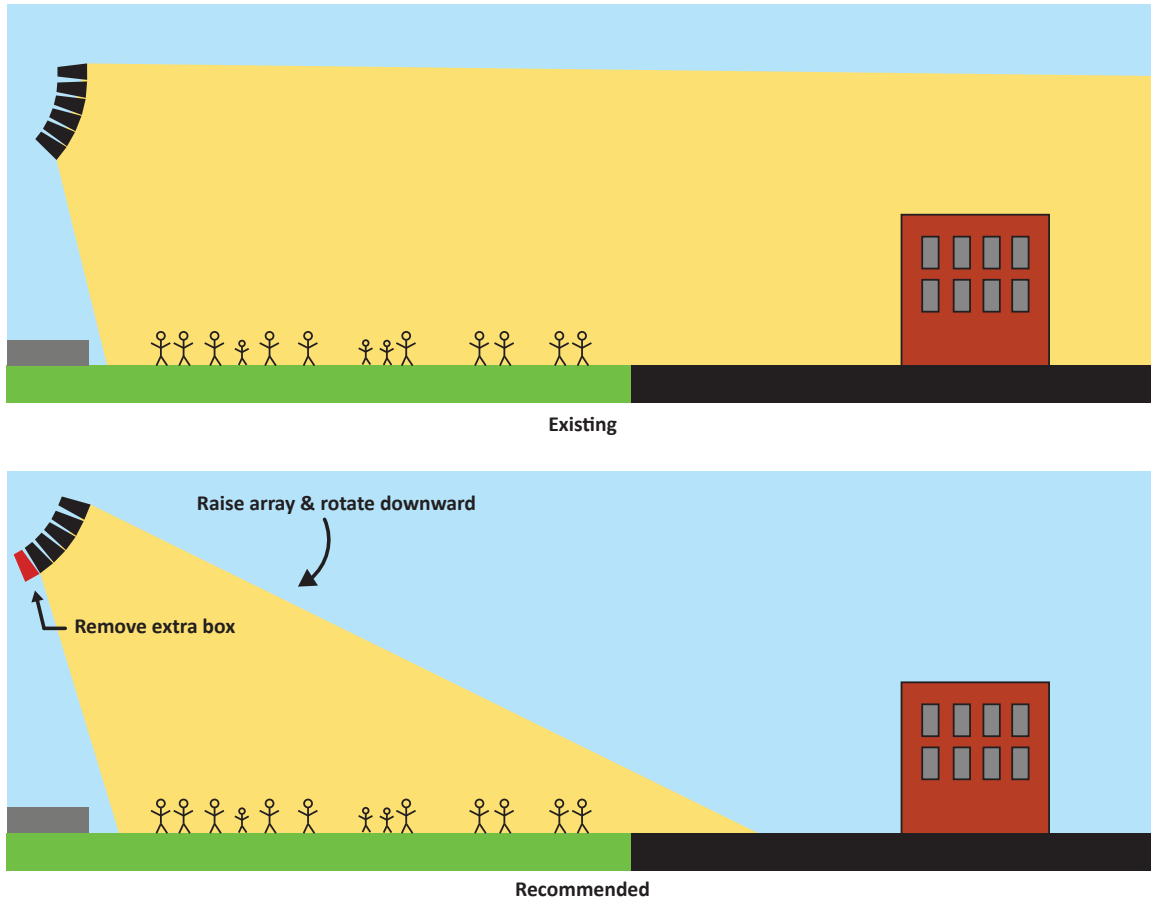
The arrays are curved, allowing the vertical angle of coverage to be adjusted in two ways:

- The relative angles between the boxes (individual loudspeakers) can be varied, which makes the overall coverage taller or shorter.
- The horizontal angle of the whole array can be varied, thus rotating the whole array up or down relative to the ground.

Currently, the top boxes in each array are horizontal, which means that the coverage area of these boxes is parallel to the ground. The effect of this is that sound is being directed over the heads of the audience, and to areas well beyond the park boundaries.

MFI recommends that each of the arrays (both front arrays *and* both side arrays) be raised slightly and rotated downward, thus focusing the sound from the top boxes in each toward the back of the audience area. Once this is done, each of the arrays will have more boxes than required to cover the audience. It is recommended, therefore, that the bottom box from each array be eliminated. For the side arrays, this will leave only one box in each. The recommended relative angles between the boxes are also specified in the MFI report.

The sketches below provide a simple visual representation of the recommended changes. The area in yellow is intended to represent the coverage of the arrays. The same concept will apply to the smaller side arrays, though they contain fewer boxes.



The MFI report should be consulted for more technical detail, but the recommended changes to the arrays are:

1. Remove one GEO S1230 from each of the four arrays
2. Re-pin main arrays to specs provided in report
3. Tilt main arrays down 9° from horizontal
4. Tilt side arrays down 20° from horizontal
5. Raise main arrays by 4 feet to height of 25 feet
6. Move side arrays forward 12 feet, maintaining 45° horizontal angle

It is believed that these changes can be made without lowering the arrays to the ground, with the aid of a bucket truck or similar, and could be accomplished this season.

MFI further recommends that for future seasons, the existing subwoofers be replaced with more sophisticated Nexco subwoofers that can be operated with a cardioid

(directional) pattern to reduce low frequency (bass) emissions to the area behind the stage.

Additional recommendations are also provided for improving rigging longevity and safety.

Finally, it is noted that none of the loudspeakers in use at Prescott Park are weather resistant, and should not be exposed to rain. It is recommended that the equipment be inspected for damage on a regular basis.



PRODUCTIONS
Power up your ideas.

Nexo Loudspeaker System Evaluation

Prescott Park Arts Festival, Portsmouth NH

Monday, August 14, 2017

Music Factory Inc./MFi Productions

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1. INTRODUCTION

Rick Elliott representing Music Factory Inc./MFi Productions provided a site visit and review of the status and configuration of the Nexo GEO S12 sound system at Prescott Park in Portsmouth NH on Wednesday August 9th. MFi, as the areas authorized Nexo installer, has been contracted to document the current Nexo configuration and to provide a recommended configuration to best meet the needs of the users while limiting disruption to the residential neighboring properties and similar. It was not necessary for the Nexo sound system to be turned on for this evaluation nor was it necessary to observe the system in use during an event. Utilizing a city provided CAD drawing of the area, real world measurements, and the Nexo provided NS-1 SYSTEM CONFIGURATION SOFTWARE, we can build an extremely efficient and controlled design with a predictable coverage area and performance.

2. NEXO SOUND SYSTEM EQUIPMENT

The installed Nexo sound system consists of:

- 4 – GEO S12 Touring Bumper
- 8 – GEO S1210 Loudspeaker Modules
- 8 – GEO S1230 Loudspeaker Modules
- 2 – NXAMP4x4 Powered TD Controllers
- 4 – EV (Electro-Voice) QRX218 Subwoofer
- 1 – QSC PL380 Power Amplifier

https://nexo-sa.com/Bumper_S12-LS18-1.pdf

<https://nexo-sa.com/products/geo-s1210/>

<https://nexo-sa.com/products/geo-s1230/>

<https://nexo-sa.com/products/nxamp4x4/>

<http://www.electrovoice.com/product.php?id=194>

<https://www.qsc.com/live-sound/pl380/>

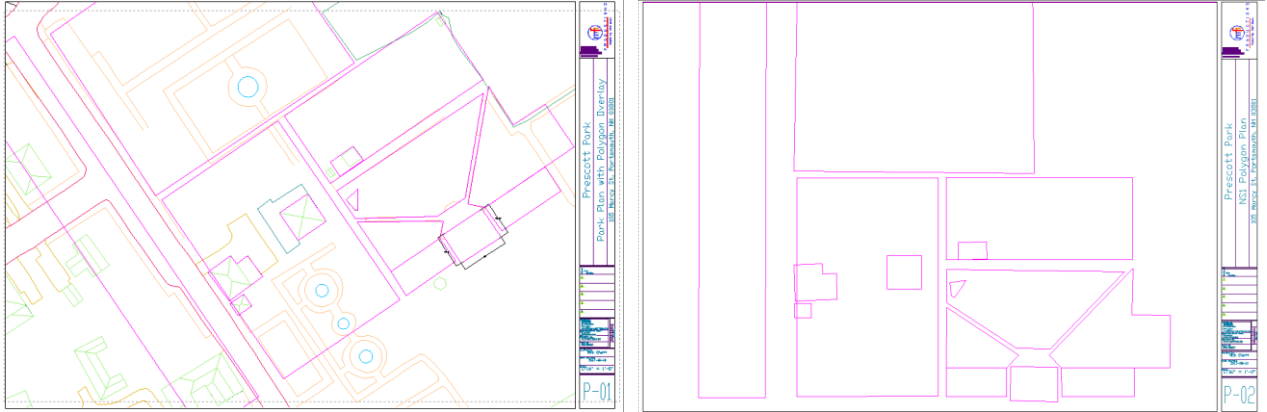
3. CURRENT NEXO SOUND SYSTEM CONFIGURATION

There are 4 arrays, consisting of 2 main arrays and 2 side fill arrays. The main arrays are currently 4 – S1210's and 2 – S1230's each, with the side fill arrays currently 2 – S1230's each. The Bumpers are hung from the trussing at an average height of 21' off the deck (stage). The trussing frame is 40' Left to Right ID (inside dimensions), 27'5" Front to Back ID, and 26'11" off the deck. From top to bottom, the main arrays are pinned at Lift, 3.15°, 5°, 6.25°, 10°, & 10° respectively, with the side fills pinned at Lift & 16° respectively. Per the 2 – 1230's on the main arrays, 10° is not a recommended angle and is actually not an option within NS-1. The side fill arrays are tilted down towards the audience at ~12°, with the main arrays tilted down ~1° stage left and ~2° stage right. The 2 each EV subwoofers are positioned stage left and stage right 33' off center at the base of the truss towers. They are currently in an omnidirectional configuration and all calculations have been performed as such. All measurements have been documented.

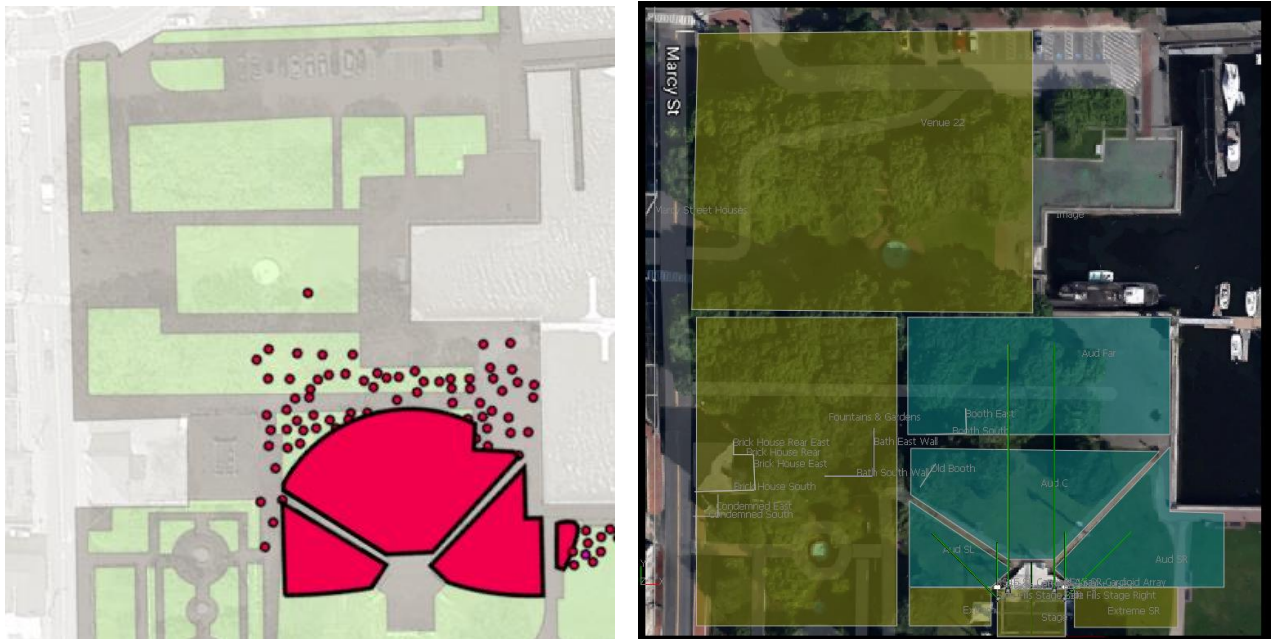


4. DIMENSION CALCULATION METHODS

Using the city provided CAD we removed all unnecessary layers and overlaid polygons on all of the audience areas and associated areas and buildings. We also laid a polygon to represent the far edge of Marcy Street, representing the effected residential area to the West of the park. Upstage center was designated as our XYZ zero or center, with all dimensions starting from that point.



All polygons were then entered into NS-1 as GPS points and provided coverage maps which we were then able to add all existing speaker modules to and insert an image of the area for verification. Due to NS-1 being Nexo only, we substituted the EV subs for a similar Nexo product. Once this was complete, we assigned polygons to either a Surface or Seated Audience using a seating chart graphic provided by Reuter Associates.

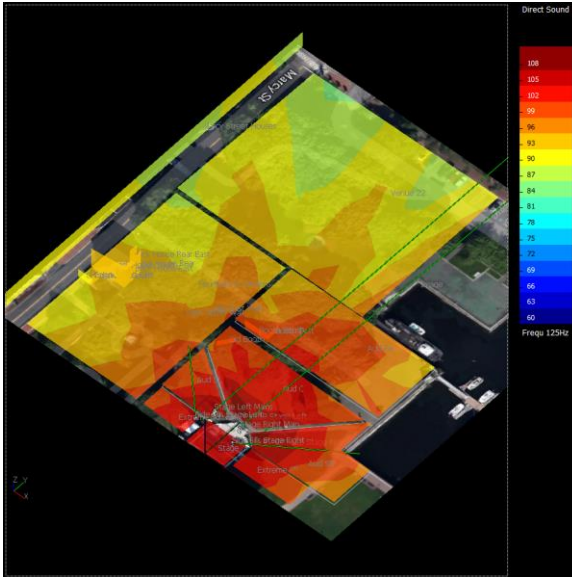


5. CURRENT NEXO SYSTEM COVERAGE

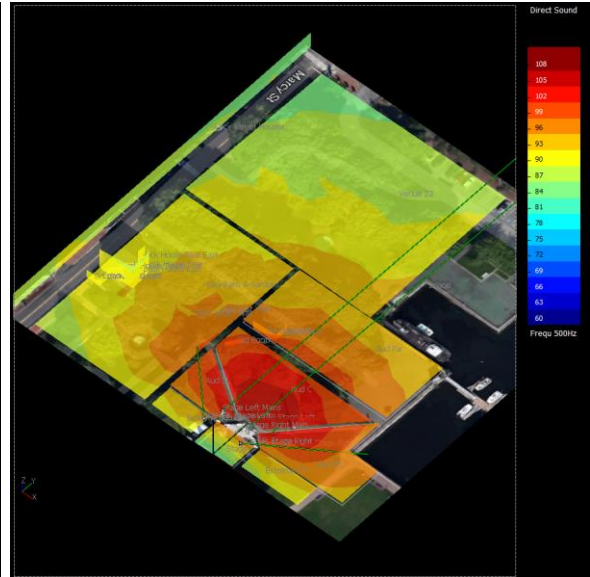
Upon entering all pertinent dimensions and the documented system configuration we could run predictive venue analysis at various specific frequencies and broad band ranges. We chose to run these at a tilted perspective to give us a view of all the surrounding effected buildings as well as the audience seating area. The below coverage maps offer a consistent decibel range of 60-110dB to predict coverage.

Attachment A is the PDF of the NS-1 current configuration which is mapped using Nexo's MIF.

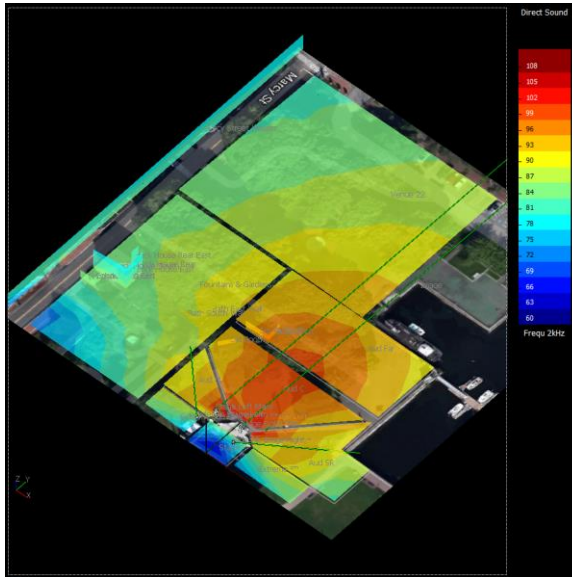
125Hz



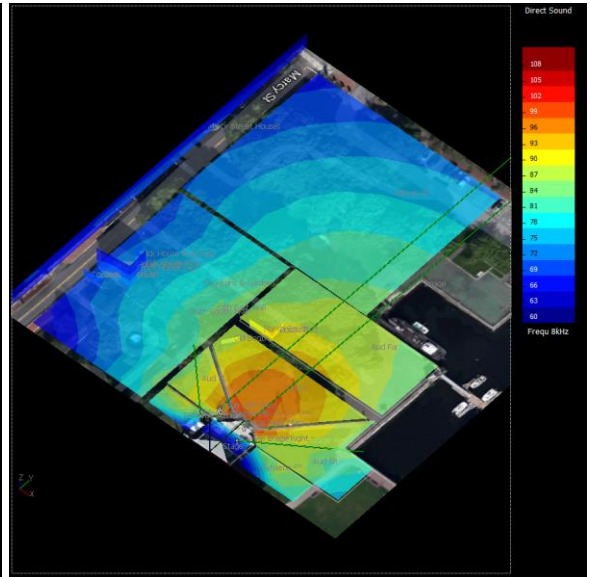
500Hz



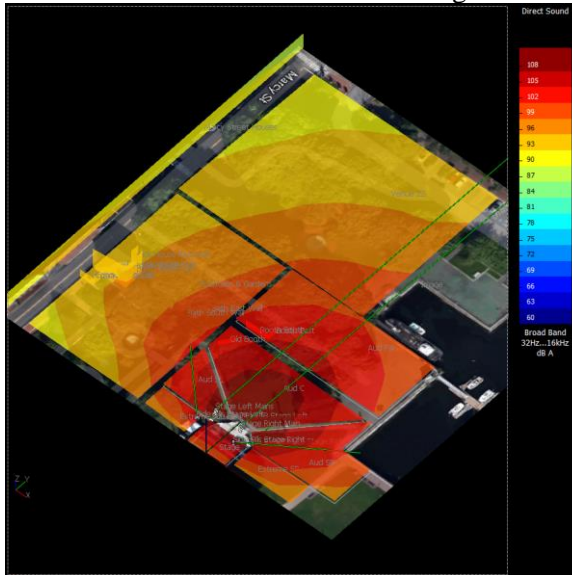
2kHz



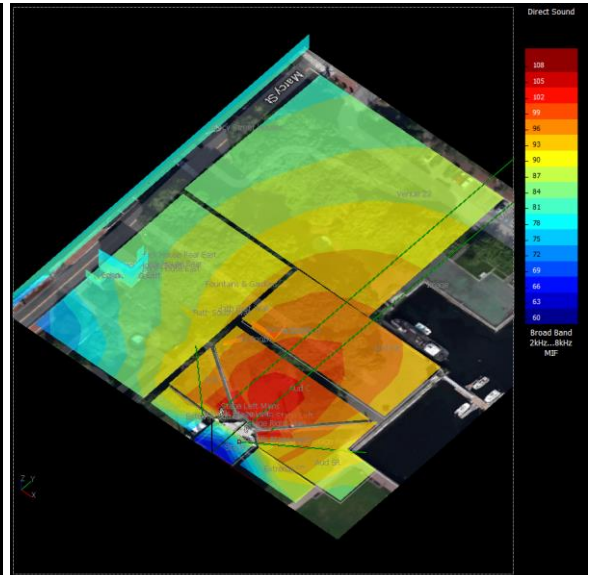
8kHz



32Hz to 16kHz dB A Weighted



2kHz to 8kHz MIF



We found there to be a waste of the energy and potential this system has in its current configuration, which is causing the reproduced sound from the stage to be focused on a large area that spreads well beyond the seated audience. The top GEO S1210 on the main arrays should be angled down at the furthest possible seating area that would require coverage, but instead those loudspeaker modules are aimed essentially straight out towards Memorial Bridge. You can see in the above coverage maps a significant lobing radiating from the stage into areas well beyond audience seating. Additionally, the side fill arrays are also aimed too high, even with the significant down angle. Based on the information we have received, this configuration was designed and the system assembled in good faith to appropriately install the Nexo GEO S12 system at this venue, but that those efforts were not sufficient.

6. NEXO SYSTEM CONFIGURATION RECOMMENDATIONS

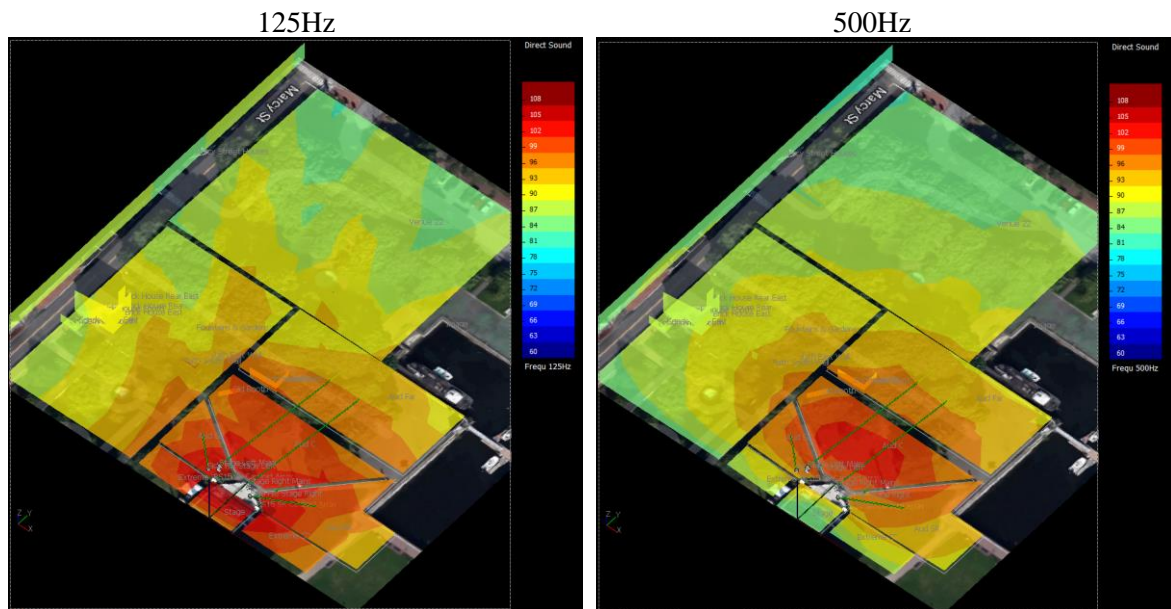
After reviewing the current configuration, available equipment, and required coverage areas we have a number of recommendations. First and foremost, we suggest reconfiguring the box quantity and pin configurations to better provide sufficient sound to the seating areas and mitigate wasted energy and excess sound to the neighboring areas and homes. Our recommended configuration is removing a GEO S1230 from each array, leaving the main arrays at 4 – S1210's and 1 – S1230's each, with the side fill arrays at 1 – S1230 each. From top to bottom, the main arrays should be pinned at Lift, 0.80°, 5°, 6.25°, & 16° respectively, with the side fills pinned at Lift. The side fill arrays should be tilted down towards the audience at 20°, with the main arrays tilted down 9° stage left and stage right. The 0° horizontal angle on the main arrays and 45° off center horizontal on the side fill arrays are appropriate and should be maintained.

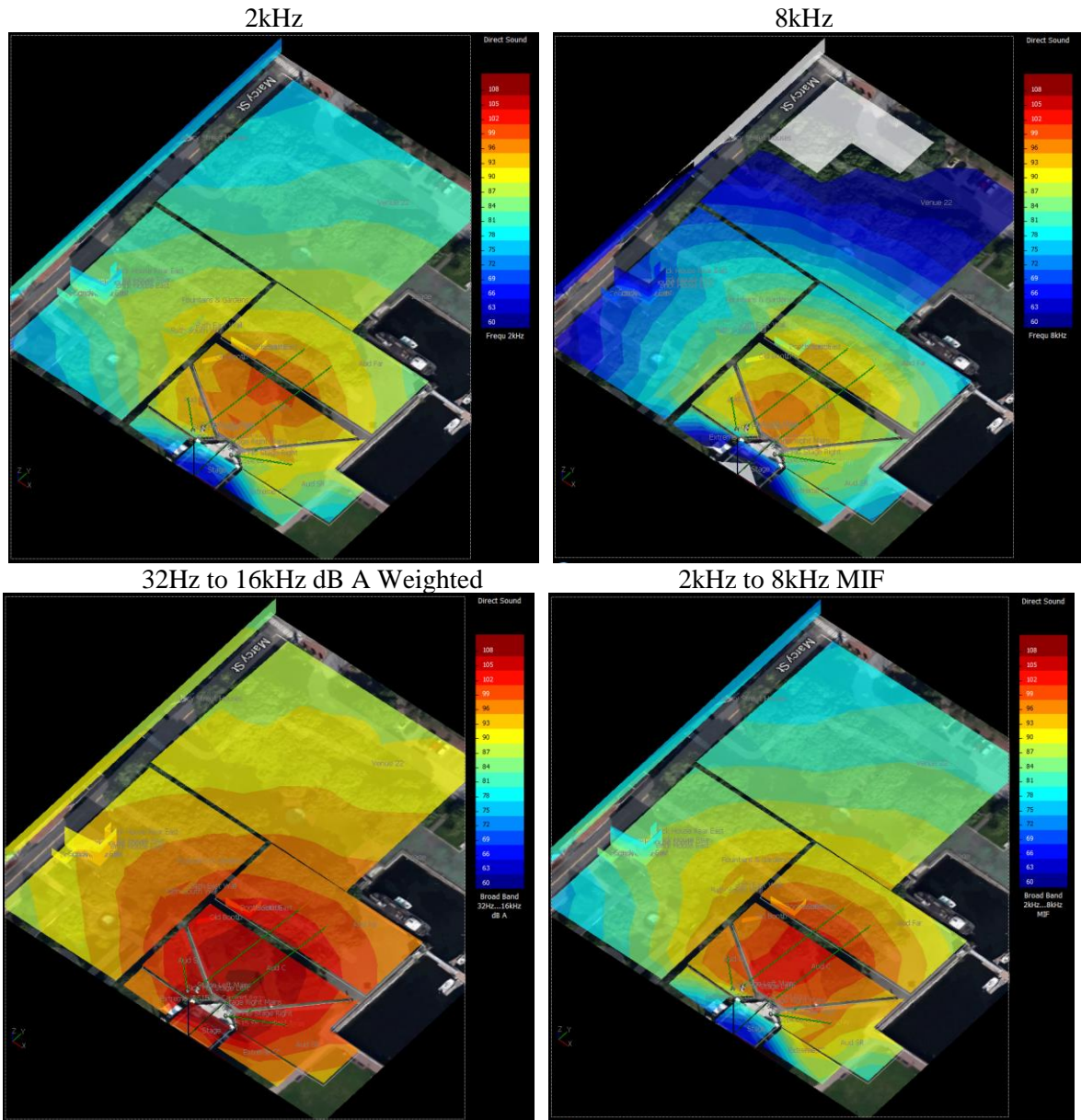
Next, we suggest raising the main left and right arrays by 4' to a height of 25'. This will allow for a better down angle to the seating areas while still allowing space for the rigging. Also, moving the side fill arrays forward by 12' will actually increase efficiency for coverage on the smaller side seating areas. There is already a -2 to -4 dB which we recommend remains.

Attachment B is the PDF of the NS-1 recommended configuration which is mapped using Nexo's MIF.

7. POTENTIAL NEXO SYSTEM COVERAGE

Making the changes to the configuration as described above yields the following predictive results.





You can see by comparing the various predictive coverage maps to the current configuration, that the system is capable of better focusing its energy to the audience area and less to the surrounding areas. Specifically, the 8kHz coverage shows the most dramatic change and does not even register in the 60-110dB range at the top of the map. It is important to note that by increasing the coverage efficiency of the Nexo system, the seating area will seem to be louder in volume. This then leads to the system as a whole being operated at a slightly lower volume, which directly corresponds to a lower volume in the surrounding areas as well.

8. ADDITIONAL RECOMMENDATIONS

A cardioid subwoofer configuration is highly recommended. We may be able to achieve this while utilizing the existing equipment, as the NXAMP4x4 is capable of handling the processing for cardioid subs. The Nexo RS15 sub is designed for this application, while the EV QRX218 may underperform or disrupt the desired effect altogether. This will need to be researched more thoroughly and should be a priority for implementing next season.

The “thrust” area on the ground in front of the stage is often used for performing, we did keep this in mind, but if the system coverage of this area becomes an issue with lavaliers or headworn mics, the system pins could be adjusted to compensate.

9. RIGGING

The arrays are hanging by ~5' 3/8" steel slings and affixed to the truss using Mega Coupler with Eye Nut. We have not inspected the cabling, motors, light fixtures, or any other aspect of the rigging or its application, with the brand, model, and weight ratings of the truss assembly being unknown to us. All of the aforementioned is assumed to have been engineered and installed with the current application within WLL (safe working load limits) and having been installed by a designated competent person. There are however a few items we would like to make suggestions on a few items we made note of.

- Chain motor weather covers would be a low-cost purchase that will extend the life of the motor and protect in the inner components from water or debris entering the clutch or brake mechanisms.
<https://www.mountainproductions.com/rigging/chainbags/weather.php>
- Although the Mega Coupler with Eye Nut made by The Light Source has a WLL of 1100lbs, being more than a 2.5:1 safety factor of the heaviest possible load from the Nexo arrays, it does not feature a safety device to keep the wing nut from spinning loose. A Steelflex roundsling basketed on the truss and attached to the vertical steel that holds the array with a 5/8" shackle would be the optimal system, with all shackles being moused for long term installation.
<https://www.mountainproductions.com/rigging/rigging/roundslings.php>
- The side fill arrays were aimed 45° off center at the beginning of the season using tieline which has now stretched and allowed the arrays to rotate outwards to ~60° off center. 1/8" galvanized cable with a rated glide would allow for an adjustable rear point that would not move once set.
<http://www.rosebrand.com/product2677/Griplock-Glider-Ring.aspx?cid=562&idx=1&tid=1&info=Rigging%2bAccessories>

10. OUTDOOR VENUE

It is very important to note that the Nexo GEO S12 system is not a Weather Proof or Weather Resistant loudspeaker system in any manner. The manufacturer specifically states on page 3 of the manual. Hardware and components of the system are already showing rust and will need be serviced at the beginning and end of every season. Additionally, the integrity of the rigging plates, hardware, and components cannot be guaranteed.

PLEASE READ CAREFULLY BEFORE PROCEEDING

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PLEASE READ CAREFULLY BEFORE PROCEEDING

BASIC PRECAUTIONS

Do not open the speaker system or attempt to disassemble the internal parts or modify them in any way. The speaker system contains no user-serviceable parts. If it should appear to be malfunctioning or damaged, discontinue use immediately and have it inspected by qualified NEXO service personnel.

Water exposure: Do not expose the speaker system to direct rain, do not use it near water or in wet conditions. Do not place containers with liquid on speaker system as they might spill into openings. If any liquid such as water seeps into the speaker system, have it inspected by qualified NEXO personnel.

Sun exposure: Do not expose the speaker system to direct sun.

Operating temperature with temperate climate: 0°C to +40°C (-20°C to +60°C for storage).

11. CLOSING

If all of our recommendations are followed, we believe that the audience for performances at Prescott Park Arts Festival will have a better experience and that the surrounding areas will be less effected by the sound reinforcement necessary to produce events at this venue.

MFi would ask to be considered for contract to assist Prescott Park staff with implementing these recommendations and confirming their real-world application.