CITY OF PORTSMOUTH TRUSTEES OF THE TRUST FUNDS REVIEW OF COMMUNITY CAMPUS

Trustees of the Trust Funds Meeting, Jan 11, 2022
Minutes: https://files.cityofportsmouth.com/agendas/2022/ttf011122min.pdf

The Trustees next discussed a request from the City Manager for the distribution of funds from the 135/143 Daniel Street Charitable Trust and the Peirce Estate Recreational and Environmental Trust for use in the acquisition of the Community Campus from the Foundation for Seacoast Health. Mr. Weeks stated that he felt the necessary requirements for the release of funds from the trusts had not been met. More specifically, he stated that it was not clear from his attendance at the December 20, 2021 City Council meeting that the Council voted to distribute the requested funds from the trusts in addition to approving the purchase of the property. He believed that there should have had been separate resolutions requesting the expenditures from each trust rather than including them in the general resolution associated with the purchase. Chair Watson noted that the requested trust distributions were included in the Exhibit A listing the funding sources for the purchase price that was appended to the resolution to approve the purchase adopted by the Council. He also noted the receipt of a letter from the Attorney General's Office stating that the proposed use of the trust funds to purchase the campus was consistent with the purposes of the trusts. Mr. Weeks moved the Trustees suspend the rules to allow for public comment normally held at the end of the meeting to permit several members of the public to speak on the issue. The request was seconded by Mr. Levenson and approved unanimously.

Public Comment Session: There were 5 speakers: Rick Becksted (City Request for Use of Trust Monies); Petra Huda (City Request for Use of Trust Monies); Esther Kennedy (City Request for Use of Trust Monies); Paige Trace (City Request for Use of Trust Monies); and Peter Whelan (City Request for Use of Trust Monies). Each of the speakers stated that they weremembers of the City Council at the time of the December 20, 2021 meeting at which the vote to purchase the campus property was taken. Each testified that when they voted to approve the purchase of the property, they did not understand or believe that they voted to approve the distributions from the Daniel and Pierce Trusts, as well.

The Trustees resumed their discussion after the public speakers. Because of ambiguity in the record, Chair Watson requested that a member from the City's Legal Department join the meeting. Deputy City Attorney, Suzanne Woodland, joined the meeting and after hearing both sides of the issue stated she recommended suspending the vote until the issue could be reviewedby the legal department. Mr. Weeks moved that the requests for distributions be moved to a separate special meeting at a date to be determined at the call of the Chair, after clarification is received that the proper process and documents have been obtained from the City Council. Mr.Levenson seconded the motion and it was approved unanimously.

Special Meeting, January 28, 2022
Actions & Meeting Summary:
https://files.cityofportsmouth.com/agendas/2022/misc/ttf012822minamd.pdf

A special meeting of the Trustees of the Trust Funds for the City of Portsmouth, New Hampshirewas held on January 28, 2022 in Conference Room A at Portsmouth City Hall. Present were Trustees Thomas R. Watson (Chair), Peter G. Weeks, and Dana S. Levenson (via phone). Also present was Controller, Judith Renaud.

The Chair called the meeting to order at 7:30 a.m. stating that the meeting was reconvened from the January 11[1]h,2022 meeting to consider the requests for distributions from the 135/143 DanielStreet Charitable Trust and the Peirce Estate Recreational and Environmental

Trust for use in the
acquisition of the Community Campus from the Foundation for Seacoast Health.

Chair Watson moved to approve the disbursements of funds from the 135/143 Daniel Street Charitable Trust ($25,542.95) and the Peirce Estate Recreational and Environmental Trust ($627,496.53) as ratified and approved by a unanimous City Council vote on January 24, 2022.The motion was seconded by Mr. Weeks. Speaking to the motion, Chair Watson noted that all ambiguity associated with the vote taken at the December 20, 2021 Council meeting was removed with the vote taken at the January 24, 2022 Council meeting and the Trustees now had all documentation necessary to consider and approve the requested disbursements. The motion to approve was called and approved unanimously.

Mr. Weeks thereafter moved to establish a policy that funds requested from any of the trusts bythe City be accompanied by proper documentation from the City Clerk's Office with a copy of the minutes showing the City Council voted to request the funds as well as the written request from the City Manager's Office. Mr. Weeks also asked that, at the time of a request for distribution of trust funds is presented to the Trustees, a copy of the trust agreement be made available for their review. The motion was seconded by Mr. Levenson and was approved unanimously.