

Newburyport Waterfront Trust
Police Station Conference Room
November 15, 2017
Minutes

1. Call to Order

Vice Chair Wilbur Shenk called a regular meeting of the Newburyport Waterfront Trust to order at 7:08 p.m.

2. Roll Call

In attendance were Trustees Wilbur Shenk, Sean Bradley, Dan Mello and Matt Pieniazek. Steve Hines was absent.

3. Minutes

Sean Bradley moved to approve the minutes of the October 25, 2017 meeting. Dan Mello seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

Expenses for October totaled \$4,028. This included \$2,349 for landscaping, \$154 for memorial plaques and \$1,525 for the park manager and minute taker. There were no receipts for the month. The control account balance is \$96,755, the investment passbook balance is \$14,438, and the Fidelity account balance is \$103,004, for a total of \$214,197.

Dan Mello moved to approve payments to the park manager in the amount of \$1,375; to the minute taker in the amount of \$150; to the landscaper in the amount of \$2,349.50; to Grace Connolly for legal fees for the draft letter of intent in the amount of \$3,466.93; to the accountant for the preparation of tax filings in the amount of \$975; and to Steve Hines for the delivery of gravel in the amount of \$31.88, for a total of \$8,348.31 in expenses. Matt Pieniazek seconded the motion. The motion was unanimously approved.

Matt Pieniazek moved to issue the monthly invoice to the NRA in the amount of \$1,005.57 and to the City for the parking agreement for the fourth quarter of the calendar year in the amount of \$17,500. Dan Mello seconded the motion. The motion was unanimously approved.

5. Chair's Report

Grace Connolly is scheduled to meet with NRA attorney Carol Powers on November 20. Wilbur Shenk recommended this meeting be postponed. He identified five issues that should be resolved before additional legal expenses are incurred. Until an agreement has been reached on these five issues, the Trust would not be willing to move forward with discussions on the transfer of the NRA property.

1) The NRA has indicated in the draft letter of agreement that the expanded Trust should include one of the Settlers. Two NRA members are to be added to the Trust, bringing the number of Trustees to seven. The Trustees were in agreement that a board with an uneven number of members would not be practical. If one Trustee were to be a Settlor, then only one member would be appointed from the NRA.

- 2) The NRA would like to approve the final design of the expanded park. The Trustees were in agreement that one group alone should not have input into the design.
- 3) The letter of intent states the party that is gifted the NRA property must also assume the Authority's duties and obligations. The Trustees would not agree to this.
- 4) The NRA does not intend to transfer the ownership of the two parcels on which the Pop Up Park and restrooms are located until park support structures have been designed and funded. The Trustees wish to receive these two parcels at the same time as the remainder of the NRA property.
- 5) The Trustees would like the NRA to dissolve upon the transfer of the property.

The Trustees discussed the possible goals of the NRA and reasons the members might have for not wishing to dissolve. They discussed the possibility of the Mayor failing to appoint new members as a means of forcing the group out of business.

6. Waterfront Committee Report

The contract for the *Ninth Wave* has been signed. Steve Hines will communicate with the two fishing boat captains who have expressed interest in leasing space in the embayment for the winter. He suggested Captain Ford be invited to attend a meeting to discuss changes in the fishing industry.

7. Parks Committee Report

Park Use Applications

The Firehouse Center for the Arts expressed interest in initiating a five-week summer program in the park that would involve installing a stage over the existing granite stage. It was proposed instead that a trial program be undertaken next summer between June 30 and July 8. Wilbur Shenk moved to approve a ten-day trial session with a fee of \$500 with the condition an application is submitted and it is understood that the fee might be adjusted if the program were to continue. Dan Mello seconded the motion. The motion was unanimously approved.

Park Manager Report

Edith Heyck reported the park has been shut down for the winter and the fall clean up has taken place. Plexiglass has been installed to protect the sensor for the electrical system from vandals. Ms. Heyck's performance has been reviewed. Wilbur Shenk moved to increase the park manager's salary 5%, effective immediately. Sean Bradley seconded the motion. The motion was unanimously approved.

8. Public Comment

Nicholas Metcalf expressed his pleasure at hearing the Trustees talk about raising funds to construct an expanded park and said COW would be willing to help.

9. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:34 p.m. Dan Mello seconded the motion. The motion was unanimously approved.