

**PEASE DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS' MEETING
MINUTES**

Thursday, August 18, 2022

Presiding: Stephen M. Duprey, Chairman
Present: Neil Levesque, Vice Chair; Thomas G. Ferrini, Treasurer; Erik Anderson; Steve Fournier; Margaret F. Lamson; and Susan B. Parker
Attending: Paul E. Brean, Pease Development Authority ("PDA") Executive Director; Anthony I. Blenkinsop, Deputy Director / General Counsel; Maria Stowell Engineering Manager; Suzy Anzalone, Finance Director; Geno Marconi, Division of Ports and Harbors ("DPH") Director; Grant Nichols, Asst. Director of DPH; Scott DeVito, Pease Golf Course General Manager; Jessica Patterson, IT Administrator; Andrew Pomeroy, Manager, Aviation Planning & Regulatory Compliance; Chasen Congreves, Manager of Airport Administration and Raeline A. O'Neil, Legal Executive Assistant

I. Call to Order / Roll Call:

Chairman Duprey ("Duprey") called the roll with all physically present; the meeting commenced at **8:30 a.m.**

II. Acceptance of Meeting Minutes: Board of Directors' Meeting of June 16, 2022

Director Anderson **moved** the **motion** and Director Lamson **seconded** to approve the minutes of the Pease Development Authority Board of Directors meeting dated Thursday, June 16, 2022.

Discussion: None. Disposition: Resolved by **unanimous** (7-0) vote for; motion **carried**.

III. Public Comment:

Adam Baker ("Baker") with Vintage Fish Company (Rye Harbor) – provided photos to the Board depicting his shack when purchased in 2018 and improvements he has made. Baker indicated the shack is utilized as a Bait and Tackle shop, Gift Shop and for Ticket Sales of his Charters which supports his boat located in the harbor on a commercial mooring; did not connect to the waterline due to the cost. Rye Harbor is quaint and expressed concern of what he has heard regarding potential changes at the Harbor. Baker indicated he owns the building, pays taxes and pays a permit fee to have building on state property. Doesn't make business sense if RoE is changed to a rental agreement. Spoke of other businesses at the harbor who maintain shacks where they keep equipment, tools, ice machines etc. to support their boats. Would like to see the area stay the way it currently is and wanted Board to understand the process he went through to build the building and his business.

Brad Cook ("Cook"), Vice Chair of Port Advisory Council ("PAC") – Spoke to discussions over the years regarding traffic and safety issues at Rye Harbor and various waivers which have been issued. While there has been some improvement, there remains a significant series of questions and difficulties PAC wishes to address at its September meeting in order to provide input for the Board's consideration.

Chairman Duprey ("Duprey") asked of the issues referred to by PAC; Cook stated the number of vehicles coming into the Harbor, patrons of some of the businesses mistreating and being discourteous to

Division of Ports and Harbors (“DPH”) staff, the addition of the fire lane has gone a long way to control some of the traffic concerns but there are still outstanding issues to address.

Duprey indicated after he was the tie breaker regarding the Rye Harbor waiver requests, he has visited the Harbor on several occasions. Believes the traffic is better since the fire lane has been added. However, feels it is unfair that if you go in to get a lobster roll and there is a \$5 charge, but if you go to snack bar operated by Whale Watch which has public access there is no charge; views this to be unfair. In the future there will be discussions regarding RoEs and potential improvements. Further, the few times he had been down there, he didn’t think traffic was bad and the staff dealing with traffic weren’t necessary.

Director Lamson (“Lamson”) stated she made a grave mistake when she voted to follow the Governor’s approval for RHLP’s request to sell lobster rolls etc.; should have followed the regulations which were in place.

Phil von Hemert, Chairman of the Piscataqua Maritime Commission – Thanked the Board for allowing PMC to utilize Portsmouth Fish Pier for its recent three day event regarding the Tall Ships event. Commended the DPH staff who were available throughout the event and in the planning stages. Director Marconi (“Marconi”) Division Director of DPH further indicated that PMC has a program called the Sail Challenge and the money PMC raises, it puts at risk children for a week to 10 days out to sea on a sailing vessel where they learn important skills.

Sylvia Cheever of Rye Harbor Lobster Pound – asked the Board to review the traffic control detail amendment as it is very expensive and cost prohibitive (\$65/hr. on weekends and \$86/hr. on holidays – over \$5,000 spent during the month of July). Understands the concern, but the traffic flow has shifted a little bit; there is generally one time when the Harbor is busy and it has nothing to do with RHLP. Rather, it is when the Whale Watch goes out for its morning and afternoon charters. Indicated the parking attendant is there for a long period of time not doing much. RHLP is being squished under the economic wake of the different parameters. RHLP is a small family business within the community trying to survive and hoping the Board will take this into consideration when moving forward with a Master Plan to support small local/family businesses and to keep the charm of the Harbor.

Stephen Bailey – Deferred comments to the mooring agenda item.

Mike Lehrman – Indicated he would not be speaking during public comment.

IV. Old Business:

A. Reports:

1. Skyhaven Airport Ineligible Grant Costs

Executive Director Brean (“Brean”) indicated this was an FAA project that was grant funded by both the FAA and NH DoT (Block Grant Program) for a total of \$141,000 for design of ramp parking at Skyhaven Airport. After the design was mostly completed, PDA was informed by FAA there was \$26,000 that was ineligible. While PDA does have funding available, have been advised by NH DoT to put in for an annual airport grant. NH DoT feels this would be an eligible expense to be covered through the State at a rate of 80% grant / 20% PDA match. Further, Brean stated that many projects in the region have come in over bid so eligibility for funding is being reviewed very closely.

Duprey asked if the project has been held up until confirmation has been received regarding funding; Brean affirmed. Brean did clarify to indicate the design portion has been completed but project closeout was delayed.

2. 165 Arboretum, LLC – Presentation

Michael Mates (“Mates”), Engineering Project Manager, introduced Shawn Tobey of Hoyle Tanner and Ryan Plummer of Two International Group who spoke to 165 Arboretum Drive.

Shawn Tobey (“Tobey”), a civil engineer with Hoyle Tanner, provided a brief summary to the Board of the project, displayed photos of the proposed site and stated it is located south of Arboretum roundabout. Previously the site had been utilized for stockpiles of soils and materials for various area projects. This would be a facility for Sig Sauer which has an existing facility already on the Tradeport and this new space would be utilized for manufacturing / warehouse / offices. In the front area there will be 15,000 sq. ft. for office space, the back of the building will be 167,000 sq. ft. utilized for manufacturing / warehouse and there will be a mezzanine of 23,000 sq. ft. located in the warehouse area for a total of approximately 182,000 sq. ft., with a total building of a little over 200,000 sq. ft. There will be two entrances to the lot with each entrance having a sidewalk to and from the building and extended down Arboretum to provide connectivity to the Tradeport. The site will have 220 vehicle parking spaces and 20 loading docks (towards rear of building).

Lamson asked who Hoyle Tanner represented; Tobey indicated Two International Group who is the developer of the parcel. Lamson asked of the truck traffic going out onto the Spaulding; Tobey affirmed. Further, Tobey indicated it is anticipated that a majority of truck traffic would utilize the Spaulding Turnpike.

Tobey spoke briefly of the wetlands to the west and south which have a 25’ buffer which have been designed around. Also, the project has been designed to abide with all parking / building setbacks and no variances or waivers are anticipated. There are two areas (former house foundations) on the site that have been deemed historic and will have a recommended a 25’ non-disturb buffer which will be maintained and protected during construction. Further there are existing fuel lines that run through the parcel area from the Air Force, the lines have been decommissioned, cleaned and need to be removed. The removal and capping of these lines will be done by the developer in coordination with the Air Force and DOD.

Lamson inquired about the stormwater pond, wetland and the retaining wall; Tobey spoke to the various processes and procedures which will be followed so all PDA, DES for AOT regulations are met.

Duprey asked if the AOT had been completed; Tobey indicated the developer is still in the conceptual approval phase and once approval is received would put together a full design plan and will continue working with PDA staff through the process.

Duprey asked if there have been any surveys completed yet regarding any species that may need mitigation; Tobey indicated that the process has been changed a little to help with streamlining. But a review has been submitted and indicated it has come back that there are no species of significance and no further field studies are required.

Parker asked if were known the dating of the foundations as they are located in a sensitive area and further asked Tobey to speak more to the reference of non-usability of the soil which will be aggregated

into a berm. Tobey indicated as part of the fuel line removal project a full archeological study had been done and believes the foundations are roughly from the 1800s. Regarding the non-usability of the soil it is not that the soil is contaminated, rather it is bad from a structural standpoint and could not support the weight of the building. Parker requested more information on the historical significance of the foundations as the area (Newington / Dover Point) has precolonial dates and she would like to hear more.

Duprey indicated the developers could do a great job on research and history of the area and perhaps a story board of sorts could provide historical value to the area identified so the public would know of the foundations and the significance of the area. Tobey indicated this may be a good idea as no one would know the foundations are located on the site.

Director Ferrini (“Ferrini”) indicated that prior to the area being colonized it was probably a busy area traveled by Native Americans.

Brean indicated that every building the developers, Two International Group, does is a quality building which provides amenities not only for its tenants, but also other tenants and believes they understand the architectural history the area serves.

Director Anderson (“Anderson”) asked of the projected ground breaking for the project; Tobey indicated permitting would dictate; has an aggressive schedule and hopes would be by the end of the year or springtime [to start project].

Ryan Plumber (“Plumber”) indicated the timeline for the tenant would be as soon as possible and the developers anticipate completion roughly twelve months out after permitting is received; spring of 2024.

Director Levesque (“Levesque”) stated the developer did not need to disclose the end user but glad the developer did as Sig Sauer is not only good for the area, but supports the armed forces and is a great compliment to Pease.

Duprey asked of traffic to the area; Tobey indicated it is based on square footage and employee count. Tobey stated that typically manufacturing is not as dense a use as office space and feel confident with the anticipated traffic estimations provided.

B. Approval:

1. 165 Arboretum, LLC – Concept Approval

Director Fournier **moved** the **motion** and Director Lamson **seconded** that **the Pease Development Authority Board of Directors hereby approves the concept plan for 165 Arboretum, LLC at 165 Arboretum Drive, as submitted by 165 Arboretum, LLC and attached hereto and incorporated herein; all in accordance with the memorandum of Michael R. Mates, Engineering Project Manager, dated August 9, 2022.**

Discussion: None. Disposition: Resolved by **unanimous** (7–0) vote for; motion **carried**.

V. Finance:

A. Executive Summary

Finance Director Suzy Anzalone (“Anzalone”) spoke to the Financial Report and referenced the Fiscal Year 2022 (“FY22”) draft unaudited financial results for PDA. Anzalone indicated there are only two remaining entries which need to be made. The first is a non-cash entry update regarding Pension and OPEB liability (waiting for reports from the State) which reports on the performance of the pension, as well as the GASB 87 lease accounting standard which will put a receivable of the present value of all of the leases on the balance sheet. Anzalone spoke to the operating revenues exceeding the budget by \$2.9 million (reminded Board the operating revenues for this year do include the \$1.7 million sale of 30 NH). Anzalone stated that operating expenses are trending favorably and PDA is on target with its budget for wages for FY22. Further, she brought to the Board’s attention of wage transfers in / out and benefits transferred in / out which are adjustments made at the end of the year of maintenance and administrative wages to each of the business units. This adjustment is done to accurately reflect the carrying cost of each of the units by an allocation of some of the maintenance and some overhead. Ended the year to the positive of a net operating income.

Speaking to the various business units, Anzalone said total airport revenues were favorable by 15.5% (driven by parking and fuel flowage fees) and was over budget in its operating expenses due to the maintenance allocation. Skyhaven revenue is operating favorable to budget for the year; operating expenses were over budget due to the allocation for maintenance / administrative wages, as well as improvements made to the facilities.

Tradeport operated favorable (the sale of 30 NH included); facility rentals trended favorably with rent increases based on CPI adjustments (due to inflation a lot of them hit the 3% cap).

The Golf Course exceeding budget by 21.5% with the public play revenue being the biggest driver. The concession fees for Grille 28 were higher as its sales were up since COVID (PDA receives a percentage of its sales for its concession fee). Duprey indicated the good thing with these types of agreements is it isn’t a lease payment it is based off sales.

Anderson asked for confirmation of the percentage received from Grille 28 sales; Anzalone indicated 17%.

Duprey asked if the Golf Course also received the maintenance / administration allocation; Anzalone affirmed.

Division of Ports and Harbors (“DPH”) revenue came in under budget which is as a result of lower fuel sales than budgeted mainly due to the Portsmouth Fish Pier (“PFP”). The PFP became fully operational at a later date than budgeted estimates. Its operating expenses were over budget due to a lot of repairs at some of the harbors, jetty wall, storm damage, pavement repairs, and snow removal costs etc.

Ferrini asked with DPH being most volatile due to its location, to what extent is PDA / DPH vulnerable and to what extent are capital improvement plans necessary to avert these various repairs. Asked if paving was necessitated due to storm repairs or performed as a capital expense and what the long term improvement may look like. Anzalone indicated when the fire lane was added (Rye Harbor) that was a capitalized project, but some of the pavement repairs are a result of the encroaching water.

Brean indicated when viewing PDA is very thorough with its pavement projects with a preventive maintenance plan (airport has about a 20 year overview); however, the harbors are unique to the necessary permitting requirements.

Anzalone spoke to the strong cash balance for both PDA / DPH, but as PDA gets underway with its capital projects for FY23, there are approximately \$9 million of internally funded projects, this strong cash balance will reduce the chance of having to go into the Revolving Line of Credit (“RLOC”). The majority of the \$1.4 million in restricted assets are associated with the Revolving Loan Fund (“RLF”) with 21 loans. Therefore, a majority of the capital has been loaned out and as payments come back, a couple additional loans could be made.

Duprey asked of the reduction of \$7.6 million to the \$1.4 million in restricted funds; Anzalone stated that was a result of a payment made on behalf of the Piscataqua Turning Basin project and recorded the approximate \$6 million payment made to start that project.

Anderson asked if the CARES act funding were removed, how would that affect the bottom line; Anzalone stated PDA would still be approximately 2.5% favorable to budget consolidated. Brean further indicated the timing of the CARES funding was extremely beneficial with cash flow during the runway reconstruction and terminal construction, which allowed PDA not to have to utilize its RLOC as previously anticipated.

Parker indicated she thought there was a successor Act to the CARES Act and there may be some money available for capital expenses. Anzalone indicated she had not received anything and didn’t know if Maria Stowell (“Stowell”) Engineering Manager knew of any potential funding. Parker indicated the government’s end of FY would be September 30th. Stowell spoke to funding via CARES, CRRSAA, American Rescue Plan and the last is BIL. Stowell indicated there were two parts to the BIL, one which dealt with the terminal and the Air Traffic Control Tower part and another part (entitlement) which PDA has not used yet. Stowell indicated the second part would probably go towards pavement projects. Anzalone affirmed that PDA will be receiving ARPA funding through the State for some projects. Parker spoke to the need of knowing what may be available for funding.

Duprey indicated there is still approximately \$200 million in ARPA funds which need to be allocated by December 1st.

Anzalone indicated the report contained a list of projects which had been completed during the fiscal year. Further, it is anticipated the cash flow will be reduced to approximately \$3 million over the next 9 months due to capital projects to be funded in-house. Duprey thanked Anzalone and her staff of three and a half for overseeing a sophisticated and multifaceted financial accounting for PDA.

Anzalone also discussed the potential of a short term money market / CD account with the Board, which would be very liquid allowing for the ability to access the funds, should it be necessary.

B. Reports:

- 1. FY2022 Financial Report for the Twelve Month Period Ending June 30, 2022**
- 2. Cash Flow Projections for the Nine Month Period Ending April 30, 2023**

VI. Licenses/ROEs/Easements/Rights of Way:

A. Reports:

1. **IAPP – 100 New Hampshire Avenue - Right of Entry**
2. **Jalbert Leasing, Inc. d/b/a C & J Bus Lines– 96 Grafton Drive - Right of Entry**
3. **Town of Newington Police Department – North Apron – Right of Entry**
4. **IAPP – 100 New Hampshire Avenue - Right of Entry**

In accordance with the “Delegation to Executive Director: Consent, Approval and Execution of License Agreements,” PDA entered into the following Right-of-Entry:

1. Name: IAPP
License: Right of Entry
Location: 100 New Hampshire Avenue
Purpose: Parking 70+/- vehicles in connection with a company meeting
Term: June 21, 2022 through June 23, 2022
2. Name: Jalbert Leasing, Inc. d/b/a C & J Bus Lines
License: Right of Entry
Location: 96 Grafton Drive
Purpose: For geotechnical survey purposes
Term: August 1, 2022 through January 25, 2023
3. Name: Town of Newington Police Department
License: Right of Entry
Location: North Apron
Purpose: Emergency Vehicle Driver Training Course
Term: August 8, 2022 and August 9, 2022
4. Name: IAPP
License: Right of Entry
Location: 100 New Hampshire Avenue
Purpose: Parking 70+/- vehicles in connection with a company meeting
Term: August 25, 2022

Director Fournier was consulted and granted his consent regarding these Rights of Entry.

B. Approval:

1. **Wood Environment & Infrastructure Solutions, Inc. – 35 Airline Avenue**

Director Lamson **moved** the **motion** and Director Parker **seconded** that **the Pease Development Authority Board of Directors approves of and consents to an additional three (3) month extension, through October 31, 2022, of the Right of Entry (“ROE”) issued to Wood Environment & Infrastructure Solutions, Inc. for use of the premises at 35 Airline Avenue; all in accordance with a letter from Paul E. Brean, Executive Director, dated July 22, 2022.**

Discussion: None. Disposition: Resolved by **unanimous** (7–0) vote for; motion **carried**.

VII. Leases:

A. Reports:

1. **Sublease from NH Avenue Retail Center, LLC to RWW Home & Community Rehab Services, Inc. – 14 Manchester Square (Suite #150)**
2. **Sublease from 30 International Drive, LLC to Pan Am Group, LLC – 30 International Drive**
3. **Sublease from 100 International, LLC to Waterstone Mortgage Corporation – 100 International Drive (Suite #355)**
4. **Sublease from 68 New Hampshire Ave LLC to Lonza – 68 New Hampshire Avenue**

In accordance with the “Delegation to Executive Director: Consent, Approval of Sub-Sublease Agreements” PDA approved the following lease option with:

1. Tenant: RWW Home & Community Rehab Services, Inc.
Space: 14 Manchester Square (Suite #150)
Use: Retail Service use which must conform to the retail service complex uses authorized by the PDA
Term: Three (3) years and one month beginning the earliest of the date upon which the NH Secretary of State issues a Certificate of Good Standing for the Sublessee or July 1, 2022, with such date to be memorialized with a commencement letter executed by the parties with one, three (3) year option to extend
2. Tenant: Pan Am Group, LLC
Space: 30 International Drive (Suite #102)
Use: Professional office and related uses
Term: Five (5) years which shall commence on July 1, 2022
3. Tenant: Waterstone Mortgage Corporation
Space: 100 International Drive (Suite #355)
Use: Office and related uses
Term: Three (3) years
4. Tenant: Lonza
Space: 68 New Hampshire Avenue
Use: General Office, research and development, laboratory and such ancillary uses
Term: Eleven (11) years with two additional terms of five (5) years each if available under the ground lease.

The Delegation to Executive Director: Consent, Approval of Sub-sublease Agreements also requires the consent of one member of the PDA Board of Directors. In these instances, Director Lamson was consulted and granted her consent.

VIII. Contracts:

A. Reports:

1. **OAG Aviation Worldwide LLC – License Agreement – Terminal FIDS Boards at PSM – Exercise of Option Extension**

2. **Martineau Electric – On-Call Electrical Maintenance Services – Exercise of Option Extension**
3. **Vogel Vending, Inc. – Two ATMs – Exercise of Option Extension**
4. **Stanley Elevators –Elevator Service & Repair Service - Exercise of Option Extension**

In accordance with Article 3.9.1.1 of the PDA Bylaws, PDA reported on the following:

1. Project Name: OAG Aviation Worldwide LLC
 Board Authority: In accordance with the authorization provided by the Board of Directors at its meeting on August 19, 2021
 Summary: Exercise the first of its two, one year options to July 31, 2023 regarding the Terminal Flight Information Display System Boards at PSM.
2. Project Name: Martineau Electric, Inc.
 Board Authority: In accordance with the authorization provided by the Board of Directors at its meeting on June 21, 2018
 Summary: Exercise the last of its one year option to extend through June 30, 2023.
3. Project Name: Vogel Vending, Inc.
 Board Authority: In accordance with the authorization provided by the Board of Directors at its meeting on June 21, 2018 and its subsequent Addendum No. 1 effective September 1, 2021
 Summary: Exercise the last of its one year option to extend through August 31, 2023 of its ATM vending agreement.
4. Project Name: Stanley Elevator Co., Inc.
 Board Authority: In accordance with the authorization provided by the Board of Directors at its meeting on August 16, 2018
 Summary: Exercise the last of its one year options to extend through August 31, 2023.

B. Approvals:

1. **Compass Facility Services, Inc. – Rate Increase**

Director Levesque moved the motion and Director Lamson seconded that the Pease Development Authority (“PDA”) Board of Directors authorizes the Executive Director to approve a 4% (four percent) price increase to the contract with Compass Facility Services, retroactive to July 1, 2022, for the purpose of providing janitorial services to PDA facilities (Division of Ports and Harbors Market Street Facility, Portsmouth International Airport at Pease, Pease Golf Course and the PDA Corporate Offices); all in accordance with the memorandum of Chasen Congreves, Manager of Airport Administration, dated August 2, 2022.

Discussion: None. Disposition: Resolved by unanimous (7–0) vote for; motion carried.

2. Alliance Group Inc.– Pease Golf Course Clubhouse - Replace CPVC Piping at the Pease Golf Course Clubhouse

Director Ferrini moved the motion and Director Lamson seconded that the Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to execute a contract with Alliance Group Inc., in an amount not to exceed \$53,250.00, for the replacement of CPVC Piping at the Pease Golf Course Clubhouse; and further authorizes a ten (10) percent project contingency, with any contingency expenditures requiring the approval of the Executive Director; all in accordance with the memorandum from Scott DeVito, PGA General Manager, dated August 5, 2022.

Discussion: None. Disposition: Resolved by unanimous (7–0) vote for; motion carried.

3. University of New Hampshire - Wildcat Sports Properties, LLC – Sponsorship Agreement

Director Parker moved the motion and Director Anderson seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into a contract with Wildcat Sports Properties, LLC for athletic department sponsorship opportunities at the University of New Hampshire, from August 31, 2022 through June 30, 2023, for a sponsorship fee of \$30,500.00; all in accordance with the memorandum from Paul E. Brean, Executive Director, dated August 8, 2022.

Discussion: Brean stated for clarity PDA budgets \$300,000 for overall marketing and not \$100,000 as referenced in the memo.

Anderson indicated that two meetings ago, the Board approved providing \$100,000 to Allegiant for marketing purposes. Brean stated last fiscal year the Board approved Allegiant to spend up to \$100,000 for direct marketing for airline service. Further, Brean indicated Allegiant didn’t come close to the amount approved, rather thought the amount utilized was around \$26,000.

Ferrini understands the market connection and asked of the level of advertisement PDA does, is it competitive to others who do similar advertising in the same venue. Brean stated this is a comprehensive package which starts during the football season and goes through the hockey season. Brean stated the Portsmouth Airport logo goes on the Dasher Board. By working closely with Allegiant, PDA knows its demographic and the attendees of these two sporting events will reach the demographic Allegiant wants to pitch to; it is very effective as a lot of UNH students and their families utilize the airport.

Disposition: Resolved by unanimous (7–0) vote for; motion carried.

IX. Executive Director:

A. Reports:

1. Golf Course Operations

(i) June 2022 and July 2022

Scott DeVito (“DeVito”) Pease Golf Course (“PGC”) General Manager recapped the two PGC slides in the Board packet. The first slide wraps up the FY22 season. DeVito reiterated Anzalone’s comments regarding the apparent bounce back since COVID regarding the Food and Beverage concession. DeVito stated that traffic is up in the restaurant and patio areas. DeVito spoke to tournament play being down a little bit resulting from events last July and August that did not fill out as anticipated and the re-classification of tournaments.

DeVito spoke to the second slide which was for the month of July in FY23. He indicated he thought the numbers provided are the highest ever; there was over 12,000 rounds played (majority being public play) which included six rain dates.

DeVito stated as a result of COVID there were certain restrictions on the golf course, being what could be put out for amenities (i.e.; ball washers and water coolers). Working with staff, some of the ball washers were rebuilt and placed them back on the course at the request of players. Staff has been hesitant to put the water coolers back out from a hygiene standpoint. During COVID players brought their own water bottles, but there has since been a number of requests to put the water coolers back on the golf course. Therefore, PGC has initiated a program with PDA / PGC maintenance staff at installing water fill stations. Currently there is one inside the clubhouse, looking to place one by the starter shack and a couple additional locations on the golf course.

Anderson asked how much water has been used by PGC under the agreement with the City of Portsmouth (“COP”). DeVito indicated 15 million is allocated which includes everything domestically into the clubhouse, on the golf course and any irrigation around the golf course, and once PGC hits the allotment COP notifies PGC will get billed for additional use. DeVito indicated that PGC has not yet received a bill this year (last billing period was two weeks ago). DeVito indicated that there have been two or three significant storms which has allowed them to go out 2 or 3 days before it is necessary to irrigate, plus the pond refills.

DeVito indicated the Superintendent is very conscientious on what is used, how it is applied and does his best to monitor. Fournier asked of the condition of the course; DeVito indicated overall it is in good condition. There are areas that will require aerification on the fairways; greens aerification will start next week. DeVito indicated the Superintendent has been on the NH Board of Superintendents for 10 years or so.

2. Airport Operations
a) Portsmouth International Airport at Pease (PSM)

Breran spoke to the airport slide in the Board’s packet and stated PSM is trending favorably with passenger enplanements (YTD of 54,371). The significance is commercial / Allegiant traffic is outpacing DOD traffic. This is due to the five destinations which were in operation this summer. Breran also indicated that revenues for pay for parking were up during the summer as well as the fuel flowage fee. He further spoke to the breakdown in aviation and how there has been growth in general aviation and commercial which correlates to work that Port City Air is doing by getting out to the corporate market through network groups.

Breran reported that for several years, have encountered challenges with the labor resources received from US Customs and Border Patrol from the Portland office as they do not have the budget and manpower to support PSM when busy. Have recently been informed PSM will now be under the Boston station;

Boston has a larger labor force residing in the region and has budgeting to support overtime. Brean indicated that Boston Logan does not have the room for corporate activity and feels there could be more of a trend up to the PSM facility which would serve the corporate needs above Boston.

Brean stated this is the peak rental car season and recent activity (April to June) for Enterprise has increased.

Anderson asked what percentage of revenue parking is generated from commercial activity; Brean indicated it is all related to Allegiant activity. Further, PDA could have farmed the parking out to a large parking management vendor, but it constructed, maintains and is operated all in-house by the various PDA departments (Engineering, Maintenance, IT etc.) which provides PDA a higher revenue (97% on the dollar as 3% is a card transaction fee).

Brean informed the Board that PSM will have Punta Gorda, Southwest Florida and Sanford/Orlando through the winter and believe that St. Pete / Tampa / Clearwater did very well. Allegiant too is struggling with labor and COVID protocols; a forecasted reduction in capacity. Feel as though Allegiant is being very smart when booking flights so they can provide the continued service. It is anticipated as flights are booked out, Allegiant will continue to add more capacity to the routes.

UNH Athletics have quite a few road games this year and have signed a contract with Avelo Airlines (charter) and will be moving the athletic teams through PSM.

Lamson asked of Allegiant's Nashville Tennessee flights; Brean stated the last flight was on August 15th. This is a seasonal service and hopefully will continue to get great capacity to see those extended. Brean stated it typically starts up in April but most things with the airline industry at this time are purely speculative.

b) Skyhaven Airport (DAW)

Brean spoke to the shortcoming at DAW regarding the ramp and apron project which PDA is trying to get straightened out with DoT Aeronautics Division. Expenses at Skyhaven are a little higher than normal as have addressed some shortcomings with ADA ramps and accessibility at the terminal building. The updates have been completed in-house by PDA maintenance personnel. PDA monitors the price of fuel and when it is necessary to request fuel deliveries; there is no middleman, aviators are seeing a good price resulting in increased fuel sales.

**c) Noise Line Report
(i) June 2022 and July 2022**

There were two noise complaints for the month of June. One from a Dover resident who reported a C-5 flying low as it was approaching Runway 16. A second noise concern was received when Runway 34 was in use, from a resident of Dover who reported a Piper Cub flying low over the Bellamy River.

Further, for the month of July, there were two noise complaints. One was associated with Runway 34 from a North Woodstock resident who reported military refueling tankers flying all afternoon over North Woodstock, it is unknown where the aircraft originated. The second was when Runway 16 was in use; a resident of Eliot, Maine reported military aircraft flying over Eliot when coming in for landing.

B. Approval:

1. Bills for Legal Services:

Director Fournier **moved** the **motion** and Director Levesque **seconded** that the Pease Development Authority (“PDA”) Board of Directors approves of and authorized the Executive Director to expend funds in the amount of \$24,418.00 for legal services rendered to the Pease Development Authority from Sheehan Phinney Bass & Green for the period of May 1, 2022 – May 31, 2022 in the amount of \$7,888.00 (for Permit Implementation); May 1, 2022 – May 31, 2022 in the amount of \$9,222.00 (for Tradeport General Representation); June 1, 2022 – June 30, 2022 in the amount of \$1,131.00 (for Permit Implementation); and to expend funds in the amount of \$6,111.00 for legal services rendered to the Pease Development Authority from Anderson Kreiger as outside counsel for Federal Regulatory Advice from May 1, 2022 through May 31, 2022 in the amount of \$590.00 and from June 1, 2022 through June 30, 2022 in the amount of \$5,521.00. For a total amount of \$30,529.00 in legal services.

Discussion: None. Disposition: Resolved by **unanimous** (7–0) vote for; motion **carried**.

X. Division of Ports and Harbors:

Geno Marconi (“Marconi”), Division of Ports and Harbors (“DPH”) Director took a moment and introduced Grant Nichols (“Nichols”) who will be the Assistant Director of DPH and provided background information regarding Nichol’s employment with DPH.

Ferrini asked for the indulgence of the Board as Mr. Bailey has been patiently waiting to have his appeal heard and for a suspension of the rules to bring forward agenda item X.C.1. as referenced below and then have Marconi continue with his report.

Director Ferrini **moved** the **motion** and Director Anderson **seconded** to suspend the rules and bring forward agenda item X.C.1. regarding Appeal of Stephen N. Bailey.

Discussion: None. Disposition: Resolved by **unanimous** (7–0) vote for; motion **carried**.

Board Action on Mooring Permit Appeal (Pda 514.08):

1. Appeal of Stephen N. Bailey – Recommended Decision of Director Ferrini

Ferrini stated the decision rendered was as a result of having heard Mr. Bailey’s case. There are two motions before the Board, to either grant or deny the appeal; Ferrini indicated he would answer any questions from the Board regarding his recommendation.

Stephen Bailey (“Bailey”) indicated the existence of the PDA rules there is the fair and even handed treatment across all mooring applicants / holders. The Authority is, within the bounds PDA rules, to deny or maintain the permit so he can come current on it. There are some unwritten rules / policies within the Division that he was not able to receive as any other applicant would have, such as sending an e-mail to the applicant notifying of returned mailed; the e-mail was not received. Bailey alleged Deputy Director / General Counsel Anthony Blenkinsop (“Blenkinsop”) can confirm there are issues of my receipt of e-mails from PDA. The second phone call which was made toward the end of the waiting period made from a number not on the Division’s website (436, 431, Portsmouth extension) and appeared to be a robo call.

Should the PDA allow him to come current on his mooring after 17 / 18 years of timely submittals, it would not be outside of its bounds.

Parker asked if the only reason for denial is late submittal; Ferrini indicated the materials provided includes his decision which is fact specific and rather dense, as well as various documentation submitted by Mr. Bailey. The materials cannot be oversimplified by one statement. Ferrini indicated if the Board wanted to take a recess on this matter that is fine as the details matter.

Blenkinsop stated the way the Administrative Rules are structured the PDA Board makes the final decision. Chairman Duprey appointed Director Ferrini to consider the appeal in the first instance and make a recommendation to the full board. Blenkinsop provided an overview of the process regarding the appeal stating a meeting was held in June, after which Ferrini provided his decision to Mr. Bailey in a timely manner. Consistent with the rules Mr. Bailey was provided an opportunity to speak, as well as Director Marconi. The Board can either deny the appeal (consistent with Ferrini's decision), grant the appeal if the Board desires, or make a decision at the next Board meeting after today's hearing. If the Board wished to postpone its determination, it could postpone out to the September meeting for a final decision.

Fournier indicated he had reviewed the information and is comfortable with Ferrini's determination and making the motion which could be voted up or down.

Blenkinsop indicated prior to a motion being made, Director Marconi, under the rules, should be afforded an opportunity to speak.

Ferrini further indicated it was not clear whether the motion should be made before the case is presented or after.

Blenkinsop indicated it would be after because it is necessary to go through the process under the rules of providing the opportunity to speak.

Duprey indicated where the Board is still in the hearing process, did Marconi want to address the Board.

Marconi pointed out the Administrative Rules do not require the Division to send any notifications (e-mails or phone calls) or follow up on returned mailings. Rather this is something that the mooring administrator does. E-mails were sent to the e-mail listed on the application submitted by Mr. Bailey. For clarification, Marconi indicated the number which Mr. Bailey received a call from was a 766 number which is a Portsmouth exchange.

Bailey did not fault the efforts of the Division. With respect to the e-mails there is some mystery why he has been unable to receive e-mails from PDA, and he was not aware there was a 766 exchange in Portsmouth. Further he stated when he received a call from the Harbormaster on August 4th; that number came with a caller id. He had not received the same opportunities as other applicants in that regard.

Duprey closed the hearing so a motion could be presented to the Board.

Director Fournier **moved** the **motion** and Director Lamson **seconded** that **having considered the record pursuant to Pda 514.09(b), the Pease Development Authority (“PDA”) Board of Directors hereby accepts the report of the PDA Board designee and determines that the appellant, Stephen Bailey, has not met his burden of proof and denies his appeal pursuant to the provisions of New Hampshire administrative rules Pda 514.10 and Pda 514.11.**

Discussion: Duprey stated DPH did everything it should have and more than they are legally required to do.

Ferrini indicated that Mr. Bailey is a sincere individual who is earnest and heartfelt in his offering but Ferrini did not hear any evidence that goes to the level of changing the action of the Division. The difficulty when there has been a delay in mooring renewal is the fact that people’s rights around the water are hotly contested and there is a long waiting list of individuals who desire moorings. The Board is in the challenging position of being sympathetic but there are rules to be enforced. Ferrini offered his opinion regrettably, but as he saw the facts presented, the appeal should be denied.

Disposition: Resolved by **unanimous** (7–0) vote for; motion **carried**.

A. Reports:

1. Port Advisory Council Minutes of May 11, 2022

Marconi indicated the Board had in its packet the minutes of the Port Advisory Council meeting of May 11, 2022. The minutes have been provided so the Board is aware of the Council’s activity.

2. Commercial Mooring Transfer – Wilich to Carter

3. Commercial Mooring Transfer – Hogan to Lamott

Marconi stated the above two are Commercial Mooring Transfers requested have been reviewed by the local Harbormaster who made a recommendation to the Chief Harbor Master, who made a recommendation to Marconi. Marconi reviewed the documentation to make sure it is consistent with the Code of Administrative Rules and passed the request along to Brean to be signed off through the Delegation of Authority.

4. Commercial Mooring for Hire – Esther’s Marina, LLC

Marconi indicated that under the Code of Administration of Rules there is an ability to have a Commercial Mooring for Hire allowed and through a review process by the Harbor Master and Chief Harbormaster to Marconi who makes a recommendation to the Executive Director who is allowed to sign off on this through the Delegation of Authority. Marconi did state Esther’s Marina has been on the wait list for a mooring.

5. Portsmouth Fish Pier - Change Order 10

Marconi indicated that Change Order #10 had been modified to incorporate an additional \$2,513.00 in charges. Marconi stated pursuant to the Board’s Delegation of Authority, Brean executed the Change Order and received concurrence from Treasurer and Director Lamson.

6. Biennial Report for the Fiscal Year Periods Ending June 30, 2020 & June 30, 2021

Marconi spoke to the report in the Board Materials. Brean spoke to the a detailed report regarding contracts and stated there is less substance contained in the report as several contracts were impacted the last couple of seasons due to COVID. However, going forward, the Board would see more detail / evaluation of what the contracts entail.

7. Board Review of Rye Harbor Right of Entry (“RoE”) Waiver – Police Detail

Marconi indicated there is a memo prepared by the Executive Director concerning the Police Detail and the RoE for Rye Harbor Lobster Pound for the Board’s further discussion.

8. Right of Entry (“RoE”) - Swell Oyster Company, LLC – Charter Boat Operations at Hampton Harbor

Marconi stated this is an additional RoE for Swell Oyster Company, LLC (“Swell”), a current RoE holder. Swell is a local aquaculture farm which operates up in the marsh in Hampton Harbor and they have a shack at the Harbor where the oysters are processed. Have been receiving requests to tour the farm which has resulted in the request to be provided for charters.

9. Hampton Water Line Leak

Marconi spoke to the Hampton Harbor Water Line leak to say the operations manager reached out to several local contractors and there was only one contractor who responded to inquiry. That entity repaired the leak through the Delegation of Authority.

Brean left the meeting at 10:13 a.m. and returned at 10:15 a.m.

10. Reallocation of Mitigation Funds to ARM Fund

Marconi stated the Reallocation of mitigation funds to ARM fund is as a result of getting the wetlands permit to do the rehabilitation at the main wharf there was a mitigation component attached. NH DES recommended consideration of a shoreline restoration project by the John Bohenko Park on Market Street. It is the City of Portsmouth’s (“COP”) property which has wetlands permits in place and contracts / contractors and the engineers who designed and oversaw the project and DES indicated it would accept that project of building 400’ of shoreline and grass for not only the BUILD grant but the functional replacement which will be coming up next year. There have been discussions with the COP where it would manage the project and DPH would pay the City. The money was allocated through the ARPA fund, but the Army Corp of Engineers indicated it would not accept the project towards mitigation as the first 200’ of the COP’s project failed. Therefore, DPH made a contribution into the ARM fund at DES so permitting would not be held up. It is mitigation, but different than what DPH had submitted its original request for approval. After working with the GOFFER Committee and DPH’s business agent at Administrative Services, it was recommended that an informational item be submitted to the Fiscal Committee and Governor and Council for consideration. However, Governor and Council (questioned whether approval was required. As such, working with Administrative Services to bring it back before Governor and Council.

After the reports were reviewed by the Board, there was further discussion concerning **Rye Harbor Right of Entry (“RoE”) Waiver – Police Detail.**

Brean indicated staff were working on the issue. The parking infrastructure has been improved and a fire lane for public emergency events was constructed. At the onset there was a struggle obtaining the law enforcement traffic details and therefore was supported by a customer service agent; still difficulties staffing internally. Internal staff being utilized were from the DPH and Airport Security units, but that too is being challenged this time of year. DPH is tasked with a major project and the Airport is getting ready for FAA inspection; not sure if will be successful with future support or if the need is there. The waiver requires a detail; the Board should discuss this further whether it wants to continue with traffic enforcement and detail as stated in the waiver.

Ferrini asked for an explanation of how the traffic enforcement aspect worked. Marconi indicated by having someone there on the weekends it helped move people along. Marconi indicated the original intent was to have someone with law enforcement and therefore it hasn't been as efficient. There is still an issue of how staff are treated; a majority of DPH staff are summer help and high school kids. Marconi stated the Town of Rye indicated it would need to have an agreement in place regarding policing of the area.

Parker asked if due to the labor situation of badged police officers that PDA encountered a situation that PDA could not put into alignment with what it required.

Levesque indicated it is interesting that the Town wouldn't police the location and doesn't have a clear understand as to why. He further stated he is at the harbor all the time and he sees a lot of traffic from the Whale Watch when they go in / out. Since the Board's last meeting the other venue has started selling lobster rolls. One vendor [RHLP] has indicated it paid \$5,000 for policing and there are two other vendors who are also generating individuals coming to the port who don't have to pay and doesn't think it is fair. If there needs to be police or any kind of enforcement from staff, it certainly should not be charged to one vendor. Through this whole process, he has thought fairness at the harbor is the issue. Further between 20 and 80% of the vehicles parked on the commercial side do not have a commercial sticker meaning revenues are not being received; there doesn't appear to be patrolling of that through ticketing or anything else. Felt there are other issues the taxpayers of NH, who own the harbor, are not reaping the appropriate benefits by not having the appropriate access and fairness.

Duprey stated he originally thought the food concession for the Whale Watch sold candy bars and soda etc., but they have a sandwich board sign along the road which indicates open for breakfast and lunch and he views that as a restaurant. Seems as though one vendor is paying an undue penalty when she isn't creating all of the traffic. Found out when parking ticket is validated, it is actually being subsidized by the vendor, but if go to Whale Watch snack bar you don't have to pay the \$5 parking fee. Marconi disagreed with the comments made and stated anyone who goes into the parking lot pays \$5. However, since last year, DPH assigned a 15 minute parking pass to each shack (i.e.; RHLP has two shacks they have 2 passes; Rye Harborside / Whale Watch has three shacks so they have 3 passes) which are returned by the vehicle holder upon exiting the harbor. If someone comes in and the passes have been distributed then they pay \$5. At the request of the vendor [RHLP] if the passes are distributed the individual is told they can get their ticket validated by the vendor. Duprey asked why doesn't DPH take a couple rows next to the shacks and make

those 15 minute spots, but if they go over the time period, they pay so we make money (may turn parking over quicker).

Ferrini indicated that could be part of the redesign. Asked the requirement of police hours.

Brean indicated it is the end of the season and not only can we not get traffic enforcement support but PDA / DPH is losing its seasonal staff. Brean indicated that improvements are being worked on and the plan is to have a very comprehensive look of how to go into next season. Further, he suggested to move forward with the remainder of this season and at the discretion of the Director, PDA / DPH will staff for traffic enforcement. The conversation has changed since the onset with another vendor advertising out to the general public from when it was originally reviewed. Suggested the Director, at his discretion, allow PDA / DPH to staff and self-fund any traffic enforcement for the remainder of the summer (weekends / holidays) that may be necessary without a surcharge back to a particular vendor.

Levesque thought the suggestion was a resolution.

Anderson indicated by trying to fix the situation late in the season restructure it wouldn't be without difficulty. Going back to the previous discussions, the parameters have been crystal clear and by deviating from the five bullets of waiver approval, the Board has an option to make a decision now. DPH has been extremely cordial by putting water line in and addition of parking attendants to try to come up with a compromise to the current situation.

Parker spoke of the number of dynamics in the operations, but there is the fact that PDA is a public / private entity and not profit making. She can see why people visit the harbor as it is very picturesque and authentic. After hearing all of the discussion she would go along with some mitigation.

Lamson spoke to frequenting Rye Harbor and there is an outstanding group of personnel at the harbor and commended Marconi for all of his hard work.

Duprey spoke to change over time and the outcome is not always liked, but change is hard.

Levesque indicated the Port Committee too is looking at this entire matter and what would Rye Harbor look like in 40 years and what do we commit to for access for commercial fishermen, public and recreational.

Anderson indicated the facility is unique having a commercial entity abutting a recreational entity and a determination needs to be made of the future vision of the facility and how it should function. For any vendor at the harbor, they should know that circumstances could change.

Blenkinsop indicated during the April meeting the Board voted for certain conditions to be met and where one of the conditions is being altered for the remainder of the season it would be helpful to have a motion on the record that the condition of the police detail / traffic control at the RoE holder's expense is being waived for the remainder of the season.

Director Ferrini **moved** the **motion** and Director Parker **seconded** of a modification from the previous meeting where the Right of Entry holder is responsible for the police detail and the PDA / DPH will assume that responsibility for remainder of the season.

Discussion: Fournier asked for clarification, at the discretion of the DPH; Blenkinsop indicated in the April motion it was inherent that it was at the discretion of the Director. What was done is the discretion still exists, but the cost that was supposed to be borne by the RoE holder who accepted the waiver (RHLP was the only entity that did so), the expense requirement would be waived and the expense would be on PDA / DPH.

Fournier asked if the Board was requiring PDA / DPH to get police officers which would be expensive and he couldn't vote for that. If we are using internal staff fine. Blenkinsop indicated the Board is not requiring the provision of a police detail. Since roughly July 4th weekend, to the present, the traffic control has been staffed by PDA / DPH staff. So to the extent the Director wishes to continue to staff it, the cost of it will be borne by PDA / DPH.

Brean indicated the discretion would be too if there is inclement weather, staff could be called off.

Disposition: Resolved by **unanimous** (7-0) vote for; motion **carried**.

B. Approvals:

1. Northeast Fishery Sector XI - Portsmouth Fish Pier – Office Rental - Right of Entry

Director Anderson **moved** the **motion** and Director Levesque **seconded** that **the Pease Development Authority Board of Directors hereby authorizes the Executive Director to finalize and enter into a Right of Entry with the Northeast Fishery Sector XI for two (2) years, retroactively commencing July 1, 2022, with two (2) options of one (1) year each, subject to the approval of the Executive Director, for office space located at the Portsmouth Fish Pier on substantially the same terms and conditions set forth in the memorandum from Geno J. Marconi, Director of the Division of Ports and Harbors, dated August 4, 2022.**

Discussion: Anderson thanked Marconi for looking into this. **Disposition:** Resolved by **unanimous** (7-0) vote for; motion **carried**.

2. Hampton Harbor Marine Facility – Float and Dock Replacement - Change Order

Director Levesque **moved** the **motion** and Director Lamson **seconded** that **the Pease Development Authority Board of Directors hereby approves contract Change Order #1 with Riverside & Pickering Marine Contractors with respect to the contract for Hampton Harbor dock improvements approved by the Board on March 17, 2022, and authorizes the Executive Director to expend additional funds in the amount of \$142,635.00 for the construction and installation of 905 square feet of wooden replacement dock floats at the Hampton Harbor Marine facility, through American Rescue Plan Act funds received from the State of New Hampshire; all in accordance with the Memorandum of Geno Marconi, Division Director, dated August 5, 2022.**

Discussion: None. **Disposition:** Resolved by **unanimous** (7-0) vote for; motion **carried**.

3. Appledore Marine Engineering – Functional Replacement - Amendment #1

Director Lamson moved the motion and Director Ferrini seconded that the Pease Development Authority (“PDA”) Board of Directors authorizes the Executive Director to finalize and execute Amendment #1 to the contract with Appledore Marine Engineering, LLC, originally approved by the PDA Board of Directors on April 20, 2018, for the purpose of conducting design, engineering and permitting work for the Barge Dock Functional Replacement Project, in an amount not to exceed \$4,860,091.00, subject to funding by the Federal Highway Administration; all in accordance with the Memorandum of Geno J. Marconi, Division Director, dated August 5, 2022.

Discussion: Anderson stated the background material contained worksheets and each one had a different figure; asked if this locks the price in. Marconi spoke to an agreement with Appledore Engineering of an MOA approved by the Governor and Council with NHDoT for funding through the Federal Highway Administration to replace what was lost when the [Sarah Long] Bridge was built. Currently going into final design and NH DoT asked Appledore for additional work that was not in the contract so the amendment includes various items. As DPH goes into final design there has been an increase in the cost since the original estimate in 2015 of \$19 million. Today construction costs are \$34 million. This still has to be approved by the Governor and Council and Federal Highway has to approve the amendment to DPH contract. There is another item, engineering oversight during construction, would be Federal Highway requirements state DPH has to have an onsite engineer present every day throughout the project. The proposal contains the fee structure of over \$5 million. DPH is required to do an Independent Government Evaluation on the project and negotiated with Appledore down to the \$4.8 million. This has been accepted by NHDoT and it has gone to Federal Highway for its review and once received back the DoT will submit an amended contract to the Board and the Governor and Council for approval. Marconi indicated they are hoping to start on the project in July of next year; this would be for the functional replacement (for what was lost of the Barge Dock). Years ago the legislature set it up for agencies who do not have cash on hand to make a payment and ask for reimbursement, the payment request from contractor can be submitted to Treasury, they pay. When reimbursement comes back the money goes to Treasury.

Anderson asked if there is confidence in the amount of this project because of cost overruns with past projects.

Fournier responded that there are not projects in the public sector where a project will be an exact number with no overruns. The confidence is in the contractors and you have to deal with the overruns when they occur.

Marconi gave the example of issues regarding the BUILD grant project and additional work.

Disposition: Resolved by unanimous (7–0) vote for; motion carried.

4. BUILD Main Wharf Rehabilitation Project at the Market Street Marine Terminal – Delegation to Division Director

Director Parker moved the motion and Director Lamson seconded that;

WHEREAS, RSA ch. 12-G provides that the Board shall appoint an Executive Director, who shall be the chief executive and administrative officer of the Pease Development Authority (“Authority”) and who shall have general and active supervision and direction over the day-to-day

business and affairs of the Authority, subject to the direction and control of the Board, and shall perform all such duties as from time to time may be assigned to him by the Board; and

WHEREAS, RSA ch. 12-G further establishes within the Authority a Division of Ports and Harbors (“Division”) and vests the oversight and control of the Division in the Pease Development Authority Board of Directors; and

WHEREAS, RSA ch. 12-G further provides that the Board shall appoint a Division Director who shall be the administrative officer of the Division and shall have general and active supervision and direction over the day-to-day business and affairs of the Division and its employees, subject, however, to the direction and control of the Board and the Executive Director; and

WHEREAS, the Authority has duly enacted By-Laws in accordance with the provisions of NH RSA 12-G:8, XIX; and

WHEREAS, the By-Laws provide that the Executive Director shall have all the authority of the Chairman with respect to the signing of contracts, leases, releases, bonds, notes and other instruments and documents approved by the Authority; and

WHEREAS, the Division is undertaking the BUILD Main Wharf Rehabilitation Project at the Market Street Marine Terminal in Portsmouth, New Hampshire, a project of vital importance to the shipping industry, to the continued support of the Portsmouth Naval Shipyard Project, for emergency responder access, and to the New Hampshire seacoast region;

WHEREAS, the Authority deems it necessary for the timely management and regulation of the BUILD Project to delegate to the Division Director, subject to the prior approval of the Executive Director and the PDA Treasurer, the authority to consent to and approve of certain documents in connection with contract change orders pertaining to the project, conditioned upon the prior appropriation of State funds to cover any increase in project costs resulting from said change order.

NOW, BE IT RESOLVED, that the Authority does hereby delegate to the Director of the Division of Ports and Harbors the authority to consent to, approve, and execute certain contract change order documents in accordance with the terms and conditions of the *Delegation to the Director of Ports and Harbors: Consent, Approval, and Execution of Contract Change Order Documents for the BUILD Main Wharf Rehabilitation Project at the Market Street Marine Terminal Portsmouth, NH* project.

Discussion: Anderson asked of the total project cost of the project and if this were specifically just the BUILD Main Wharf Project. This is different than in the past with change orders coming to the Board of Directors. Marconi indicated he did not have the numbers directly in front of him but estimated it to be approximately \$12 million. Marconi displayed various photos of the project and spoke to the various aspects of the project. Anderson asked how any exceedances over the \$12 million will be handled. Marconi indicated the only thing there is left for any change orders is approximately \$230,000; he anticipates putting in a request for additional money for necessary pile driving. Anderson asked of an obligation to report information to the Board; Marconi affirmed. He further stated that he only does these changes orders after speaking with the Executive Director and General Counsel with a follow-up report to the Board.

Brean indicated the justification is an incredible amount of technology and labor mobilized for this project and DPH needs the wharfage space back as soon as possible. This would facilitate moving the project along so the project is not being held up waiting for approval of a change order.

Marconi indicated last week that one of DPH’s tenants, Granite State Minerals, was awarded by DoT to supply the Districts its salt; they are anxious to start bringing ships in.

Blenkinsop indicated the motion to approve the Delegation has the Delegation of Authority attached and is clear on what conditions must be met for the change orders to be approved.

Anderson wanted to make sure this is a one-time thing and PDA should not abdicating its authority under certain circumstances. He is not opposed he just wants some explanation; Blenkinsop indicated they are exercising their authority in granting the delegation.

Disposition: Resolved by **unanimous** (7-0) roll call vote for; motion **carried**.

5. **Riverside & Pickering Marine Contractors for 2 projects:**
 - **Portsmouth Fish Pier, Six (6) Fender Pile replacement**
 - **Burge Wharf, Guide Pile re-set**

Director Ferrini **moved** the **motion** and Director Fournier **seconded** that **the Pease Development Authority Board of Directors approves of and authorizes the Executive Director, on behalf of the Pease Development Authority–Division of Ports and Harbors (“PDA-DPH”), to accept the proposal from Riverside & Pickering Marine Contractors (“Riverside”) to replace six (6) fender piles at the Portsmouth Fish Pier and to re-set a guide pile on the floating dock at the Burge Wharf, for a total project cost not to exceed \$18,145.00; all in accordance with the Memorandum of Geno Marconi, Division Director, dated August 8, 2022.**

In accordance with the provisions of RSA 12–G:8, VIII, the Board justifies the waiver of the formal RFP requirement as PDA–DPH received cost proposals from two local marine construction companies with Riverside providing the lowest cost proposal.

Discussion: None. Disposition: Resolved by **unanimous** (7-0) roll call vote for; motion **carried**.

- C. **Board Action on Mooring Permit Appeal (Pda 514.08):**
 1. **Appeal of Stephen N. Bailey – Recommended Decision of Director Ferrini**

The Board suspended the rules to move this item forward earlier in the meeting; the motion was made, the item was discussed and voted on.

XI. **Special Event:**

A. **Report:**

1. **Sabine Strong 3.3 Mile Run/Walk held on Sunday, August 14, 2022**

Brean stated Sabine Strong held its 3.3 Mile Run/Walk on Sunday, August 14, 2022 and it was a success without incident.

XII. **Upcoming Meetings:**

Executive Committee	September 1, 2022 @ 11:30 a.m.
Golf Committee	September 12, 2022 @ 8:30 a.m.
Finance Committee	September 12, 2022 @ 9:00 a.m.
Board of Directors	September 15, 2022 @ 8:30 a.m.

All Meetings begin at 8:30 a.m. unless otherwise posted.

XIII. Directors' Comments:

Anderson asked the status of the development with Million Air as they have received the wetlands approval requested and how will it proceed from this point forward. Brean indicated the Engineering and Operation staff recently met with Million Air. PDA is looking for information on some of the design and anticipate Million Air will return with answers in the near future. Anderson asked if Million Air would eventually come before the Board for Land Use authorization; Brean affirmed.

Duprey stated as he understands it, that is not a road that any fuel would travel over. Brean affirmed and further stated the fuel deliveries would be through the ramp, the same as other entities. Duprey asked if an appeal has been filed with respect to the wetland permit; Brean indicated there has been an appeal by Port City Air. PDA will continue on the design and approval process. Duprey indicated he has been receiving letters from citizens concerned of the secondary groundwater source (or historically was for the City of Portsmouth) and want to make sure PDA is looking out for that. Brean indicated PDA has heard the narrative from the public and have requested more information, but PDA has seen a good design by the entity. Duprey spoke to the need to broadcast / educate the public as there are individuals who fear that fuel trucks will be going over a wetland. Brean indicated anytime PDA gets a new fuel system it is more advanced than what is already here.

Anderson asked if the updated Zoning Ordinances, Site Plan Regulations and Subdivision Regulations mirror or are in line with the City of Portsmouth; Stowell affirmed.

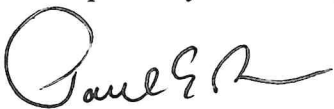
XIV. Adjournment:

Director Lamson **moved** the **motion** and Director Parker **seconded** to adjourn the Board meeting. Meeting adjourned at **11:06** a.m.

XV. Press Questions:

No comments from the press.

Respectfully submitted,



Paul E. Brean
Executive Director

