

Newburyport Waterfront Trust
Police Station Conference Room
January 16, 2018
Minutes

1. Call to Order

Chair Steve Hines called a meeting of the Newburyport Waterfront Trust to order at 7:00 p.m.

2. Roll Call

In attendance were Trustees Sean Bradley, Steve Hines and Dan Mello. Matt Pieniazek and Wilbur Shenk were absent. Also in attendance was Attorney Grace Connolly.

3. Minutes

Sean Bradley moved to approve the minutes of the November 28, 2018, meeting as submitted. Steve Hines seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on December 31 was \$236,593, down \$8,826 from the previous month. Receipts totaled \$1,041 and included \$1,026 from the NRA and \$15 in interest. Expenses for the month totaled \$5,972.63 and included \$2,349 for the monthly landscaping contract; \$1,666 for the park manager and minute taker; \$950 for accounting services; \$850 for deep-root fertilization; and \$157.63 for Home Depot for plants and supplies.

The balance in the Fidelity account declined by \$3,894 during the quarter. A discussion took place about moving some funds from treasuries into CDs at a local bank. In general, however, the rate of return from the Fidelity account has been positive and might be difficult to replace at the local level.

The Firehouse Center is more than 90 days late with its payment of \$4,432 for the third quarter and \$2,048 is due from the NRA for two months. The *Ninth Wave* and *Yankee Clipper* owe \$106 for electrical services. Dan Mello will contact the captains.

Dan Mello moved to approve a payment to Roz Manley for bookkeeping services in the amount of \$756.25. Steve Hines seconded the motion. The motion was unanimously approved.

Dan Mello moved to issue an invoice to the NRA for its portion of the monthly landscaping contract and park manager's salary in the amount of \$1,024.13. Steve Hines seconded the motion. The motion was unanimously approved.

5. Chair's Report

Steve Hines reported he met with Mayor Holaday about the proposal from TRC for a phase 2 environmental study. The NRA is not in favor of additional soil sampling on its property. Kopelman and Paige determined the property transfer could move forward without the second phase of testing. Mayor Holaday verbally agreed with this course of action, but the City's consent should be obtained in writing. Now that the sale of the Custom House has been finalized, the NRA will begin working to convey its property to the Trust. It must be decided if it would be preferable for the land to be transferred to the

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City with a reversionary clause to the Trust in order to obtain funding for the construction of the park from outside sources.

6. Newburyport Redevelopment Authority Land Transfer

Grace Connolly reported the signed deeds for the transfer of three parcels of registered land from the NRA to the Waterfront Trust have been received and must now be recorded. A certified copy of the Trust and the confirmatory Trust must also be recorded in the land court. She drafted and circulated a proposed amendment to the Trust document. Article 16 would be added stating that the Trust would agree to accept the east and west lots for an expanded park and the tidelands with the condition the City would agree to extend its indemnification for the Trust and the Trustees to this additional land. The City would be responsible for the construction of the expanded park and would work collaboratively with the Trust on funding and design. The portion of the Rail Trail that runs through the park would be the sole responsibility of the City. The Trust, City and Harbor Commission would enter into a mutually acceptable agreement regarding revenue sharing and other issues relating to the use of the tidelands. The maintenance and repair of the bulkhead and boardwalk would be the responsibility of the City with financial contributes from the Trust. The City would be responsible for compliance with all State and Federal environmental regulations for the Trust's land. Article 11 would be revised to make it unnecessary for the Trustees' social security numbers to be filed with the Registry of Deeds. The revisions must be approved by all of the original signatories. The Trustees will review the draft amendments and the document will be sent to the mayor after their revisions have been incorporated. Approval from both the mayor and city council would be needed in order for the City to assume the legal and financial obligations of the Trust.

7. Park Use Applications

An application was received for a wedding on September 14. The annual Touch-a-Boat event sponsored by the Merroshawke Nature School is schedule June 1. Steve Hines will suggest to the Chamber of Commerce that the Riverfest should be held on the Saturday following Labor Day rather than on the holiday weekend. The date for 2019 would be September 7.

8. Park Committee Report

Edith Heyck submitted a written report. She received a proposal from Cicoria Tree Service in the amount of \$9,000 for tree pruning, which is \$6,000 lower than the estimate Iron Tree Service had previously submitted. Some of the trees are on NRA property. The discussion was tabled to a meeting when additional Trustees would be present.

9. Adjournment

Sean Bradley moved to adjourn the meeting at 7:40 p.m. Dan Mello seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust will take place on Wednesday, February 20, 2019.