

Newburyport Waterfront Trust
Police Station Conference Room
March 20, 2019
Minutes

1. Call to Order

Chair Steve Hines called a meeting of the Newburyport Waterfront Trust to order at 7:02 p.m.

2. Roll Call

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

3. Minutes

Wilbur Shenk moved to approve the minutes of the February 20, 2019, meeting. Sean Bradley seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on February 28 was \$241,432, up \$2,387 from the previous month. Income for the month totaled \$4,154 and included an increase in the Fidelity Assets Management Account of \$2,236; a wedding deposit in the amount of \$410; a bench plaque deposit in the amount of \$500; interest in the amount of \$8 and a donation from Fred Hufnagel in the amount of \$1,000. Expenses for the month included \$1,594 for the park manager and minute taker and \$175 for a memorial plaque deposit.

A check in the amount of \$17,500 was received in March from the City for the parking contract. A check has been received for one winter boat contract. The Firehouse Center for the Arts submitted a payment of \$2,216, leaving a balance of \$4,400. The NRA owes three months of reimbursement totaling \$3,072. The *Ninth Wave* and *Yankee Clipper* have not yet paid the \$106 owed for electrical services.

Sean Bradley moved to approve payments to Cicoria Tree Service in the amount of \$9,000 for the pruning of trees on Somerby's Way; to Tom Joy in the amount of \$150 for the installation of a bench plaque and to Wilbur Shenk in the amount of \$55 for the annual website security payment. Wilbur Shenk seconded the motion. The motion was unanimously approved.

Wilbur Shenk moved to approve a payment of \$7,318.90 to Grace Connolly for 25 hours of legal services. Sean Bradley seconded the motion. The motion was unanimously approved.

An invoice will be sent to the NRA in the amount of \$2,579.63, which includes \$1,800 for tree pruning and \$779.63 for the monthly landscaping maintenance contract and park manager's salary.

5. Chair's Report

Steve Hines reported he met with Mayor Holaday to discuss various issues of concern to the Trust. He emphasized the need for a financial agreement for the embayment and the submerged tidelands. She agreed with his position that after the ownership of the east

and west lots is transferred to the WFT, the Trust should continue to receive income from the full number of parking spaces in order to help obtain the revenue necessary to fund the park. Some City Councilors would like the amount of parking on the waterfront to be reduced as soon as the garage has been completed. Mayor Holaday express some concerns about changes to the Trust document. While some details of the agreement could be finalized after the fact, before the land is transferred, the City must agree to extend the financial obligations and indemnification that currently exist to the new property. The third revision to the Trust document will be sent to Kopelman and Paige for review. When comments have been received, regular meetings between all concerned parties should resume.

6. Park Use Applications

Fuel intends to cut back the number of hours per week it uses the end of the boardwalk from five to two. The intention has been to increase the fee over the next few years to \$1,250, which would be prorated. Wilbur Shenk moved to approve the application from Fuel for two hours per week for a fee of \$450 with the provision the Waterfront Trust is named as coinsured. Sean Bradley seconded the motion. The motion was unanimously approved.

Sarah Oleson inquired about holding a Sunday morning yoga class but has not submitted an application because the fee would be outside of her price range. Because a class held at 8:00 a.m. would not conflict with other activities, she will be given the opportunity to conduct a class for 15 weeks with a fee between \$400 and \$500.

Wilbur Shenk moved to approve an application from Good Karma Yoga for a free yoga event on June 21 with a fee of \$135. Sean Bradley seconded the motion. The motion was unanimously approved.

Action on the Touch-a-boat event scheduled for June 1 was tabled until more information is received.

An application has not yet been submitted for Yankee Homecoming, which will take place this year between July 27 and August 4. A letter will be sent indicating what the fee would be.

Wilbur Shenk moved to approve an application from the Chamber of Commerce for family movie nights and accept the check received in the amount of \$400. Sean Bradley seconded the motion. The motion was unanimously approved.

7. Park Committee Report

Edith Heyck reported:

- The pruning of the trees along Somerby's Way has been completed.
- Mike Hennessey has agreed to prune the six crab apples and is expected to complete the work within the next two weeks.
- Two new benches will be installed on the boardwalk. A plaque will be added to one of the benches and the other is available for sale.
- DPS did a good job of removing snow from the boardwalk. The workers also hammered down some nails that were protruding.

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8. Public Comment

Bill Harris made three comments during the meeting:

- 1) It might be possible to receive EPA funding for soil remediation.
- 2) Some NRA members are in support of controlling the design of the park through the creation of a new urban renewal plan. The Trust would be the party to operate the park and should therefore be responsible for its design. The design should be flexible in order to be responsive to environmental issues, thereby reducing costs.
- 3) In exchange for allowing extra density at Waterfront West, ownership of the ramp next to the former location of the Black Cow could be transferred to the City. It could then be a part of an exchange for 20 feet of land under the Firehouse and its patio. Expanded ownership of the submerged tidelands could allow for the operations of the Harbor Commission to be increased and provide additional revenues for maintaining the park.

9. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:20 p.m. Steve Hines seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust will take place on Wednesday, April 17, 2019.