

Newburyport Waterfront Trust
Online Meeting
November 16, 2022
Minutes

1. Call to Order

Chair Wilbur Shenk called an online meeting of the Newburyport Waterfront Trust to order at 7:08 p.m.

2. Roll Call

In attendance were Trustees Wilbur Shenk, Leslie Eckholdt, Matt Pieniazek, Mike Sullivan and Dan Mello.

3. Minutes

Mike Sullivan moved to approve the minutes of the October 19, 2022, meeting. Dan Mello seconded the motion. The motion was approved by a 4-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Leslie Eckholdt, absent; Mike Sullivan, yes; Dan Mello, yes).

4. Regular Business

a) Treasurer's Report

Wilbur Shenk reported that the Trust broke even for the month of October.

b) Approval of Invoices

There were no invoices to approve.

5. Ongoing Projects

a) Parking Agreement

Wilbur Shenk met with Mayor Reardon to discuss the parking agreement. The City offered \$85,000 for the first year of the new contract, with \$90,000 to be reached in the third year. The Trust asked for an additional \$5,000. The City agreed to pay \$90,000 in the first year of the contract and to reach \$95,000 in the third year on the condition of the removal of the clause that states the contract would be renegotiated if the City Council approves parking higher rates. The Mayor has agreed to consider adding the clause back into the contract.

b) Approval of 2023 Budget

The Trust's income for 2022 was \$150,287. The projected income for 2023 is \$151,373. The budget includes parking revenue of \$70,000, but this should be \$85,000 at a minimum and could be as high as \$90,000.

Expenses for 2022 will total \$118,123 and are projected to be \$159,373 in 2023. An expense of \$44,100 has been estimated for park maintenance, but the projects that were included in the budget might not all be accomplished during the upcoming year.

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The budget shows a negative cash flow of \$20,500. With an increase in parking revenue and a reduced expenditure on park maintenance, it is likely that the cash flow would in fact be positive.

Dan Mello moved to approve the 2023 budget as presented. Mike Sullivan seconded the motion. The motion was approved by a 5-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Leslie Eckholdt, yes; Mike Sullivan, yes; Dan Mello, yes).

c) Market Landing Park Expansion

Andy Port requested that the Trustees vote to confirm a \$20,000 contribution to the temporary relocation of the transformer that feeds the park and the docks to a location near the electrical box by the Harbormaster's facility.

Mike Sullivan moved to approve a contribution of \$20,000 to the relocation of the transformer. Dan Mello seconded the motion. The motion was approved by a 5-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Leslie Eckholdt, yes; Mike Sullivan, yes; Dan Mello, yes).

The City must obtain a Chapter 91 license for the expanded park. It will likely be necessary for the Trust to jointly or separately apply for the license that covers the entire park. The license would require perpetual public access to the park, boardwalk and public ways in accordance with the plans.

Matt Pieniazek moved to authorize the Waterfront Trust Chair and Trustees as necessary to approve and execute Chapter 91 applications and licenses, jointly or in parallel with the City, to facilitate the timely park expansion in 2023 in accordance with the plans prepared by Sasaki. Dan Mello seconded the motion. The motion was approved by a 5-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Leslie Eckholdt, yes; Mike Sullivan, yes; Dan Mello, yes).

One City Councilor has expressed concern about approving funds for the expansion of the park while two items are outstanding. These items are the cost of maintaining the expanded park and the status of the proposed amendments to the Trust document.

Andy Port asked by email for an estimate of the annual cost to operate the expanded park. Wilbur Shenk provided an annotated list of the expenses for the existing waterfront park that were incurred during the past two years. These could be helpful in estimating the cost of maintaining the expanded park.

On May 30, 2017, City Council approved a resolution on a proposed amendment to the Trust document. As the NRA was being dissolved and the transfer of its land was being considered, Mayor Holaday expressed her opposition to the continued indemnification of the Trust by the City. The resolution is now several years old and some of the issues touched upon are no longer relevant. Andy Port was asked to provide more information on the outstanding issues from the City's position. A small group might be formed to discuss the matter.

The Trust had been asked to donate \$150,000 toward the cost of a new irrigation system that would include the Trust property. Matt Pieniazek will reiterate to Andy Port the position of the Trustees regarding the proposed integrated system.

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The Trust's existing system is functioning well and the Trustees do not wish to disrupt the central lawn area. The Trust intends to maintain its existing system and to not be a part of the new east-west City system.

d) Bill Harris Memorial

Leslie Eckholdt will contact Elizabeth Harris about the possible naming of the new Way to the Water on the east side of the park in honor of Bill Harris.

e) SLS Contract Extension

The Trust does not wish to go out to bid for the landscaping contract at this time and instead is proposing a one-year extension with SLS. The base contract was for \$21,350 for the years 2020 to 2022. SLS has asked for a 25.5% increase to \$26,800, citing the rising costs of labor, fuel and fertilizer. Wilbur Shenk will attempt to negotiate a lower rate.

Mike Sullivan moved to approve a one-year contract extension with SLS for an amount not to exceed \$26,800, with an hourly rate for the maintenance of the two lawn areas and the Pop Up Park. Matt Pieniazek seconded the motion. The motion was approved by a 5-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Leslie Eckholdt, yes; Mike Sullivan, yes; Dan Mello, yes).

f) Firehouse Lease

The lease with the Firehouse will terminate at the end of the calendar year and must be renegotiated. The rate has been the same for the past eight years. Wilbur Shenk recommended that staying at the current rate for one more year to allow the Firehouse additional time to recover from Covid. The organization was not able to make payments during the pandemic but is now up to date. Leslie Eckholdt will contact the Firehouse.

6. Parks Committee Report

a) Park Use Applications

None

b) Park Manager's Report

Edith Heyck reported that the fall cleanup of the park is ongoing.

7. Other Business

Wilbur Shenk announced he is stepping down as Chair of the Trust. The December meeting will be his last. He will document the history of the park consolidation. The Trustees expressed their appreciation for his accomplishments as Chair.

8. Adjournment

Matt Pieniazek moved to adjourn the meeting at 9:20 p.m. Dan Mello seconded the motion. The motion was approved.