

Newburyport Waterfront Trust
Police Station Conference Room
January 17, 2018
Minutes

1. Call to Order

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

2. Roll Call

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

3. Minutes

Wilbur Shenk moved to approve the minutes of the December 13, 2017, meeting as submitted. Dan Mello seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on December 31 was \$201,056, down \$2,520 from the previous month. The expenses for the month totaled \$5,113 and included \$2,349 for the monthly landscape contract; \$35.37 for Northeast Electrical Supply; \$903 for park maintenance; \$335 for the installation of bench plaques and \$1,525 for the park manager and minute taker. Receipts totaled \$2,572 and included \$2,216 from the Firehouse lease payment and \$350 for wedding deposits.

In January checks were deposited in the amounts of \$17,500 from the City for the parking contract and \$5,026.35 from the NRA for park maintenance from June to October. Invoices for the bank beds, the *Captain's Lady*, the *Ninth Wave* and the *Yankee Clipper* are outstanding.

Sean Bradley moved to approve the payment of expenses incurred in January in the amount of \$4,425 for the park manager, minute taker, portable toilet, and the Officers and Directors Liability Insurance policy. Matt Pieniazek seconded the motion. The motion was unanimously approved.

5. Chair's Report

Due to the holidays, no progress was made on the land acquisition after the joint meeting with the NRA on December 13. Two members of the Trust and the NRA are scheduled to meet with Mayor Holaday on Tuesday, January 24. A MOU would replace the letter of intent, which should expedite the process. The Trustees discussed an email from Bob Uhlig in which he requested the NRA letter of intent be used as the basis for the MOU. The Trustees believe this document is too lengthy and the principles the Trust distributed at the joint meeting should be instead used as the basis for the MOU. Grace Connolly will update these principles for the January 24 meeting. Steve Hines also asked her to expedite the process of revising the Trust document.

One item of concern to the Trustees is the environmental report prepared by ESS. The principles were revised to include a condition making the land transfer subject to a

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satisfactory review by a LSP of an environmental site assessment report and remediation measures that are satisfactory to the Trust. The City should be asked if it would agree to hold the Trust harmless if an environmental problem were to be discovered after the transfer.

Language was also added to the principles indicating the NRA framework plan would serve as the basis for the design of the expanded park, as Bob Uhlig requested. Bill Harris raised the topic of a 1980 agreement about two ways that were to extend directly to the water. He is concerned these ways have not been included on the NRA framework plan. Andy Sidford responded the framework plan primarily illustrates the bell curve concept and it was not the intention of the NRA exclude the ways. The location of the ways is an issue that had not yet been resolved. The NRA will provide a cleaner version of the framework plan. The plan that was been circulated was marked up to provide a basis for the discussion of various parcels of land.

The Trustees discussed the future ownership of the land behind the Custom House. Parcels D1 and D2, as they are labeled on the NRA framework plan, extend to the water. The Trustees wish the ownership of these parcels to end at the walkway, as it would not be desirable for the Custom House to have ownership of the land on which the Rail Trail and boardwalk are located. The Custom House, which wishes to have access to the water, could be given an easement over this land. Bob Uhlig, in an email to the Trustees, recommended these parcels not be divided at this time because the land is registered and the land court process is a lengthy one. An alternative might be that the ownership of the parcels would be conveyed in their entirety to the Custom House, which would then grant easements and convey the duty to maintain to the appropriate parties.

6. Subcommittee Assignments

Dan Mello will be assigned to the waterfront committee. He is also interested in serving on a committee to be created after the land transfer to raise funds for the park. Matt Pieniazek will work with Wilbur Shenk on the parks committee.

7. Social Media

Steve Hines suggested that social media might be used to gain exposure for the park. Dan Mello will create an Instagram account. He and Matt Pieniazek will approach Sonora DesignWorks about redesigning the website in order that it might be used for fundraising. Bill Harris said if the Trust were to transfer the ownership of the portion of the Firehouse it owns, it should retain the right to use the roof of the structure for electrical and telecommunication services.

8. Waterfront Committee Report

Captain Ford submitted a check for the *Lisa Ann II* in the amount of \$350 for a winter lease for three months. Checks in the amount of \$750 and signed leases were received from Captains Holt and Connors for the full winter lease period.

9. Parks Committee Report

Park Use Applications

No new applications have been received.

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Park Manager Report

Edith Heyck submitted a written report. Due to the time of year there is not much activity in the park.

10. Public Comment

Rob Germinara, 2 Ashland Street, suggested Lower Custom House Way be added to any survey work done on the land behind the Custom House.

11. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:23 p.m. Dan Mello seconded the motion. The motion was unanimously approved.