

Newburyport Waterfront Trust
Online Meeting
November 3, 2021
Minutes

1. Call to Order

Chair Wilbur Shenk called an online meeting of the Newburyport Waterfront Trust to order at 7:05 p.m.

2. Roll Call

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

3. Minutes

Leslie Eckholdt moved to approve the minutes of the September 29, 2021, meeting. Dan Mello seconded the motion. The motion was approved by a 4-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Dan Mello, yes; Leslie Eckholdt, yes).

4. Regular Business

a) Treasurer's Report

Wilbur Shenk reported that the cash balance on September 30 was \$292,834, a decrease of \$353 from the previous month. Income totaled \$8,361 and included the second docking fee payment for the for the *Captain's Lady*. Expenses totaled \$8,717, which consisted of \$6,938 in reoccurring expenses and \$1,731 for the purchase of four new Adirondack chairs. The balance is approximately negative \$15,000, which is within the year-to-date plan. A check was recently received from the City in the amount of \$2,349 and was not reflected in this figure. The Firehouse has an outstanding balance of \$7,800 and has given assurances that this amount will be current by the end of the year. The Harbormaster's Department owes \$5,000.

b) Approval of Bills

Matt Pieniazek moved to approve the payment of invoices from Home Depot for garden supplies; CSE Electric in the amounts of \$648.28 and \$118.88 for a new photocell and the resetting of the meter; Roz Manley in the amount of \$1,457.50 for bookkeeping; Connolly and Connolly in the amount of \$3,764.5 for legal fees and \$950 to Fritz DeGuglielmo for the preparation of the tax return. Dan Mello seconded the motion. The motion was approved by a 4-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Dan Mello, yes; Leslie Eckholdt, yes).

5. Ongoing Projects

a) Commercial Boat Leases

Chris Charos could not attend the meeting but has indicated he would like to renew the contract for the whale watch for five years. Wilbur Shenk will meet with him to discuss the rate. The Trustees are considering increasing the rates charged for the

commercial boats to bring them closer to market rate. Dan Mello has contacted marinas about rates but did not have any information to report at this time. Paul Aziz said he is also interested in a long-term lease. He was informed the Trust is not permitted to enter into a contract that is more than five years in length. His lease is for 50 feet of dock and his boat is 45 feet long. The Trust had been interested in adding a lease for a small boat, but it does not appear the dock space or water depth would be adequate.

Mr. Aziz said he is concerned about the reduced number of parking spaces in the design of the new park. He must be able to load supplies onto his boat at various times of the day. Also, both he and Chris Charos have bands and caterers that must load equipment and supplies on their boats, resulting in the need for convenient parking by many people at the same time. It might be possible for the shared use pathway to be used for unloading. The matter would be in the hands of the ad hoc committee. Matt Pieniazek will discuss the issue with Andy Port.

b) Bulkhead Repairs

Chris Charos has scraped, washed and applied the Corothane coal tar coating to 14 pilings. Wilbur Shenk said he is pleased with the appearance of the pilings. Mr. Charos will be compensated for the work but has not yet submitted an invoice.

City Engineer Jon-Eric White asked that sea level rise be considered in the plans to repair the bulkhead in the embayment and downriver of it. Sheet piles are to be added in front of the existing bulkhead and the space behind them is to be filled with concrete, moving the wall further into the river. A proposal was submitted in which the cap would not be at the level of the existing one but would instead be raised to be flush with the top of the timbers that run along the edge of the boardwalk. This would slightly reduce the view of the water when looking down, but might be a good compromise between addressing climate change and protecting the view of the river. In addition, it could be a safety improvement because children would be prevented from slipping under the railing and falling into the river. Railings should be added in the embayment where there currently are none. Dan Mello expressed concern about losing some of the view of the water. He asked if the top of the cap could be sloped towards the river. This would not only preserve some of the view but could also be beneficial in terms of wave action.

Matt Pieniazek moved to accept the GEI plan titled Alternative 3 Cap Extension with the recommendation that the cap height will be equal to the current height of the 16" x 16" timbers and the outside of the top edge of the cap be chamfered to approximately 50% of the thickness of the wall. Dan Mello seconded the motion. The motion was approved by a 4-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Dan Mello, yes; Leslie Eckholdt, yes).

c) Parking Agreement

Richard Jones has provided parking revenue figures for FY21. The Trust's meter revenue was \$94,000, the pay-by-phone revenue was \$18,000 and \$27,000 was collected in fines, for a total of \$139,000. The City deducted 15%, or \$62,000 for the Trust's

share of the cost of monitoring the parking lot. The Trust received \$70,000 under the parking contract and the City retained the remaining \$8,000. For the previous fiscal year, the Trust's share of the monitoring cost was 12%. Wilbur Shenk said the city monitors 868 parking spaces, which does not include on-street parking. There are 58 spaces in the Trust's lot. By his calculations, the Trust owns only 6.7% of the spaces that are monitored. A reduction in the maintenance fee to this level would produce an additional \$42,000 in revenue for the Trust. He will ask Richard Jones about the reason for the decrease in fine revenue, which has been over \$40,000 in previous years, and if it is more costly to monitor the Trust's lot than others in the city. He and Matt Pieniazek will then approach the Mayor about the contract.

d) Bill Harris Memorial

The total of donations for the Bill Harris memorial is \$2,600. The type and location of the memorial will not be decided until the park design has been further refined.

e) Browns Wharf Sidewalk Extension

Wilbur Shenk has attempted unsuccessfully to contact the engineer who submitted a proposal for a study on the extended walkway. If the engineer does not respond in a timely manner, it might be necessary to select a different party to complete the study.

6. Parks Committee Report

a) Park Use Applications

Jason LaCroix inquired about the Yankee Homecoming application for 2022. He would like to submit the application shortly but provide the payment closer to the event. He has been informed that the fee this year will be \$4,000. He will be asked to provide the dates so they might be added to the calendar.

b) Park Manager's Report

Edith Heyck reported that four new Adirondack chairs have been received and will be assembled in the spring. The DPS has been asked to move the furniture from the Pop Up Park into storage. The canopies over the picnic tables were destroyed during a recent storm. The irrigation system has been blown out and winterized. The fall cleanup will take place on November 19. The DPS will fill the holes in the parking lot in the early spring. The broken lamp on Custom House Way and the broken wiring to a stanchion in the embayment are difficult repair projects and will not be immediately addressed. Wilbur Shenk will ask Paul Hogg about the broken electrical outlet on the dock in the embayment.

Edith Heyck also said she is focusing on the improvement of Somersby Way. Nunan's Florist and Greenhouses has provided a proposal for the installation of hosta and bayberries along the Way. The work would not be undertaken until next spring. Tony Funari will ask the contractor if snow could be pushed towards the boardwalk and removed rather than being deposited along the Way. Leslie Eckholdt suggested that several landscape professionals be asked to evaluate the beds along the Way.

Newburyport Waterfront Trust
November 3, 2021

The light and soil conditions make it difficult for plant materials to succeed. Matt Pieniazek will ask Andy Port if Sasaki could be consulted on the matter.

7. Other Business

Dan Mello introduced Kristine Malpica, who is working in the city to increase awareness of the past and present native population of the area. She will provide assistance with the renaming of Upper Railroad Ave Way to acknowledge the indigenous people of the area.

Dan Mello moved to authorize Wilbur Shenk as Chair to sign City permit applications on behalf of the Waterfront Trust. Matt Pieniazek seconded the motion. The signature would not only show support for the application and would also be necessary because the Trust is the landowner. The motion was approved by a 3-0 vote (Wilbur Shenk, abstain; Matt Pieniazek, yes; Dan Mello, yes; Leslie Eckholdt, yes).

8. Adjournment

Dan Mello moved to adjourn the meeting at 8:40 p.m. Matt Pieniazek seconded the motion. The motion was approved by a 4-0 vote (Wilbur Shenk, yes; Matt Pieniazek, yes; Dan Mello, yes; Leslie Eckholdt, yes).