

Newburyport Waterfront Trust
Joint Meeting with the NRA
Police Station Conference Room
May 16, 2018
Minutes

1. Call to Order

Chair Steve Hines called a meeting of the Newburyport Waterfront Trust to order at 7:10 p.m.

2. Roll Call

In attendance were Trustees Wilbur Shenk, Dan Mello, Sean Bradley and Steve Hines. Matt Pieniazek was absent. Also in attendance were Attorney Grace Connolly; NRA members Bob Uhlig, Leslie Eckholdt, Andy Sidford and David St. Cyr; and Attorneys Carol Powers, Kathleen O'Donnell and Peter Durning.

3. Minutes

Dan Mello moved to approve the minutes of the April 18, 2018, meeting as submitted. Sean Bradley seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on April 30 was \$228,113, up \$3,172 from the previous month. Receipts totaled \$4,932 and included a \$390 reimbursement from the NRA, \$1,000 from Fuel, \$275 for a wedding deposit and \$3,260 from Bill Taplan for dockage fees. Expenses for the month totaled \$1,529 for the park manager and minute taker. The parking reimbursement for April from the City in the amount of \$17,500 is due and the *Captain's Lady* dockage fee of \$1,529 and electrical expenses for the *Ninth Wave* and *Yankee Clipper* are outstanding.

In May deposits have been received totally \$280 for park use fees. Bills approved in April to be paid in May included the regular monthly expenses of \$1,793, along with \$2,500 to Swazy and Alexander for the treatment of the sycamores and \$5,687.65 to Connolly and Connolly for legal fees.

Sean Bradley moved to approve expenses incurred in May in the amount of \$1,529 for the park manager and minute taker, \$2,349.33 to SLS for spring clean up, mulching and pruning and to Edith Heyck in the amounts of \$56.97 for equipment and \$42 for the intern's hourly wages. Dan Mello seconded the motion. The motion was unanimously approved.

5. Parks Committee Report

Twenty-eight sycamore trees were injected with a fungicide to treat them for anthracnose disease. The cost of the work was \$2,500, which will be shared with the NRA. An arborist assessed the condition of the trees in the park and made a list of 14 recommended activities. The Trust is prepared to take action on two of these items at this time. Wilbur Shenk moved to approve the treatment of two trees for pine pitch borer at a cost of \$600

Newburyport Waterfront Trust
May 16, 2018

and the treatment of the black pines for salt damage at a cost of \$120. Sean Bradley seconded the motion. The motion was unanimously approved.

6. Park Use Applications

Wilbur Shenk moved to approve an application from the Jeanne Geiger Crisis Center for the Annual Walk Against Domestic Violence with the \$135 minimum park use fee. Dan Mello seconded the motion. The motion was unanimously approved.

The Firehouse Center for the Arts and the Newburyport Parks Conservancy submitted a joint application for performances between June 29 and July 8. The Firehouse had previously expressed interest in conducting a five-week summer program in the park that would involve installing a stage over the existing granite stage. At the November 15, 2017, meeting the Trustees approved a ten-day trial session with a fee of \$500. The Rhythm and Roots Festival would take place on the final night of the session. The center section of the park would be blocked in order that alcohol might be served. According to the schedule, the fee for the festival would \$800. The fee was waived in 2017. Wilbur Shenk moved to approve the application from the Newburyport Parks Conservancy for the Rhythm and Roots Festival with the condition the Trust receives half of the proceeds up to a maximum of \$400. Sean Bradley seconded the motion. The motion was unanimously approved.

7. Park Manager Report

Edith Heyck reported the irrigation system would be turned on next week. Wilbur Shenk moved to approve the purchase of eight cigarette butt receptacles at a cost of \$400. Dan Mello seconded the motion. The motion was unanimously approved.

8. Chair's Report

Steve Hines reported a proposal has been received for a Phase 1 Environmental Assessment. The work is needed to protect the Trust from liability when it accepts the NRA property. The Trust will hire its own firm and will not partner with the City in order to expedite the work. Wilbur Shenk moved to approve the proposal from TRC for an AAI-compliant Phase 1 Environmental Assessment in the amount of \$4,600. Dan Mello seconded the motion. The motion was unanimously approved.

9. Combined Waterfront Trust and Newburyport Redevelopment Authority Business

Bob Uhlig distributed a revised parcel disposition plan dated May 16, 2018. In this plan all A and B parcels would be conveyed to the Trust, along with D2. Parcel D1 would be conveyed to the Custom House Maritime Museum and later divided into parcels D1A and D1B. D1B would then be transferred to the City. The plan shows the submerged tidelands from the eastern edge of the embayment being transferred to the City, with the remainder going to the Trust. The City Council apparently favors this manner of disposition for the submerged tidelands. The Trustees indicated they are in general agreement with the disposition plan. A meeting for further input is to take place on May 23 with the NRA, Waterfront Trust, Mayor Holaday, City Council and CHMM.

Newburyport Waterfront Trust
May 16, 2018

10. Public Comment

Rob Germinara, 2 Ashland Street, said the rights of the Trust should be included on the survey. Bill Harris, 56 Lime Street, repeated the comment made by Mr. Germinara and said the Settlers would litigate if the rights to the downriver submerged tidelands were not transferred to the Trust. He said the Settlers would make sure the Harbor Commission would be able to pay for its new building, but otherwise the Trust should retain all income generated at the docks.

11. Adjournment

The meeting was adjourned at 8:46 p.m.