

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

Thursday, April 21, 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; Scott DeVito, Pease Golf Course General Manager; Greg Siegenthaler, IT Director; Andrew Pomeroy, Manager, Aviation Planning & Regulatory Compliance and Raeline A. O’Neil, Legal Executive Assistant

I. Call to Order:

Chairman Duprey (“Duprey”) called the meeting to order at **8:30 a.m.**

II. Introduction of Chairman Stephen M. Duprey:

Duprey introduced himself, indicated he is from Concord and that he is honored to serve on the PDA Board.

III. Acceptance of Meeting Minutes: Board of Directors’ Meeting of March 17, 2022

Director Levesque **moved** the **motion** and Director Anderson **seconded** to **approve the minutes of the Pease Development Authority Board of Directors meeting dated Thursday, March 17, 2022.**

Discussion: None. **Disposition:** Resolved by **unanimous** vote for; motion **carried**.

IV. Public Comment:

Duprey indicated each speaker would be afforded three minutes to speak.

Roger Grouix, Chairman of the Port Advisory Committee (“PAC”) indicated he made a request to Executive Director Brean (“Brean”) to be allowed to speak last; Deputy Director / General Counsel Blenkinsop (“Blenkinsop”) indicated the Chair can take them in any order he wished. Brean indicated the Port Advisory Committee would be heard last.

Scott Webster / Eric Robertson (East /West Aviation), indicated their company would be offering a full set of plans for its project next month. The project is extremely innovative and what is proposed environmentally (i.e.; recycling of rain water, inclusion of a special plan for noise). A photo of the proposed building was provided. Both Webster and Robertson are aviators, look forward to working with the Board / community to solve potential problems.

Patrick Dennehy (Tontine Charters), spoke to being at Rye Harbor since 1980. The scope to which Rye Harbor Lobster Pound (“RHLP”) is operating is well outside of any type of conformity that has been put forth by Division Director Marconi (“Marconi”). Reviewed Marconi’s report and stated the letter within the report, provided by Cox, is full of inaccuracies. Stated Directors Levesque (“Levesque”) and Anderson (“Anderson”) should recuse themselves from a vote on this due to a conflict of interest.

Dwight Tuttle (Black Dog Charters), spoke to being at Rye Harbor for 43 years. Tuttle fully supports Marconi’s efforts to restore RHLP to the original intent of its Right of Entry (“ROE”) and to deny additional ROE waiver requests for 2022. RHLP has consistently violated the terms of the ROE, abused and misled state staff and encroached on the neighboring businesses. In the case of RHLP, Marconi and staff have gone above and beyond to work through the operational issues caused by RHLP’s waiver. The Port Committee quickly dismissed the PAC and Marconi’s recommendations, put forth a motion to grant the ROE waiver requests for 2022 and threatened not to renew any of the ROEs for 2023. There are members of the Committee who have a personal interest in Rye Harbor and should not be serving on a Board when they have a personal interest.

Susan Reynolds (Rye Harborside), spoke to being at Rye Harbor for 55 years. Reynolds stated in the presence of Rye Harbormaster, Leo Epstein, in May of 2021 Levesque approached her and stated she could solve the whole problem at Rye Harbor with RHLP if she were to sell Rye Harborside to RHLP. Reynolds told him it was not for sale; claimed Levesque indicated she didn’t know the price of the offer. Reynolds again declined and she doesn’t even own the business. The overcrowding is addressed by hiring of police detail for traffic control which is an exacerbation of the problem, rather than a solution. Asked the Directors to take into consideration those who use the facility in order to restore it to the quintessential harbor.

Judy DuBois, an employee of Rye Harbor of 20+ years stated she tries to make the harbor the best it can be, not for some but for all and was speaking today as a private citizen. She spoke to the informational packets provided to the Board which outlined the parking and traffic issues, trash and abuse of staff by the RHLP customers during the summer of 2021. DuBois spoke to patrons’ comments after she heard RHLP telling customers they were only provided with two parking spaces resulting in customers being angry, swearing at staff and how RHLP had been treated unfairly. DuBois observed RHLP serving food to customers parked in other businesses’ parking spots and picnic tables. DuBois stated the result of this motion would certainly guarantee more chaos and less parking at the harbor. Asked the purpose of saving a non-marine based use business to those who are marine based users. Today’s vote will determine whether she will complete her 25th year with the Port Authority. If the waivers are granted and allowed to serve food, with the exception of one ROE that has a food concession, she spoke of her intended separation from Rye Harbor. DuBois indicated Marconi has been tough but also fair, honest and supportive of staff.

Fournier spoke to the three minute timer being utilized for each speaker and asked that everyone be provided with the fair three minutes.

Roger Wiegley, Attorney and Rye resident, spoke to an aspect of the Proposed Air Cargo operations which is noise. There are two sides to the noise spectrum; noise complaints have been exaggerated and won’t be an issue as they will be a Stage 4 aircraft. The other aspect is the noise will affect nighttime sleep which could affect an individual’s health; noise will change the environment we live in. The Board can address noise concerns with accurate projections by having a Noise Exposure Map

("NEM") prepared; the last NEM prepared was in 1995, updated in 2014 with projections through 2019. This is not just a map, but also an analysis noise contour of decibels and noise containment with mitigations discussed. In his opinion, a NEM is required before a decision is made.

Pete Reynolds (Granite State Whale Watch), spoke to Rye Harbor. He voiced his support for Marconi and hoped the Board will accept the recommendations set forth in his report. He provided the Board with a letter he sent to the Governor's office on March 26th outlining his concerns with RHLPL. He voiced his opposition to the Port Committee motion made last week and stated not to increase the food establishments at Rye Harbor fivefold. The purpose of the marine facility is to provide access to the waterfront. This is a misguided attempt at solving the problems in Marconi's report and at worst this is an attempt to make Rye Harbor into something it has never been.

Nate Hanscom, Rye Harbor Lobster Pound, spoke to Rye Harbor. Spoke in defense of himself and his little place which is too big now. In 1998, he along with Arthur Splaine put in a lobster tank in a shack and before long built a new building and went into business. Has invested in the business and with DES approval installed a three bay sink and gray water system. In 2018, he purchased John Savage's shack and built a larger facility to hold lobster and supplies; in (2020) everyone in harbor was closed down and they were the only ones open. Indicated due to RHLPL's growth all businesses grew (Whale Watch and Harborside etc.). Spoke to the only solution to the problem being elimination of his business; he has worked really hard and everything is tied to the business.

Brean indicated it would be a long afternoon if the three minute allotment for public speakers is not adhered to.

Director Lamson ("Lamson") welcomed the Savinellis from Newington and stated Kaleb goes to the Newington Elementary School.

Kaleb & Emily Savinelli, Newington, spoke to Proposed Air Cargo. Kaleb, 10 years old, spoke to pollution, noise and traffic. Pollution will affect natural sites, children can't focus with noise and the traffic concern would be with collisions. Emily spoke to a recent meeting attended by Lamson and Director Parker ("Parker") in Newington as PDA. Newington's resounding sentiment was that Air Cargo is not wanted. Indicated the information from the PDA to the surrounding towns needs to be addressed. Some information being discussed is misleading, spoke to a meeting on March 15th, when Brean answered a question regarding planes flying at night. He answered no; Emily indicated there is no way PDA can ensure this. It will be extremely important how information will be relayed from the Board moving forward. The Board has the ability and responsibility to the community to dispel information in a uniform, systematic and factual manner. Spoke to Parker being a representative to both Newington and Greenland and how that would work regarding voting.

Keri Roman, Rye, spoke to Proposed Air Cargo. Roman asked that the transparency continue and spoke to an appreciation of having Board members in attendance at local meetings. Urged any proposals that come before the Board have a third party review paid for by the applicant so there can be an independent review of noise, environment and traffic so the Board's decision is fully informed. Roman indicated confusion on what is and is not before the Board. Citizens are not trying to be unreasonable or raise red flags, rather the information being disseminated is confusing. Roman read the caption from the April edition of the NH Business Review regarding air cargo, stating it is confusing seeing the developers' website referencing air cargo and a portion of the PDA website referencing the same. It is

necessary to keep the public well informed and there isn't any unintentional misinformation on the size of the project from what it is purported to be. In November there were non-public sealed minutes, not sure if they were related to this matter, but if so, asked that at a certain time they be considered to be released.

Patrese Pierson, Rye resident, spoke to Rye Harbor and urged the Board to support the RHLP. RHLP provides another eating opportunity in the area who did an incredible job during the pandemic to allow people to get out of their homes and get food. Further, by bringing people into the harbor for food, people were aware of other business in the harbor.

Peter Arthur or Couter, Sr. – no response when called

DJ Blouin, Rye resident; spoke to Rye Harbor and stated he has attended the meetings when the Committee chose to ignore Marconi's recommendation for the second year in a row. Believes the motion is very broad, sweeping and a power grab. Rye Harbor is a working waterfront and it isn't fair to the area residents and those who use the harbor of its intended purpose. RHLP has been a terrible neighbor and the development of Rye Harbor is in the Board's hands.

RJ Lincoln, Rye resident; spoke to Rye Harbor and being in Rye for the last 60 years. Stated that Nate is being victimized for following the rules and everything he has done at the harbor has been by the rules approved by the Board. Has spoken with various customers who have patronized the harbor and stated it is true that they also visit other businesses within the harbor. Further, he indicated Nate takes great care of the whole harbor; he has seen Nate picking up garbage at the end of the day, cleans the bathrooms and is an asset to the harbor.

Tom King, Selectman from Rye, spoke to the proposed size of the Air Cargo facility. Spoke to a couple of newspaper articles in the local papers and comments made by Governor Sununu. PDA has been successful with development on the non-air side and we don't need to develop for the sake of development. In a newspaper article Brean spoke to the physical limitations that may affect the size and how the developer will do its due diligence and expend a lot of money. Cautioned that allowing a developer to have exclusive rights for development, spending a lot of money and not being able to build a project hasn't worked out for the City of Portsmouth and asked the Board to keep that in mind.

Sylvia Cheever, Rye Harbor Lobster Pound, spoke to Rye Harbor. She and her father have owned RHLP since 1996; this is their livelihood and cannot sustain without maintaining the current operations. The new proposed allocation of money for paving will help to alleviate a lot of the concerns at Rye Harbor. Spoke to two major misconceptions (1. RHLP lack of communication; and 2. Second business). RHLP has communicated continuously with DPH and tried to address concerns. RHLP didn't realize there was a hierarchy; thought they were only dealing with DPH, didn't realize RHLP should have "cced" PDA / Board or kept track of meeting notes and conversations (she did hold up a few she said she had). Felt recently RHLP had not been made adequately aware of meetings or provided with documentation from the Port Authority (recently received Marconi's March document). Cheever asked the Board if it had any questions regarding this, she be provided the opportunity to address them. The new establishment was a safety net obtained prior to waiver. They cannot survive if reduced down to the original ROE. Cheever stated she has a food license showing it has been in Rye Harbor since 2005. There had been a concession which was taken away due to COVID. Stated RHLP is not operating outside of its ROE rather the ROE was removed and the waiver was put in its place. There wouldn't be a waiver if the ROE had not been taken away for reasons beyond their control. COVID was nuts and RHLP did

not pose a health and safety hazard. Want to keep working with PDA, Port Authority and all the other businesses at the harbor.

Linda LaPorta, Rye resident for 27 years and spoke to Rye Harbor. Attended the Port Committee meeting in order to better understand the concerns and walked away knowing the abutters are justifiably frustrated with RHL P increased business as well as the influx of cars and tourist. She also took away that there was more of an interest in shutting RHL P down rather than fixing underlying issues of traffic flow. Encouraged when she found out that PDA had budgeted to reconfigure the parking area and feels once this is addressed a lot of the frustration would be addressed. Spoke to all ROEs being up in a year and while the fishermen refer to the harbor as a working facility, it is not just that to the local residents. The shacks are an integral part of the quintessential harbor.

Adam Cox, spoke to Rye Harbor and there being three restaurants at the harbor (i.e.; RHL P, Rye Harborside and Whale Watch). RHL P uses seafood products that supports all of the fishermen everywhere through the sale of its products. Spoke to the various food items sold by the various entities and stated the complaints are focused on RHL P. When this started, the original issue was traffic, then the Governor became involved and now it is a nonconforming use. The difference between the three restaurants is Harborside and Whale Watch have a mooring, but if you include all of the individuals who provide lobsters to RHL P he wondered how many marine based moorings there would be. The complaints of RHL P are from a select group and not the 108 businesses utilizing the harbor. Spoke to DPH's change to the parking, allowed the grievances, dangers and hazards existing in 2021 outlined in the March report. The Governor asked to find a parking solution over the last year and there was zero activity. There had been some parking investigated, but information was incorrect so it could not be used.

Adam Baker, Vintage Fish Company, spoke to Rye Harbor. Brought a photo taken on September 6, 2021, showing RHL P had not adhered to the stipulations in the waiver by the Governor's dated April 20, 2021. Baker's business includes a fishing charter operation and tackle and bait shop. He has an ROE and has operated within its confines, is part of the working waterfront and supports others. RHL P is operating as a restaurant out of a building that was not designed for such use with propane tanks feet from his building (RHL P does not have a fire suppression system). Spoke to a concern for his patrons, staff and building should there be a fire. Stated Director Levesque should recuse himself due to a conflict of interest. Asked that the members of the Board vote in support of Director Marconi's report and recommendations to restore Rye Harbor.

John Tuttle, spoke to Rye Harbor and voiced his support for Director Marconi's report of Rye Harbor and to accept his recommendations. Also asked Vice Chair Levesque to recuse himself regarding RHL P today and in the future due to a conflict of interest and he expressed his concerns. Tuttle indicated he has sold lobsters to RHL P and has seen Levesque's name on the necessary documentation completed when you sell lobsters and spoke to the conflict he perceives.

Mary Ellen Fennessy, spoke to Rye Harbor and some information from Marconi's report regarding the last communication between RHL P and DPH. RHL P found a company to perform a traffic study. She understood Marconi to indicate DPH had its own people. Feels with a traffic study and lot reconfiguration there would be more than enough parking to allow all the businesses to work and run efficiently and effectively. No owner can control the behavior of its customers; it is a sad statement of our society regarding how rude people have become. This has all come about as a result of the challenging COVID summer of 2020 and she hopes the Board will allow RHL P to operate again and for all of the

business to coexist peacefully and amicably while the study goes on to figure out how to effectively manage the parking situation.

Director Anderson departed the meeting at 9:43 a.m. and returned at 9:47 a.m.

Director Levesque departed the meeting at 9:45 a.m. and returned at 9:46 a.m.

Director Ferrini (“Ferrini”) asked if the individuals in the other rooms could hear what is going on; Brean affirmed and indicated there was a one minute delay.

Huddy Grandy, Newington, spoke to Proposed Air Cargo. Grandy spoke to the need for clearer communication from PDA; told there are no air cargo proposals on the table (not off the table, rather PROCON / Kane is doing its due diligence). Questioned the progress and what has been determined. Communities should know who the front runners / probable end user may be. Indicated there is no statutory requirement to develop this parcel of land but there is a statutory requirement that consideration be provided to pursue the best interest of the communities / towns and environment. Spoke to the need of a comprehensive, independent compact study on the communities of traffic, noise and environment. If it can’t be shown that it is in the best interests of the surrounding communities it cannot be moved forward.

Daniel Blouin. spoke to Rye Harbor and owning property in Rye and living in Connecticut. This comes down to the ecologist, lobstermen, fishermen and users of the harbor versus the pecuniary interest of one person. RHLP is a victim of its own success and has outgrown the space and it is time they continue elsewhere without hurting the nature of the harbor. Slippery slope if the waivers are allowed.

Peter Couthier or Arthur did not respond when his name was called.

Port Advisory Committee (“PAC”) Members who spoke:

Michael Donahue spoke as a member of PAC and urged the Board to support the recommendation of Marconi and defeat the motion; preventing RHLP from continuing to operate in a manner which has been clearly shown to be detrimental to public safety, other ROE holders, commercial fishermen, recreational boaters and others who use the facility for its intended purpose, to access the sea. The motion compresses the known negative impacts on the facility, users and staff by potentially allowing multiple ROE holders to serve restaurant style meals and turning a valuable marine facility into a food court which would require monitoring by a police detail. Such a major change should only be considered by the Board in its statutory rulemaking authority which requires a more elaborate process of seeking public stakeholder input. PDA has multiple detailed rules governing the operation of state piers and associating facilities (displayed ones directly related to Rye Harbor). To adopt or amend the rules is a responsibility the PDA shares with PAC. Under RSA 12-G:44 (IV) a PDA proposed rule must be submitted to PAC and if objected, which is the case of this motion, there would be a need that it be passed by 5 affirmative votes. Donahue asked the Board to consider after reading Marconi’s memo of March 4th, along with the extensive evidence found during the 2021 season, whether RHLP met the Governor’s reasonable conditions to earn the privilege to continue to operate outside of its ROE, the answer is “no” and the Board should vote accordingly.

Captain Brad Cook spoke as the Vice Chair of PAC (served in that capacity since 2011). The PDA Board has a copy of PAC’s unanimous motion of April 13 supporting Marconi’s report and

recommendations with Director Anderson (“Anderson”) who sits on PAC abstaining to the vote. Stated he had copies of the June 15, 2015 ROE for RHLP from Splaine to Hanscom, not 1996. Prior to 2015, Mr. Hanscom was an employee of Splaine and two subsequent ROEs issued to Hanscom which runs through June 2023. The purpose in both of the ROEs is as, “a building at the marine facility to be used for retail sales of lobster catch and parking”. Contrary to any media reports, there is no mention nor implication of food concession, in either of the ROEs. Consistent with all other ROEs in the harbor there is mention of mooring permits, pier use permits, vessel safety inspections, captain licenses, and various insurance coverage. The purpose of the ROE is one of a marine transportation interest not a food concession. Marconi’s report was submitted after the 2021 season (early March of 2022). On April 1st, Director Brean wrote to Mr. Hanscom inquiring whether RHLP would like to apply for another waiver for the 2022 season. This letter referenced various provisions to the waiver with Hanscom expressing interest in the waiver with reservations. At the Port Committee meeting of last Thursday and hearing serious doubts and concerns the Rye ROE holders, Levesque put forth and the Committee members approved, a motion for the Board which included Brean’s provisions. Why rush to grant a waiver when other stakeholders are unanimous in their opposition and the Board has not fully debated Marconi’s report and recommendation. Cook provided a copy of a letter to the Board he sent to Governor on March 29th.

Roger Groux, spoke as the current and long term Chairman of PAC. On April 13, 2022, PAC met and voted to unanimously endorse / support the findings and recommendations in Marconi’s March 4th report concerning the numerous violations of RHLP of its 2021 ROE. He urged Board to read through the report prior to reaching any decisions regarding request of RHLP to continue to operate outside of its original ROE (to sell local live lobster catch). Spoke of the various projects recently completed by DPH and the support it provides for PNSY improvement plan. PAC has devoted a lot of time and energy to cure parking / traffic problems at Rye Harbor which has seriously disrupted the safe and orderly operations at the facility. The problems have been caused by the significant increase in illegal operations of RHLP expanding outside of its original ROE. The exclusive purpose of the shacks at Rye Harbor are to support maritime activity and RHLP does not meet this criteria. Groux stated the RHLP issue is the only time he can remember where the recommendations of the PAC have not been accepted and followed by PDA. Asked the PDA Board to support Marconi’s recommendations as well as that of PAC.

Chairman Duprey closed public comment; indicated after speaking with Board members have agreed to move item XII. B. 4. Rye Harbor Marine Facility Right of Entry Waiver Requests *out of order and up in the meeting to be addressed.*

Levesque asked to address a few items which have been discussed during public comment and his dispute of the various comments. Levesque affirmed that he has a boat at the harbor, that he is impartial, and does not have a conflict of interest. He takes these things very seriously and indicated he donates lobsters to many charities across the state (paying for them first). As a lobsterman he is required by law to write out a report of lobsters sold (he contacted the Director of Fish and Game during the meeting, his reports have been reviewed and he hasn’t sold lobsters to the vendor). There are major problems with the harbor dealing with congestion and conflict. What has not been discussed is the PDA employee (Harbormaster) who helps and assists in the business who is the competitor to RHLP. The Harbormaster is like a “high sheriff” and everyone knows what is going on. There are many things that need to be cleaned up in the harbor and if you are not part of the gang you suffer. Levesque indicated he doesn’t catch a lot of lobsters because 90% of his traps get cut. Levesque indicated there are cameras at the harbor and there is no enforcement. The packet received was regarding RHLP but it is not the biggest user at the harbor, the Whale Watch and competitor. There hasn’t been any information provided on

criminal activity; asked how RHLP could be treated fairly if the person in charge of enforcement works for the competitor. The entire harbor needs to be examined / studied and cleaned up. He will not recuse himself and he turned to Director Anderson for a substitute motion.

XII. B. 4. Rye Harbor Marine Facility Right of Entry Waiver Requests

Anderson indicated he would read the motion and would like to provide additional comments after.

Director Anderson **moved** the **motion** and Director Fournier **seconded**, for discussion purposes, that the Pease Development Authority (PDA) Board of Directors hereby authorizes the granting of waivers for the 2022 season to current Rye Harbor Marine Facility Right-of-Entry holders who have requested, in writing, to conduct the sale of ready-to-eat, restaurant style food items from their respective Rye Harbor Marine Facility premises, subject to the following conditions for the 2022 season:

- Provision to the Division of Ports and Harbors (DPH) of proof of all required state and local permits to operate a food service establishment at Rye Harbor prior to the commencement of operations;
- Provision, at the expense of the Right-of-Entry holder, of a police detail during hours of operation on Saturdays, Sundays, and holidays, as determined necessary by DPH and scheduled in consultation and coordination with DPH staff, subject to further review by the PDA Board at its June and August meetings;
- Provision by the Right-of-Entry holder of trash receptacles at its premises and of daily litter and trash collection and placement into the dumpster located at the Rye Harbor Marine Facility;
- Active daily management by the Right-of-Entry holder of its customers to avoid impediments to other Rye Harbor businesses, harbor entry/exit areas, fire lanes, boat ramps and piers, including, but not limited to provision of information on parking, trash receptacle locations and facility layout;
- For those Right-of-Entry holders without a corresponding Pier Use Permit, provision to the DPH of a detailed weekly written report of the purchase of locally sourced (Rye Harbor and NH Seacoast) food products for sale at their Rye Harbor Marine Facility premises; and
- A limitation on permitted outdoor seating and tables at each Right-of-Entry place of business as determined by the PDA Board of Directors at its May, 2022 meeting based on information provided to it by the Director of the DPH regarding available space in front of each Right-of-Entry place of business.

Further, the PDA Board of Directors:

1. **Directs the Executive Director, subject to available DPH funding, to undertake a facility analysis of the Rye Harbor Marine Facility and preparation of a facility master plan in advance of the 2023 summer season; and**
2. **Directs the Port Committee, in consultation with the Executive Director, to report back to the PDA Board of Directors regarding the permit / license and fee structure at the Rye Harbor Marine Facility, including, but not limited to such matters as traffic, safety, parking, moorings, and general use of the Facility.**

Discussion: Anderson stated there has been an extensive amount of time by the Board, public comments and a variety of information presented (legitimate comments made to both sides). The motion is for one year with all of the ROEs expiring in 2023; there have been written requests from several other ROE holders with this motion allowing, but at the same time they object to the waiver. The motion is a matter of compromise as there are no winners, there are a lot of provisions in the motion that are prohibitive with the ROEs being under a microscope with a waiver for one season. He has not appreciated the amount of social media / newspaper interjections (as well as the inaccuracies) and sees them as an impediment to judge the issue and to take corrective action. Another ingredient which has a heavy influence is the Concord factor and it shouldn't be ignored. He has reviewed Marconi's extensive report several times and expressed if the Concord factor had not been brought in on the issue, it would be a short subject. The motion reflects all of the ingredients which have been factored in for a decision for one year on the issue. Further spoke to information contained in the meeting / Board packet regarding a financial investment of up to \$50,000 (\$12,000 traffic study and \$37,000 in paving) which has been directly related to the subject. Does not believe there is a need for a recusal by Levesque as he has addressed the issues referenced. Lastly, he has personally inspected the facilities at RHLP and he is very concerned with what he has seen. The physical condition of PDA / DPH property behind RHLP is terrible and it is the responsibility of RHLP to clean PDA / DPH property so it is in the proper condition. Believes there is validity in the motion; he has done his due diligence to express his concerns and he hopes the motion prevails.

Fournier stated he was a member of the Port Committee and at the time he had a hard time voting for the motion to the Board. His reason was two-fold and one of equal treatment for all involved and so the Board would vote on the subject. He has been involved in public service his entire life on the Seacoast and does not like arguing cases in the press. The Governor's involvement last year was to allow the extension for the year due to the pandemic. What was supposed to be a temporary situation of a small time grew bigger and bigger and now we are looking at rules to fix the situation. Rye Harbor is a working harbor and PDA has been charged with that asset. He reviewed the various aspects (i.e.; room and meals tax, zoning for Rye, and whether a requested police detail can it be obtained). If you have picnic tables, seating is being encouraged and it is not grab and go. He cannot vote for this and believes needs to wait a year and solve the solution versus giving an extension (it was too much of an impediment last year).

Lamson indicated she has visited Rye Harbor over the last year and found it difficult to get around with all of the people there. Rye Harbor has not been made to sit down and eat instead of grab and go and she cannot support the motion.

Parker stated after her review of various materials she understands why the State has a protective role of the harbor. Further there has been a single issue taken from a multifaceted facility and it has created a state of disequilibrium. Agrees with Fournier of coping with the era of COVID and the concessions made to hospitality / restaurants. After reviewing Marconi's report and in the minutes of PAC, asked what would be new that the small businesses would be required to do with respect to the first five bullets they weren't doing before. Parker does not disagree with the regulatory efforts of the State and the need to understand practical implications on very small businesses. Even though it may be a motion for one year, it is long enough for a small business to go out of business and expressed her concern for the small businesses. Parker indicated it would be hard for her to support the motion if there isn't anything in the bullets they don't already have to do. Further, she spoke to outside business models that could be considerations for the future regarding the ROEs. While she doesn't like penalizing a business for growth, sometimes "like with families" there comes a time when you get too big and it becomes time to move on.

Ferrini asked of the motion before the Board, in the event the motion is voted against / down do the waivers fail. Blenkinsop affirmed. Ferrini stated if the waivers fail that means any of the businesses that have the waivers may not operate. Blenkinsop affirmed and Brean stated they would go back to the original intent of their ROE. Ferrini asked if some were a year at a time; Blenkinsop indicated the ROEs for each of the businesses that operate in the shacks, currently expire at the end of June 2023. Blenkinsop indicated they can operate under the terms of their ROEs as currently in place; the issue was a year ago a waiver was granted to RHLP to pursue activities which were outside of the scope of what was allowed under the ROE. In 2022, in addition to RHLP three or four other ROE holders asked for the same permission and that is what is before the Board (the entities who have requested a waiver for the 2022 season). Ferrini indicated if it is a waiver for four businesses would be the import of the motion if it passes; Blenkinsop affirmed. Ferrini indicated it would be helpful to have Marconi's report as part of the Board materials. Prior to deciding his vote, he offered that the most important part of the motion (pass or fail) is a significant short term issue and a longer term issue the "Further" clause of the motion. Having reviewed the materials and listening to the discussions he can envision it being a smaller scope (i.e.: review of fees; land use being looked at). When the local facilities (Hampton, North Hampton and Jenness) were reconfigured those operations work more effectively now; Rye grew organically. Regardless of this determination and the waiver issue, PDA / DPH needs to do a good job on a master plan and analysis on how this works together. In the motion, it speaks, "subject to available DPH funding" and in this particular case it is necessary to find the money to do a proper analysis; asked how much money may there be available to do a study. Spoke to the Capital Improvement Plan and how he sees this as part of that; asked to them access of money to perform a study in a comprehensive manner. Brean indicated the anticipated expense for a master plan would be \$100,000 at a minimum for a facility such as Rye Harbor. Marconi does an incredible job operationally with his budget and PDA has received congressional funding on projects with minimal margin. There would be a need to work hard to identify funding, with support from the Board. Ferrini thought the amount may be low and wasn't sure where the money would come from if DPH is self-contained on the funding. Further he asked of the path for better funding for a better study and wondered if there are other ways to seek appropriations outside of the cost center and how it works. Brean stated Marconi continuously works on harbor funding and any time grant funding could be obtained PDA / DPH would continue down that path. It would not be a desire to put this expense onto mooring holders, permit holders, ROE holders etc. Ferrini asked if DPH feels comfortable DPH has the resources to ensure the conditions which may arise and they can be addressed if this motion were to pass. Brean indicated it would be a challenge; there would be a need for strong conditions moving forward if this were to continue. Ferrini asked if the management of the area could be made

significantly more impactful on a day-to-day basis. He expressed concern if PDA / DPH does not have the resources. Brean indicated there is no enforcement mechanism on parking / issue parking tickets; the facility, no matter the enforcement materials in place cannot safely accommodate this style of activity. Ferrini asked if there would be the potential for a joint governmental agreement with the Town of Rye and harbor for enforcement. Brean deferred to Marconi and Blenkinsop but indicated he did not believe we have jurisdiction. Marconi indicated there is a close working relationship with the Town of Rye (Police and Fire) and from previous discussions with Chief Walsh, Rye does not believe they have the authority to enforce the rules and regulations promulgated by the Board. Marconi indicated his report provided references to state statutes (parking obstruction of fire lanes and handicap parking) and Walsh indicated these are the only areas he felt he had authority over on the State property to enforce. Marconi spoke of a letter he sent to the shack owners and provided copies of the statutes and indicate the police would be coming in to ticket anyone parking illegally in handicap spaces or fire lane. Ferrini indicated if he were to vote against the motion, certain businesses would not be able to operate for the coming year; Blenkinsop indicated the businesses operate under their existing ROEs. It wouldn't be that they would not be able to operate, it is they would not be able to sell restaurant style items which is the requested waiver. Ferrini asked if they are not authorized to sell restaurant style would they be able to sell grab and go.

Fournier asked if what was being discussed was for one business; Parker indicated there are five.

Blenkinsop indicated within the Board's packet are requests from four or five business to sell restaurant style grab and go food items from their shacks. That is the waiver request, if waiver were denied those businesses would still have their ROEs and presumably could operate pursuant to the existing ROEs. Regarding RHP, the language of its ROE permits them to sell lobster catch. So they would be limited to the language of the ROE. Therefore, PDA wouldn't be saying they cannot operate their business, rather they would not be provided a waiver to sell restaurant style food.

Duprey asked if the other ROE holders sell food and their ROE lets them sell food (i.e.; Whale Watch purchase a hot dog or hamburger). Blenkinsop deferred to Brean or Marconi. Brean indicated the Whale Watch operates a snack shack in support of its vessel. Duprey asked if that is within the current ROE; Brean affirmed.

Lamson asked Marconi if Petey's shack would stay the way it is if the Board were to vote no, they would be able to sell food from the shack. Marconi indicated Petey's Lobster Pound, owns a lobster boat and it was provided a ROE to sell the catch associated with his lobster boat. Further, Marconi indicated that Peter Reynolds who owns the Whale Watch and Rye Harborside, which is the original take out stand, provides sandwiches, hot dogs, coffee, donuts etc. to the boating / general public and refreshments for the crew / customers of the Whale Watch. Marconi also indicated Rye Harborside snack bar opens in the morning prior to the arrival of customers going on Whale Watch boat and when the second boat of the day goes out around 2 p.m. they close.

Levesque asked Marconi when the half hour parking is removed and there is a fire lane, if Rye PD can enforce a car parked in a fire lane; Marconi affirmed. Levesque indicated there is enforcement by the Town of Rye in that area; Marconi affirmed.

Ferrini asked of a health inspector; Marconi stated the Town of Rye informed him Rye is one of those municipalities that does not do its own restaurant inspections; inspections would be under the state. There are only a handful of municipalities that have their own inspectors so this would fall under the

Department of Health and Human Services.

Anderson indicated that Ferrini brought up some good points; indicated earlier the other four or five shack vendors indicated if good enough for RHLP why they cannot have a waiver. This is a legitimate question and the ROE holders have expressed their request in writing; this would be for one season as long as they live within the bulleted provisions of the motion. Anderson spoke to putting some teeth into the motion. We have the authority to do that meaning if any of the ROE holders do not comply with the provisions for one year it would jeopardize its operation, the ROE and operation would be revoked. Anderson indicated the motion has been fairly developed to take these items into consideration. Anderson indicated a second component of the discussion is the language under “Further, the PDA Board of Directors...” for a long range component. Anderson stated he thought the motion should be split so the provisions of the 2022 season are addressed and allow provisions to be attended to for the long term.

Duprey agreed and thought there is close to unanimity on the second part and therefore by the authority as the Chair Duprey split the motion into two motions as follows:

The first motion would be the opening portion of the motion through the six bullet points for the 2022 season; the second motion would be from “Further, the PDA Board of Directors” and its two referenced items which are more long term.

Anderson reiterated the six provisions of the split motion are not conformed with by the ROE holders who have food service provisions are not met, that the Board / PDA has the authority to revoke the ROE provisions and operational provisions (this could be done during mid-season). If they do not comply he believes the Board / PDA would have the right to suspend the ROE.

Marconi indicated the reason we are here today goes back to the point Anderson has made. Marconi indicated it is his job to enforce the laws made by the legislature who makes laws and the policies set forth by the PDA Board. The policies that the PDA approved were the original ROEs, he identified a problem two years ago and addressed the problem with Hanscom who agreed there was a problem. After their meeting Marconi wrote Hanscom a letter codifying the discussion / agreement but there was some further discussion among Hanscom and Cheever later and they did not agree. Marconi stated in conversation with Hanscom that RHLP had gone beyond the terms and conditions of the ROE with no intentions to shut him down, asked just to pull things back to what had been agreed to in the ROE. Marconi asked by doing this again, as Anderson stated, if they are not compliant then the DPH will put a stop to it or are we just repeating ourselves.

Fournier asked why the motion is needed if we already have the authority to do this.

Anderson stated in the whole discussion there have been a variety of ingredients and one of the ingredients is the Concord component. For us to ignore the fact that this has escalated outside the boundaries of the Authority, to Concord, has been the cause for the creation of this motion. If that were to be ignored, he isn't saying there would be consequences, we would be ignoring the concerns of the Governor as he has interjected into this discussion.

Lamson express her concerns when voting last year on the wavier and the Board should have been strong and said NO but we didn't know how to say it. She went along because of the direction provided and the Board never questioned.

Ferrini stated his bigger concern is if he doesn't vote for this, some businesses may have gone beyond the scope of the ROEs and he understands that. If we were to support this motion, businesses would be able to continue to operate beyond the scopes of the ROE. Blenkinsop indicated the ROEs were approved by the Board and by granting the waivers the Board is authorizing an amendment to those ROEs to allow this additional activity.

Parker spoke to Ferrini and indicated there was a question asked earlier but it wasn't answered which had to do with the ability of this organization to enforce the first six bullets; she is worried about negligence. Ferrini indicated he could see himself voting for the motion because the rug would not be pulled out from businesses this late. He would only want to do that if we had the ability to do it. These are public servants and they are going to indicate they will do their best but we don't put them in a position to succeed if they don't have the resources. Parker indicated it is a set up for failure.

Fournier spoke to the need to have teeth, asked if we have the statutory authority to implement fines (which would be teeth) otherwise it is a slap on the wrist and they are told not to do it until, the next time; we would end up going to court and the season would be over. His concern is with enforcement.

Levesque asked if we have the ability at any moment to revoke someone's ROE because we feel they are not in compliance; Brean affirmed and indicated that is in all of the leases, ROEs, licenses etc. Brean stated that the PDA, DPH and staff respect all of our businesses, all of tenants and work hard to work with them; optically that would be the last thing we would want to do. At some point we have to recognize successes are great stories (i.e.; analogy of Beach Plum as starting as an ice cream shack and now it has grown into a number of brick and mortar facilities). PDA staff is tasked, he wants to do the right thing. Our working pier is challenged, Marconi hosted the President last week and they spoke to funding for the Granite State. We have delegates in Concord who work to improve our infrastructure and the last thing we want to do is stifle any type of activity. The core mission down at the harbor is to provide access to the water; Parker commented in support of the fishing industry.

Ferrini asked for a call to the question.

Anderson asked if the question would be split; Duprey affirmed.

Duprey indicated he has read the documentation provided and while he has not been to Rye Harbor he has respect for Marconi as well as the Board and PAC. The Board is not picking on a business that has succeeded because of COVID or whatever else, but there are massive problems at Rye Harbor. Doesn't want to be faced a year from now looking for funding for the study and clearly because of tourism it is impacting the fishermen who use this for their living. He does think that funds need to be found to support the study so he will support the second part of the motion. He does not like contradicting PAC or Director and he will vote for the motion with great reluctance. He is glad to hear if somebody is not following the ROE it will be pulled. Also, to what Marconi stated we are here today because of this problem which occurred during the past two years. Duprey indicated the Board will not be sitting here next year talking about this issue or if a waiver is needed. If the study is not completed, there needs to be a resolution either internally or through a study that is adopted. Duprey indicated he would not approve another waiver year after year because it isn't the right thing to do. He will reluctantly be voting for the first part of the motion so they are not put out of business this summer even though it will make for a very difficult summer. Hoping to find a way to keep the enforcement even though we

may not have the authority and are stretched thin on resources. By voting for the second half of the motion he will charge staff to find resources for funding so the study can be undertaken so we can listen to stakeholders and even if we don't he isn't prepared to vote to be in this position next year.

Duprey indicated it would be a roll call vote on the first part of the motion with the six listed conditions.

Director	Yes	No
Anderson	X	
Duprey	X	
Ferrini	X	
Fournier		X
Lamson		X
Levesque	X	
Parker		X

Disposition: Resolved by roll call vote (4-3) for; motion **carried**.

Duprey moved to the second part of the motion being the two directives to the Executive Director and the Port Committee for a study.

Anderson confirmed the vote would be on both points; Duprey affirmed.

Further, the PDA Board of Directors:

1. **Directs the Executive Director, subject to available DPH funding, to undertake a facility analysis of the Rye Harbor Marine Facility and preparation of a facility master plan in advance of the 2023 summer season; and**
2. **Directs the Port Committee, in consultation with the Executive Director, to report back to the PDA Board of Directors regarding the permit / license and fee structure at the Rye Harbor Marine Facility, including, but not limited to such matters as traffic, safety, parking, moorings, and general use of the Facility.**

Discussion: Previously discussed above Disposition: Resolved by **unanimous** roll call vote for; motion **carried**.

Fournier requested a five minute recess after the Rye Harbor waiver vote which commenced at 11:11 a.m. with the meeting resuming at 11:20 a.m.

V. Committees:

A. Reports:

1. **Audit Committee**

Ferrini indicated the Audit Committee meeting was held on Monday. Auditor, Robert Smalley, presented Berry Dunn's program of business, a review of the engagement letter, pre-op of

communications and indicated a projected date for audit completion being October. There were a number of questions asked and answered regarding new policies, procedures and standards and we look forward to moving ahead with the process.

2. Finance Committee

Ferrini indicated the Finance Committee also met on Monday and the presentation today will be the same presentation presented by Finance Director Anzalone (“Anzalone”). The Committee followed the budgetary details.

3. Port Committee

No additional comments were made concerning this Committee meeting.

VI. Old Business:

A. Report:

1. Potential Air Cargo Development – Status Update by Executive Director

Executive Director Paul Brean (“Brean”) indicated there are two option agreements with an entity on two parcels; the options provide a length of exclusivity so they can perform its due diligence. Brean read the memo from the Board package regarding the Air Cargo Development Update and further stated the developers have been marketing the facilities and are recognizing that there is an aeronautical demand other than air cargo. Brean also spoke to two public comment speakers (Roman and Rye Selectman) regarding false narratives and communications getting out to the public which may be misconstrued. Brean indicated he cannot control developers’ marketing efforts or press narrative. Brean indicated he can ask the developers to attend the May meeting and explain where they are at, what they have learned so it can be relayed to the community. Regarding Selectmen King’s comments of the development over the past 30 years at the Tradeport, if something moves forward it will follow the same public transparent process and will be the right fit for Pease, the airport and surrounding communities.

Lamson spoke to the developers attending a May meeting; Brean affirmed he will ask and stated a PDA Board meeting. Lamson indicated at a recent meeting she and Parker attended there were various citizens who expressed a desire to attend and listen to what the developers have to say.

Anderson commended Paul for his presentation in front of the Portsmouth City Council recently. Brean’s presentation provided an explanation on the function of PDA and particular concerns with the subject of air cargo. Anderson is getting concerned on the polarization of the subject as it has developed quickly; we don’t have information to reply to inquiries. Knows this Board will have its public process to eliminate any concerns. It is concerning to hear some of the public comment on how people are polarizing themselves on this discussion.

Duprey indicated everyone should take a deep breath as there are no proposals before the Board, we have no idea what their due diligence is showing and it will be a long process on whatever is proposed so everyone can breathe easy for right now.

Anderson indicated Ferrini too attended the City Council meeting. Anderson stated how the City of Portsmouth has been sort of standoffish on this discussion and felt Brean did a good job discussing PDA's position on this.

VII. Finance:

A. Executive Summary:

Finance Director Suzy Anzalone ("Anzalone") stated the Executive Summary showed operating revenues continuing to trend positively to budget and the operating expenses are trending under budget. Pointed out under non-operating income and expenses, receipt of \$1.9 million received from American Rescue Plan Act ("ARPA") which was a grant from March, being accrued in February and considered non-operating revenue. Further the consolidated net income is trending favorably to budget and looking at all of the individual business units there are no concerns.

B. Reports:

1. FY2022 Financial Report for the Eighth Month Period Ending February 28, 2022

Continuing to maintain a strong balance sheet and represented under restricted assets is the Revolving Loan Fund ("RLF"). Currently there are 18 loans outstanding with potentially four additional loans coming before the Committee which will basically deplete funding. The program is being used for a lot of the local fishermen, but may need to turn away requests until the account has been replenished.

Capital expenditures year-to-date is just under \$2 million.

2. Cash Flow Projections for the Nine Month Period Ending December 31, 2022

Over the next nine months expects cash flow of \$15.3 million coming in mainly provided by net operating revenue but also grant funding. Cash outflow is estimated at just over \$20 million with a majority coming from operating expenses and municipal service fee payments as well as potentially \$9 million in grant and non-grant related capital expenditures. Operating expenditures and capital expenditures will decrease PDA's cash balance; it is not anticipated that PDA will have to incur any additional debt through the Revolving Line of Credit ("RLOC").

Anderson indicated in Anzalone's overview, she identified budget trends regarding items that were over budget is there any one item that is significant (i.e.; retirement expense or insurance) as more of a long term issue. Anzalone indicated regarding the retirement expense, the amount of PDA's contribution changes every two years and when the budget was put together, PDA did not know what the new rates would be. PDA's estimate was lower than actual cost which could be a budget variance of approximately \$100,000; because PDA is under in a lot of other expenses it can absorb that cost. Other than retirement, there isn't anything significant; fortunately overall operating expenditures are trending favorably. Anderson asked without ARPA or the November sale, would things look different and cause for concern; Anzalone indicated, no; we would still be operating favorably without those two pieces.

Levesque departed the meeting at 11:30 a.m. and return at 11:32 a.m.

3. Capital Improvement Plan FY 2022 – FY 2028

Anzalone indicated the process commences with the previous year's budget and work out for a 6.5 year projection. Any capital projects brought up into a year are added and a draft copy is sent out to each of the respective business managers for review. Finance meets with each of the managers to review the "asks" for the Capital Improvement Plan ("CIP") projects providing detail. Finance does an initial prioritization of projects (A, B, or C); after discussions with managers, Executive Director and senior staff, project prioritization changes can be made. When prioritizing, a consideration of cash flow is given. This is the process followed prior to bringing the CIP to the Board for consideration. There are over \$80 million in capital projects over the next 6.5 years (split between grant projects of \$56.6 million and internally funded projects of \$23.5 million). These projects are split into categories such as health / safety, regulatory, infrastructure and technology, equipment and expansion. There are also key sensitivities such as grant funding and whether or not there is guaranteed funding, fee structure increase in fuel flowage fees, parking fees and operating income which drives PDA's ability to pay back debt on internally fund projects. Looking at projects on the grant funded side are the arrival hall, taxiway and terminal expansion, terminal apron at both Portsmouth International Airport ("PSM") and Skyhaven ("DAW"), snow removal equipment as well as a potential building for the equipment at PSM and upgrades to the Air Traffic Control Tower at PSM (these projects accounting for approximately 92% of the total). On the internally funded side there are some intersection improvements, golf course enhancements and equipment purchases at the golf course and airport as well as infrastructure improvements at the Tradeport (these projects accounting for 80% of the total). When looking at the various business units, a majority of the improvements will be at PSM and DAW. It is anticipated that 2027 will be a big year for capital improvements (Terminal expansion, work on the runway and Tradeport intersection). There are about 119 projects which have been identified in the CIP and the ones with the check marks are those with the highest priority. Currently PDA has a RLOC of \$15 million which expires at the end of the year and we will be speaking to the bank about renewal.

Duprey asked of the current rate of the RLOC; Anzalone responded 2.9% and spoke to the anticipation in 2027 to dip into the RLOC during CIP projects (covering the period between payment to the contractors and PDA is reimbursed through grant funding).

Levesque asked if there were a carrying fee associated with the RLOC; Anzalone indicated there is not but when speaking with the bank that may be part of the negotiations. Anzalone has talked with the bank and they have asked if PDA would like a lower line of credit.

Duprey asked if PDA would look at other funding sources aside from the current bank; Brean indicated we could using bonding services through the State but the way PDA looks at it, it will probably reduce the RLOC. The bank that PDA utilizes for the RLOC also handles PDA's operating account and the RLF (also perform the administrative work for the RLF). Anzalone spoke to RLOC funds being paid back by 2028.

Anzalone spoke to the cash and debt levels for the various CIP projects and the determination whether all projects will be completed, just the A & B projects or just the A projects. Anzalone indicated adjustments could be made to the projects regarding prioritization and determination of its undertaking.

Anzalone spoke to PDA staff being very helpful in the preparation of the CIP and being team oriented.

Parker asked if the grants were primarily federal money; Anzalone affirmed. Parker asked if the grants were a one off federal money source or repeated; Anzalone indicated some are repeated as there is a certain amount of FAA grant money received every year based on enplanements. Brean also indicated that the grants are usually 90% federal; 5% State and 5% Sponsor. Parker stated there is a match; Anzalone affirmed and indicated the impact of the grant funded projects will be approximately \$2.6 million if PDA were to do all the projects.

Anderson asked if PDA does any negotiating with the bank; Anzalone stated we are currently in either a three or five year agreement. Anderson asked where PDA has maximized the amount of money available regarding the RLF, if thought had been given on increasing the interest rate back up (it had been lowered during COVID from 4% to 3%). This way additional revenue could be generated for the program. Anzalone indicated it has not come up yet but it is something that could be reviewed by the Committee for consideration. Anderson wasn't sure what the loss calculates to be since the reduction from 4% to 3%; Anzalone indicated it is still covering operating expenses but understands the comment from Anderson to be that it would add more money to the fund.

Duprey asked how large the Finance Department was; Anzalone responded four individuals. Brean further indicated, Finance, Payroll, Procurement and another employee who serves as fulltime administrative receptionist too.

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

A. Reports:

1. **165 Arboretum, LLC – Right of Entry – 165 Arboretum Drive**
2. **2-Way Communication – Right of Entry Extension – 360 Corporate Drive**
3. **Wings and Wheels Event – Right of Entry – Skyhaven**
4. **Next Level Church “Egg Drop” – Right of Entry - Skyhaven**

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: 165 Arboretum, LLC
License: Right-of-Entry Extension
Location: 165 Arboretum Drive
Purpose: Site Inspection Purposes
Term: March 21, 2022 through July 30, 2022
2. Name: 2-Way Communication
License: Right of Entry
Location: 360 Corporate Drive
Purpose: Survey / Site Inspection Purposes
Term: Extension from original request through April 30, 2022
3. Name: Rochester Police Department and Rochester NH Rotary Club #6237
License: Right of Entry
Location: Skyhaven Airport
Purpose: Wings and Wheels Event

- Term: June 3, 2022 between the hours of 8:00 a.m. through 8:00 p.m. and June 4, 2022 between the hours of 8:00 a.m. to 6:00 p.m.
4. Name: Next Level Church
 License: Right of Entry
 Location: Skyhaven Airport
 Purpose: Easter Egg Drop
 Term: April 17, 2022

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

IX. Leases:

A. Reports:

1. **Pioneer New Hampshire LLC – Loureiro Engineering – 112 Corporate Drive**
2. **Pioneer New Hampshire LLC – Granite United Way – 110 Corporate Drive**
3. **Farley White Pease, LLC – Workwear Outfitters, LLC – 100 Arboretum Drive**

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

- A. Tenant: Loureiro Engineering
 Space: 8,060 square feet at 112 Corporate Drive (Suite #340)
 Use: Professional and Business Office use
 Term: Three (3) Years with two, two (2) year options
- B. Tenant: Granite United Way, Inc.
 Space: 3,520 square feet at 110 Corporate Drive
 Use: General Office use
 Term: Five Years
- C. Tenant: Workwear Outfitters, LLC
 Space: 13,901 square feet at 100 Arboretum Drive
 Use: Permitted use
 Term: Sixty-two (62) months, commencing on the Commencement Date for the Second Phase, with one extension option of five (5) years

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.

X. Contracts:

A. Reports:

1. **Northshore Magazine – Pease Golf Course Advertising**
2. **Lakes Region Environmental – Skyhaven – Annual Fuel System Inspection**
3. **U.S. Smoke & Fire – Smoke Curtains at Terminal Preventative Maintenance Inspections (3 year contract)**

In accordance with Article 3.9.1.1 of the PDA Bylaws, I am pleased to report the following:

1. Project Name: Northshore Magazine
Board Authority: Director Ferrini
PDA Obligation: \$2,300.00
Summary: Advertisement in the Northshore Magazine for Pease Golf Course
2. Project Name: Lakes Region Environmental
Board Authority: Director Ferrini
PDA Obligation: \$2,683.85
Summary: Skyhaven – Annual NHDES Fuel System Inspection on Two (2) Underground Fuel Storage Systems including changing One (1) Avgas Filter & Gasket
3. Project Name: U.S. Smoke & Fire
Board Authority: Director Ferrini
PDA Obligation: \$9,810.00
Summary: New smoke curtains in the terminal require annual preventative maintenance inspections (this is a three year contract)

B. Approvals:

1. **Portsmouth International Airport at Pease - Honeywell - Airport Badge Readers & Media Replacement**

Director Levesque **moved** the **motion** and Director Fournier **seconded** that **the Pease Development Authority Board of Directors hereby approves of and authorizes the Executive Director to enter into a contract with Honeywell International, Inc. (“Honeywell”) of Manchester, NH in an amount not to exceed \$89,420.00, to replace 110 airport badge readers and 2,000 badges; all in accordance with the memorandum of Ed Pottberg, Airport Security Administrator, dated April 12, 2022, attached hereto.**

In accordance with the provisions of RSA 12–G:8, VIII, the Board justifies the waiver of the RFP requirement as Honeywell is the provider of the airport's primary access control, video and audio systems, which is a proprietary closed system.

Discussion: None. Disposition: Resolved by **unanimous** roll call vote for; motion **carried**.

2. **AIP Grant for Snow Removal Equipment – PSM**

Director Fournier **moved** the **motion** and Director Parker **seconded** that **the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to:**

- (1) **accept on behalf of the PDA a Federal Aviation Administration (“FAA”) Grant Offer of AIP funding up to \$1,103,174.10, for snow removal equipment for Portsmouth International Airport at Pease (PSM);**
- (2) **accept from New Hampshire Department of Transportation matching funds up to \$61,287.45;**
- (3) **expend PDA funds up to \$61,287.45;**

- (4) award a contract to M-B Companies to purchase a carrier vehicle with integrated high rotary plow for the price of \$685,250.00;
- (5) award a contract to M-B Companies to purchase a carrier vehicle with plow and spreader for the price of \$525,990.00;
- (6) append the Jacobs on-call Master Contract to include the work described in the memo and make appropriate payments; and
- (7) execute any and all documents necessary to receive the grant funds and procure the snow removal equipment as described.

All in accordance with the memorandum from Maria J. Stowell, PE, Manager – Engineering, dated April 11, 2022.

Discussion: Anderson asked what the delivery date on this item would be; Brean indicated an approximate 270 day lead time. Further, would anticipate a delay as the equipment is built to order, but we are locked into pricing.

Disposition: Resolved by unanimous vote for; motion carried.

3. Taxiway Pavement Repair

Director Lamson moved the motion and Director Anderson seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to:

- (1) contract with Pike Industries to provide all labor, materials, and supervision to complete airfield pavement repairs as directed by PDA for a cost of approximately \$163,276.00, along Taxiway “A” and near the North Fuel Farm at the Portsmouth International Airport at Pease (PSM); and
- (2) amend the PDA on-call contract with Hoyle Tanner to authorize the provision of services to complete the airfield pavement repairs described above for a cost not to exceed \$26,481.00.

All in accordance with the memorandum from Chasen Congreves, Manager of Airport Administration, dated April 12, 2022.

In accordance with the provisions of RSA 12–G:8, VIII, the Board justifies the waiver of the RFP requirement to allow PDA to contract with Pike Industries (“Pike”) as it recently completed the Portsmouth International Airport (‘PSM’) runway reconstruction project and is still under contract for that work enabling it to mobilize quickly, and as Pike has significant experience at PSM and with FAA airport paving requirements.

Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

4. CMAQ Grant for Right Turn Lane on New Hampshire Avenue at its intersection with Pease Boulevard and Arboretum Drive

Director Parker moved the motion and Director Anderson seconded that the Pease Development Authority (“PDA”) Board of Directors authorizes the Executive Director to:

1. accept a Congestion Mitigation and Air Quality (CMAQ) Program grant in the amount of \$556,840.62 for construction of a right turn lane on New Hampshire Avenue at its intersection with Pease Boulevard and Arboretum Drive;
2. expend PDA matching funds in the amount of \$139,120.16 for this project;
3. append to the VHB on-call Master Contract to include the design work and \$144,650 fee described in the memo and make appropriate payments thereunder; and
4. execute any and all documents necessary to receive the grant funds.

All in accordance with the memorandum from Michael R. Mates, P.E., -Engineering Project Manager, dated April 11, 2022.

Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

5. Tow Behind Crack Sealer – Pease International Airport

Director Levesque moved the motion and Director Lamson seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into a contract with Crafcro, Inc. of Chandler, AZ, to purchase one (1) Tow-Behind Crack Sealer, in a total amount not to exceed \$90,766.41; all in accordance with the memorandum from Ken Conley, Fleet Manager dated April 12, 2022.

Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

6. Diesel Tractor w/ Tow Behind Mower – Pease International Airport

Director Anderson moved the motion and Director Lamson seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into a contract with United AG & Turf of Dover, NH, to purchase one (1) Diesel Tractor with Tow-Behind Mower, in a total amount not to exceed \$131,815.61; all in accordance with the memorandum from Ken Conley, Fleet Manager dated April 12, 2022.

Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

7. 2023 Chevrolet Silverado - Pease International Airport

Director Ferrini moved the motion and Director Levesque seconded that the Pease Development Authority (“PDA”) Board of Directors hereby approves of and authorizes the Executive Director to purchase one (1) 2023 Chevrolet Silverado from Whiteside Chevrolet of St. Clairsville, OH in a total amount not to exceed \$47,920.00; all in accordance with the memorandum of Ken Conley, Fleet Manager, dated April 12, 2022, attached hereto and incorporated herein.

In accordance with the provisions of RSA 12-G:8 VIII, the Board justifies the waiver of the RFP requirement as the vehicle will be purchased under the State of New Hampshire’s Vehicle Procurement Contract.

Discussion: None. Disposition: Resolved by unanimous roll call vote for; motion carried.

8. Tow Behind Mower – Skyhaven

Director Parker moved the motion and Director Lamson seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into a contract with United AG & Turf of Dover, NH, to purchase one (1) Tow-Behind Mower attachment, in a total amount not to exceed \$11,328.72; all in accordance with the memorandum from Ken Conley, Fleet Manager dated April 12, 2022.

Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

9. Z Turn Mower – Pease International Tradeport

Director Lamson moved the motion and Director Levesque seconded that the Pease Development Authority (“PDA”) Board of Directors hereby authorizes the Executive Director to enter into a contract with United AG & Turf of Dover, NH, to purchase one (1) Zero Turn Mower, in a total amount not to exceed \$19,586.73; all in accordance with the memorandum from Ken Conley, Fleet Manager dated April 12, 2022.

Discussion: None. Disposition: Resolved by unanimous vote for; motion carried.

XI. Executive Director:

A. Reports:

1. Committee Appointments:

Brean indicated the new Chair has assigned himself to the Committee assignments of the past Chair, per the list provided in the packet.

Levesque departed the meeting at 11:59 a.m. and returned at 12:00 p.m.

2. Golf Course Operations

Scott DeVito (“DeVito”), Pease Golf Course (“PGC”) General Manager, spoke to the opening of the Driving Range on March 18th, 18 holes at the Golf Course open on March 25th and all 27 holes being open as of April 22nd. DeVito indicated that the course is already 2/3^{rds} pre-booked tee times for the upcoming weekend and is trending in the right direction. DeVito spoke to 4,300 rounds to date and 45,000 rounds for the fiscal year. All of the season passes (capped at 250) have been sold, the first event at the course is scheduled for Friday, April 29th, and the leagues start the first week in May. Grill 28 is seeing a nice uptick in daily patrons and they have had 12 online requests to host events just in the month of April and currently have 36 events booked on top of PGC’s golf events. The patio cover went up April 1st, the weather has not been cooperative enough but it has had a little use.

DeVito indicated after receiving Board approval last June for the Toro Rough Mower, it has arrived.

3. Airport Operations

Brean spoke to PSM having a strong March with 7,500 passenger enplanements at the terminal

and year-to-date we have been a total of 20,500 enplanements. The parking lots have been full and spoke to the revenue received from the long term parking lot. Massachusetts and Maine had school vacation this week and New Hampshire's vacation is next week. Brean stated there were only 80 parking spots open at this time, but it is anticipated once the MA and ME vacationers return, spots will open for NH vacationers and anticipate strong parking revenue numbers for next month.

Brean spoke to the 900,000 gallons of Jet A fuel pumped by Port City Air for the month of March. Further, General Aviation activity is up shown by its contribution of 43% and CRAF / DOD was at 49%. PCA has been using some marketing to obtain corporate tech stops and it seems to be paying off; their efforts are appreciated.

Allegiant started its Tampa / St. Pete activity on February 16th, Myrtle Beach will be starting on June 4th and Nashville, TN on June 16th. Brean indicated there will be five destinations leaving from PSM during the summer of 2022. Further, Allegiant is struggling along with other airlines regarding the cost of Jet A fuel and labor resources. Nationwide, it is anticipated there will be between a 10 to 18% reduction in flights. So far PSM has not been impacted by the reduction; there has been a reduction in capacity with multiple flights that have been scaled down. PSM has not lost any destinations and in fact it looks as though they will continue with a commitment for a new service over the summer; other stations are seeing retractions. Brean indicated this was not just Allegiant, but every airline currently.

Lamson indicated she lives on Little Bay and the stage 4 aircraft don't impact them at all with noise as they go up and further out. Lamson said there aren't complaints about Allegiant, it is the cargo.

Parker asked what the price increase was for Jet A fuel; Brean stated he provided a quote in the report but the information is changing daily. Currently seeing \$7, but increase does not include the costs to get it into the plane.

Anderson made an observation regarding the percentages for fuel flowage with a reduction in DOD typically at 70%; Brean affirmed to prior reports. Brean further indicated there could be additional information such as a mission did not occur, but there has been a strong uptick in General Aviation.

Brean stated at the last Board meeting during public comment someone asked what PSM had for existing cargo. Brean informed the Board there is currently one cargo ground handler at the airport. Seacoast Cargo, an entity of PCA, currently operates cargo activity and they sublease out of a 45,000 square foot facility. In 2021 we did about 2,304,000 pounds which was primarily all on the ramp. Brean stated that the square footage of a building does not correlate to cargo activity.

Levesque asked when the Ukraine jets were coming in a couple of years ago, was that through cargo; Brean affirmed and stated Seacoast Cargo was the entity that could handle them.

Anderson asked of the fuel flowage from last year to this year; Brean indicated it was his belief that 900,000 gallons sold in March 2022 was greater than that sold in 2021.

(i) Brean updated the Board concerning Hangar 227 (approximately 200,000 square foot facility). The façade improvement which was put up by the last tenant is starting to come apart. During a recent storms it sustained damage and parts of the roof are coming off; it is becoming a very expensive asset to maintain.

Anderson asked if the condition of Hangar 227 would affect the occupancy; Brean indicated it is fine structurally and it is utilized for cold storage.

(ii) Brean stated regarding Pease Aviation Partners (“PAP”) dba Million Air is in the design permitting stages and nothing new has occurred. The Department of Environmental Services held a hearing regarding the wetlands permit and responses were extended out 30 days to allow for additional public comment.

Duprey asked if PAP were an FBO; Brean affirmed an FBO operator. Duprey stated PSM has one here now and asked if it were good to have more than one FBO; Brean affirmed it can be. Further stating, per FAA policy we have to be non-discriminatory and invite any aeronautical activity.

(iii) Brean spoke to counsel, Gary Arber, of PlaneSense who expressed his gratitude to the Board for hearing him at last month’s meeting. PlaneSense is proceeding further with its design for potential expansion; the Board should have received e-mail regarding availability for a site tour.

b) Noise Line Report
(i) March, 2022

Brean indicated that PSM did not receive any noise inquiries in March, 2022.

B. Presentation – Potential Zoning Amendments

Maria Stowell (“Stowell”), PE, Engineering Manager presented on the potential rezoning of 130 acres of land which is currently zoned airport / airport industrial and part of the Natural Resource Protection (“NRP”). This would allow the area to be utilized for what is allowed in the industrial zone (industrial and offices) rather than strictly airport uses.

Stowell indicated the area which is now NRP is less than an acre about 0.8 acre and is land remaining following the transfer to DOT from PDA when they were doing the Newington / Dover highway project. Prior to the transfer of the land the blue line indicated on the map was the old layout of Arboretum Drive. Everything to the north was NRP so when the land was transferred it left a little sliver, the proposal is it should all be rezoned.

By rezoning the 130 acres, PDA sees 3 developable lots and all have challenges. The one under consideration by 165 Arboretum, LLC is marked as 25 acres but most of it is wetland so it is about 15 to 12 acres; there is a 10 acre lot that is paved from an old fuel storage spot and then a small upland area. Other than that the rest of the 130 acres contains old landfill 5 (an Air Force Landfill) and wetlands.

Stowell indicated PDA is not looking for a vote on this today. However, depending on how the Board views the next item, staff could come back next month with proposed language.

Fournier asked if this item should be referred to the Capital Improvement and Land Planning (“CILP”) Committee for review. Either we have a Committee to do something or get rid of the Committee. Stowell indicated the CILP is an Ad Hoc Committee so if the full board wanted it could recommend the matter to the Committee.

Parker indicated she thought the area was zoned airport industrial; Stowell indicated the 10 acre parcel is Airport and the little sliver is NRP. Parker asked in the divisions of labor these two zoned categories also call for PDA to function as Land Use Planning as airport / airport industrial; Stowell affirmed.

Blenkinsop indicated the Board could refer this to the Committee in early May and depending on the Committee's direction could bring this back in May; as Stowell indicated it is an Ad Hoc Committee and is a function of this Board.

Duprey indicated the information could be provided to the CILP Committee for its review and the Committee could tell us what to do. Blenkinsop indicated the meeting could be scheduled and ask for a recommendation to bring back to the Board.

Lamson indicated she was happy with Stowell's proposal and stated it will be beneficial for the Town of Newington and the Planning Board.

Duprey stated if no objection, this matter would be referred to the Ad Hoc CILP Committee to do its work.

Ferrini indicated this would be for potential rezoning; Duprey affirmed and stated a large part of the rezoning deals with the following item in the packet for consideration.

C. Approvals:

1. 165 Arboretum, LLC - Development Agreement – 165 Arboretum Drive

Director Fournier **moved** the **motion** and Director Lamson **seconded** that **the Pease Development Authority ("PDA") Board of Directors approves of and authorizes the Executive Director to finalize and enter into a Development Agreement in Contemplation of Lease ("Development Agreement") with 165 Arboretum, LLC regarding potential development on 165 Arboretum Drive, pursuant to the memorandum from Paul E. Brean, Executive Director dated April 12, 2022, and substantially consistent with the terms and conditions set forth in the draft Development Agreement.**

Discussion: Ferrini indicated the Development Agreement requires the developer to work cooperatively but it does not obligate the Board for any expenses. There is no requirement in the Development Agreement that PDA agree to change zoning; Brean affirmed. Ferrini stated he is not a fan of looking at zoning and asked staff if the rezoning was contemplated prior to the development request. Brean affirmed and stated it has been a consideration back to his predecessor, Mr. Mullen. Further the land is not recognized in the Airport Master Plan for aeronautical use. It was a PDA decision to classify it as a potential use to support air field development. What has been learned in the last couple of weeks given concerns with aeronautical development is that it solidifies the case that staff has thought about this and feels it would be a better use of this land. Ferrini indicated the discussions regarding rezoning was a preexisting condition and not because of the proposal; Brean affirmed. Further indicating the proposal may have been the impetus to move rezoning forward.

Disposition: Resolved by **unanimous** vote for; motion **carried**.

2. Bills for Legal Services

Director Ferrini **moved** the **motion** and Director Levesque **seconded** that the Pease Development Authority (“PDA”) Board of Directors approves of and authorizes the Executive Director to expend funds in the amount of \$13,717.00 for legal services rendered to the Pease Development Authority from Sheehan Phinney Bass & Green from February 1, 2022 – February 28, 2022 in the amount of \$11,890.00 for Permit Implementation and February 1, 2022 – February 28, 2022 in the amount of \$1,827.00 for Tradeport General Representation. And to expend funds in the amount of \$1,770.00 for legal services rendered to the Pease Development Authority from Anderson Kreiger as outside counsel for Federal Regulatory Advice from February 1, 2022 through February 28, 2022. For a total amount of \$15,487.00 in legal services.

Discussion: None. Disposition: Resolved by **unanimous** vote for; motion **carried**.

XII. Division of Ports and Harbors:

A. Reports:

1. Port Advisory Council Minutes of February 9, 2022

Geno Marconi (“Marconi”), Division of Ports and Harbors Director, indicated the Board had in its packet the minutes of the Port Advisory Council meeting of February 9, 2022. The minutes have been provided so the Board is aware of the Council’s activity and welcomed any comments or questions from the Board.

2. Port Committee Minutes of July 15, 2021

Geno Marconi (“Marconi”), Division of Ports and Harbors Director, indicated the Board had in its packet the minutes of the Port Committee meeting of July 15, 2021. The minutes have been provided so the Board is aware of the Committee’s activity and welcomed any comments or questions from the Board.

3. Piscataqua Maritime Commission - Right of Entry and Waiver of Fees for the “Sail Portsmouth 2022 Tall Ship Celebration”, Portsmouth Fish Pier

Marconi spoke to Piscataqua Maritime’s request for Right of Entry at Portsmouth Fish Pier; the request consists of waiver of wharfage and dockage fees and which was approved through the Delegation of Authority.

4. Commercial Mooring for Hire Applications

Marconi indicated that under the Code of Administration of Rules there is an ability to have a Commercial 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 these through the Delegation of Authority.

5. Commercial Mooring for Hire – Great Bay Marine, Inc.

Marconi indicated that under the Code of Administration of Rules there is an ability to have a Commercial 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 these through the Delegation of Authority. This was for Great Bay Marina and the moorings are in an area where there are no waitlist and there have never been request for moorings in that location.

6. Gate Barriers – 555 Market Street Marine Terminal

Marconi indicated the gate barriers going into the Market Street Marine terminal had deteriorated and through a Delegation of Authority to the Treasurer and Executive Director this item was approved.

7. Pepperrell Cove Marine – Hampton Harbor Pile Inspections

Pepperrell Cove was asked to inspect some steel pipe pilings due to storm damage received over the winter

8. Morton Salt – Exercise First One Year Option of License Agreement to May 31, 2023

Morton Salt exercised the first of its one year options to its license agreement with DPH.

9. 2022 Mooring Permit Application Analysis

This was done as a means of tracking so consistency can be shown with how many applications are sent out and how many are returned. From that, it was broken down to shorefront property as well as the number of individuals who had moorings that expired April 1st. Marconi indicated he has received a couple of requests for reconsideration and he reviews the specific circumstances of each request.

10. Mooring Waitlist Analysis

Anderson asked of the Traffic Study at Rye and a condition in the RFP that Appledore was going to do an outreach program; asked who would be doing the outreach program. Marconi indicated it was decided due to the number of stakeholders, mooring permits etc., DPH would pull the data base together for a mailing. A standard notice would be sent out to all stakeholders saying the Traffic Study is located on the DPH website and encourage review so stakeholders could provide comments / recommendations. Anderson asked where DPH is doing this work, would that affect the cost of the RFP as the outreach was to be performed by Appledore and they do not seem to be fulfilling their contractual agreement with DPH to perform the work. Marconi indicated DPH is not doing the work, rather he is helping facilitate the outreach program. Marconi indicated after review by staff and consulting engineers, they came up with recommendations that it will be brought before PAC, the Port Committee and then to the Board.

Levesque commended Marconi on the Presidential visit last Tuesday and how it highlighted a lot of work done by many people.

Ferrini affirmed Levesque's comments, indicated he was in attendance and we looked good which was a good thing for everyone.

Marconi stated it is not just him, his staff does a great job and responded to the request, especially the Operations Manager, Whit Anderson.

B. Approvals:

1. Rye Harbor – Paving and Striping to Address Safety Concerns / Issues

Director Anderson **moved** the **motion** and Director Fournier **seconded** that the Pease Development Authority Board of Directors hereby authorizes the Executive Director to contract with James Jones d/b/a Second Nature Pit and to expend funds from the Ports and Harbors Fund for paving work at the Rye Harbor Marine Facility in an amount not to exceed \$37,500.00; all in accordance with the Memorandum of Geno Marconi, Division Director, dated April 15, 2022.

In accordance with the provisions of RSA 12-G:8 VIII, the Board justifies the waiver of the RFP requirement to accept the low quote from James Jones d/b/a Second Nature Pit as three (3) quotes from local contractors were obtained and there is a need to complete these public safety improvements prior to the onset of the upcoming busy summer season.

Discussion: Anderson asked if the work were absolutely necessary; Marconi affirmed. Anderson again wondered if it were absolutely necessary this year as it creates a paved fire lane and wondered if it could be postponed relating it to funding purposes. Wait until DPH completes the Traffic Study so a determination of can be made from the options provided.

Brean indicated we have tried to come to an accord. There is a need for public safety in order for the activity at Rye Harbor to move forward, there needs to be a dedicated in / out egress with space according to traffic codes and a fire lane for the fire department who responds to do a water rescue. This work has to move forward if the Board is going to entertain any activity down at the harbor.

Disposition: Resolved by **unanimous** roll call vote for; motion **carried**.

2. Harbor Master Boat “Munson” Repairs

Director Lamson **moved** the **motion** and Director Levesque **seconded** that the Pease Development Authority (“PDA”) Board of Directors retroactively authorize the Executive Director to proceed with the boat repairs required for the Division of Ports and Harbors (“DPH”) to its Harbor Master boat “Munson” performed by Dover Marine at a cost of \$10,328.52 which includes the hauling cost by Independent Boat Haulers; all in accordance with the memorandum of Geno Marconi, Division Director, dated March 25, 2022

Discussion: None. Disposition: Resolved by **unanimous** vote for; motion **carried**.

3. Portsmouth Fish Pier – Floor Drains (Additional Work Required)

Director Parker **moved** the **motion** and Director Lamson **seconded** that the Pease Development Authority (“PDA”) Board of Directors retroactively approves of, and authorizes the Pease

Development Authority – Division of Ports and Harbors (“PDA-DPH”) to proceed with, the additional work by HL Patten in the amount of \$21,740.00, required to complete the replacement of the floor drainage system at the Portsmouth Commercial Fish Pier Facility, originally approved by the PDA Board on October 21, 2021, for a total project cost not to exceed \$35,260.00; all in accordance with the Memorandum of Geno Marconi, Division Director, dated April 12, 2022.

In accordance with the provisions of RSA 12–G:8, VIII, the Board justifies the waiver of the RFP requirement to allow PDA-DPH to contract with HL Patten, as HL Patten was already mobilized on site due to the Portsmouth Fish Pier reconstruction project and immediately available to perform the necessary work associated with the failed floor drainage system when Seacoast Sewer & Drain, Inc. encountered unexpected site conditions which had to be remedied before replacement of the drains could be completed.

Discussion: Anderson asked of this cost overrun and stated Seacoast Drain thought it could remedy the problem for \$10,000; Marconi affirmed. Anderson asked regarding funding if this would be included in the construction; Marconi affirmed. Marconi indicated it was determined during construction that due to the age of the pipes under the floor they failed and the work needed to be completed in order to avoid discharge into the Piscataqua River.

Disposition: Resolved by **unanimous** roll call vote for; motion **carried**.

4. Rye Harbor Marine Facility Right of Entry Waiver Requests

This item was moved up on the meeting after Public Comment

XIII. Special Event:

A. Report:

1. **25th Annual Cisco Brewers Memorial Day 5k Road Race to be held on May 29, 2022**

Brean indicated Cisco Brewers Portsmouth (a/k/a Redhook) will be hosting the 25th Annual Cisco Brewers Portsmouth Memorial Day 5k Road Race to be held on May 29, 2022, which will benefit the Krempels Center located in Portsmouth.

XIV. Upcoming Meetings:

Board of Directors	May 19, 2022 @ 8:30 a.m.
Executive Committee	May 24, 2022 @ TBD

Duprey indicated he will not be in attendance at the May meeting due to a prior commitment.

Levesque indicated he too would not be in attendance at the May meeting.

Blenkinsop asked if Director Ferrini would be prepared to conduct the Board meeting; Ferrini indicated he would.

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

XV. Directors' Comments:

Ferrini requested a report back from staff concerning a Feasibility and Master Plan for Rye Harbor.

Blenkinsop indicated the Executive Committee meeting will be rescheduled to early June.

Blenkinsop informed Directors Fournier, Ferrini and Levesque that staff will reach out to schedule the Capital Improvement and Land Planning Committee meeting for early May.

Brean spoke to receipt of a few materials before the Board meeting (by non-staff members). Further, Brean informed the Board all staff are asked to provide Board materials a week before and he apologized that some of the items were provided late. Finally, hats off to the airport team for the recent Presidential visit last Tuesday.

Ferrini asked that late submittals received from staff be added to the packet for submittal on the website for the public; Blenkinsop indicated that information is provided on the website.

XVI. Adjournment:

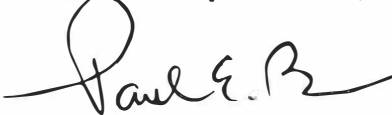
Director Lamson moved the motion and Director Fournier seconded to adjourn the Board meeting. Meeting adjourned at 12:39 a.m. (scrivener's error should be p.m.)

Discussion: None. Disposition: Resolved by unanimous vote; motion carried.

XVII. Press Questions:

No comments from the press.

Respectfully submitted,



Paul E. Brean
Executive Director