

Newburyport Waterfront Trust
April 20, 2016
Police Station Conference Room
Minutes

1. Call to Order

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

2. Roll Call

In attendance were Trustees Scott Sutherland, George Ellison, Wilbur Shenk, Joe Brown and Steve Hines.

3. Notice of Open Meeting Violation

The Committee for an Open Waterfront filed a complaint about a gathering that was observed on the waterfront of three Trustees and Bob Uhlig of the NRA. Steve Hines read a draft response to the complaint that will be attached to violation and sent to the Massachusetts Office of the Attorney General. The response indicates the purpose of the gathering was a site inspection. The Trustees do not believe the open meeting law was violated. No deliberations or discussion took place. A report on the inspection was on the posted agenda for the April 20 meeting. In order to avoid the appearance of an Open Meeting Law violation, it is the intention of the Trust to post any future on-site inspections as public meetings in case a quorum were to be present. Members of the public would be allowed to attend.

George Ellison moved to approve the response to the complaint. Wilbur Shenk seconded the motion. The motion was unanimously approved.

A draft cover letter to the complaint was read. George Ellison moved to approve the cover letter. Wilbur Shenk seconded the motion. The motion was unanimously approved.

4. Ale House Project Progress Report

Joe Leone said any work done by the Trust to improve the lot could be accommodated provided it commences no earlier than four weeks from the present time. The work on the Ale House could proceed around these improvements, but it would be preferable for them to not be done until the fall. The Trustees are concerned that equipment for work on the Ale House could damage the improvements made to their property and wish to wait until the fall as well.

5. Minutes

Wilbur Shenk moved to approve the minutes of the March 30, 2016 meeting. George Ellison seconded the motion. The motion was approved with Joe Brown abstaining.

6. Treasurer's Report

Scott Sutherland said the cash account balance at the end of March was \$190,673. Year to date income has been \$61,891, while operating expenses have totaled \$42,753 and

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\$17,191 has been spent on capital projects, leaving a positive net cash flow of \$1,947. The accounts receivable for all of the summer tour boats are outstanding at this time.

George Ellison moved to approve a payment to the Handyman in the amount of \$1,200; to Wilkinson Septic in the amount of \$125; to Rosalyn Manley in the amount of \$661 for bookkeeping services for the first quarter of the year; to National Grid in the amount of \$248 and to McCarthy Landscaping for the first installment of the maintenance contract. Wilbur Shenk seconded the motion. Joe Brown said according to the parking agreement, the City is to be responsible for the lighting of the lot. He said the written contract should be enforced and the Trust should not pay the electrical bill. Scott Sutherland replied the Trustees discussed the issue at the March meeting and decided in the spirit of working cooperatively, the Trust would to pay the lighting costs at this time. He said Mayor Holaday, through Richard Jones, indicated the City was not interested in paying the bill. He will speak with the Mayor about this issue the next time they meet. He added his priorities are in raising the parking rates and working with the City to complete the improvements to Riverside Park. The motion was unanimously approved.

7. Three-year Financial Plan

The FY16 budget for projects was \$124,435, of which \$17,192 had been spent through the end of February. It is expected another \$26,750 would be spent by the end of the year. The budget included \$82,835 for the improvements to Riverside Park. The cost of these improvements will be spread over the next three years. Large expenses planned for FY19 include the repair of the granite stage and the bulkhead superstructure, plus the construction of a bike path through the park. When the maintenance of the park is taken into consideration, expected expenses would total \$465,611 by the end of FY19. A deficit of \$41,981 is predicted. The amount currently budgeted for legal fees is \$5,000. The need for additional legal representation could increase the deficit.

Opportunities to obtain additional revenue include applying for CPA funding each year along with other grants, attracting additional park users and increasing parking fees and hours. The increased revenue from doubling the parking rate would allow the Trust to achieve its goals. The approval of the new rates might take longer than previously expected. The City Council did not wish to discuss the rate hike until after the promised neighborhood advisory committee for the garage has been formed. The item was referred to committee. Mr. Ellison urged all parties with an interest in the parking rates to attend the meeting of the Ad Hoc Central Waterfront Committee scheduled for April 25. Scott Sutherland and Wilbur Shenk have been attending the meetings of this committee. Joe Brown will fill in as necessary for future meetings.

8. Chair's Report

Scott Sutherland said the term of one Trustee should expire each December 31. The terms of two Trustees are currently set to expire in 2018 and all but one would expire on December 1 rather than 31. He is working with Richard Jones to resolve the issue and will report at the next meeting.

9. Ongoing NRA Issues

Scott Sutherland said he has not yet had the opportunity to discuss with Tom Salemi the issues between the two groups that could be resolved in the short term. The NRA would transfer the two feet between the boardwalk and the bulkhead and remove the AUL once the survey has been recorded. Joe Brown said four other issues are outstanding: the leasing rights to the water side of the bulkhead; the transfer of three ways to the water to the Trust; the transfer of a small area of land near Ferry Wharf Way and 100-year leases for the Firehouse and the Custom House. He asked that the Trust hire an attorney to represent its interests. He provided the names of four attorneys in Boston he thinks would have the necessary experience. Steve Hines moved to hire a new law firm and that he and George Ellison make a recommendation on which firm to the Trustees. Joe Brown seconded the motion. The motion was unanimously approved.

10. Waterfront Committee.

Steve Hines will meet with Dave Zinck before the next meeting to discuss repositioning the electrical boxes. Two of the boxes were damaged when vandals untied fishing vessels docked in the embayment. The operators of all of the tour boats plan on renewing their leases.

11. Park Use Applications

Joe Brown moved to approve without a fee an application from WNBPA for an on-site broadcast on May 28 when a replica of a 16th century Spanish galleon is docked on the central waterfront and for two weddings. George Ellison seconded the motion. The motion was unanimously approved.

12. Park Manager's Report

Edith Heyck reported the spring clean up has been completed and pesticides have been applied in the park. On May 6 the water is to be turned on and the back flow valve will be blown out. A landscape architect has made recommendations on plantings along Somerby's Way. Requests have been made for quotes for materials, labor and irrigation for this work.

13. Parking Committee Report

Scott Sutherland distributed a parking report for the contract year running from April 2015 to March 2016. The revenue was \$43,000, which is 1% higher than the previous year. Violation revenue was lower by \$3,000 because the City did not issue tickets in the lot for nine weeks in the fall due to construction and the holidays. During the first quarter of last year, the City received \$1,200 from violations while only \$375 was collected for the same period this year. All of the 2016 tickets were all issued in the third week of each month. The matter has been brought to the attention of Richard Jones.

14. Site Inspection

The NRA wishes to install two additional pop-up parks as a temporary measure to create activity on the waterfront. Three Trustees visited the site on April 2 with Bob Uhlig.

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One of the pop-up parks would be on the northwest corner of the east lot. The granite blocks would be moved to define the edge of the parking area and picnic tables and umbrellas would be added. In the west lot two bocce courts would be installed parallel to the river behind the portion of the berm nearer the Black Cow. Landscape improvements would be made to the east of these courts. Some of the proposed improvements would extend onto Trust property. If Trust property were involved, it would be necessary for the two groups to be co-applicants on a Conservation Commission permit. The Trustees have been interested in adding granite blocks parallel to the ones on the boardwalk and filling the area between them to create a larger sitting area.

Joe Brown reported on the presentation of the plans at the April 19 Conservation Commission meeting. He said the issue of soil contamination in the east lot should be addressed before the park is installed. Steve Hines said in his opinion bocce would not be fitting for a passive park. Scott Sutherland asked Wilbur Shenk to work with Bob Uhlig on a plan for the area to the west of the embayment where the properties of the two groups meet.

15. Election of Officers

Wilbur Shenk moved to elect Scott Sutherland as Treasurer, Steve Hines as Vice Chair and himself as Secretary. George Ellison seconded the motion. The motion was unanimously approved. No changes will be made to the standing committees at this time.

16. Adjournment

George Ellison moved to adjourn the meeting at 8:45 p.m. Wilbur Shenk seconded the motion. The motion was unanimously approved.