

**Newburyport Waterfront Trust**  
June 16, 2015  
Police Station Conference Room  
Minutes

**1. Call to Order**

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

**2. Roll Call**

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

**3. Minutes**

George Ellison moved to approve the minutes of the May 19, 2015 meeting. Wilbur Shenk seconded the motion. The motion was approved.

**4. Treasurer's Report**

Scott Sutherland reviewed the financial report submitted by Joe Brown, which indicated fiscal year-to-date income through May 31 was \$86,000. Expenses for this period totaled \$75,000, resulting in a cash balance of \$202,131.

George Ellison moved to approve payments to Scott Sutherland in the amount of \$89.98 for a one-year contract for website security; to DCI in the amount of \$405 for the Riverside Park contract; to the Greenskeeper in the amount of \$665 for the planting of seven whiskey barrels; to the Handyman in the amount of \$1,060 for concrete footings for two trash barrels; to Rozencrantz in the amount of \$355.05 for snow plow blades and \$1,139.98 to J.M. Hayden Equipment for a snow blower. The Trust purchases equipment for the DPS in lieu of a cash payment for snow removal. Steve Hines seconded the motion. The motion was approved. Joe Brown approved of the payments by proxy.

George Ellison will work with Scott Sutherland to make it easier to change the signatories on the Fidelity account.

**5. Chair's Report**

Scott Sutherland said he and George Ellison recently met with Mayor Holaday to discuss the extension of the parking contract and the dedication agreement for the Rail Trail. He was pleased with the cooperative tone of the conversation. The Mayor intends to ask the City Council to increase the rate for paid parking from \$.50 to \$1.00 per hour. The parking contract would be extended for three months at the current rate. If the parking rate changes during this time, the amount of the contract would be increased by an amount yet to be determined. The Mayor would like the Declaration of Public Trust to be amended in order to modernize the manner in which the Trust functions. Geordie Vining agreed that the tone of the meeting was a positive one. He said the parties focused on their goals, which are the improvement of the waterfront and the streamlining of the relationships between stakeholders.

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Mayor Holaday requested by letter that the Trust approve the dedication agreement for the intersection of the Rail Trail and Custom House Way. After the Trust documents have been amended, an easement for the Rail Trail would be conveyed. The language of the easement would be similar to one used by the City and the NRA. Bill Harris commented that the Settlers do not object to the dedication for the Rail Trail because it provides a public benefit, but the easements for the drainage culvert in Riverside Park and the utility corridor for the Harbormaster's facility should not be granted before the Trust documents have been changed.

Steve Hines moved to approve the dedication agreement between the Trust and the City for the intersection of the Rail Trail and Custom House Way and to authorize the Chair to sign the document. George Ellison seconded the motion. The motion was approved. Joe Brown abstained by proxy, writing, "I do not understand the difference between a dedication and an easement and if we can't do easements with our current Trust document, the document should be changed before any vote is taken."

Heather Rowe said the culvert work planned for Riverside Park is to be discussed at the June 23 City Council Budget and Finance Subcommittee meeting. Mayor Holaday is willing to commit \$150,000 in City funds at this time, which is not enough to cover the entire cost of the project.

Scott Sutherland and Doug Bolick met with Tom Salemi and Carol Powers about the AUL the NRA inadvertently placed on Trust land. The NRA has agreed to remove the AUL and Carol Powers has drafted the necessary document, but in her opinion the survey must be recorded before the action is possible. Scott Sutherland said he believes legal action would be needed to advance with the removal of the AUL at this time and the Trust would be better served by working cooperatively with the NRA to resolve large issues.

The Trust will not be able to proceed with the work to reconfiguration Riverside Park until the new culvert has been installed. The light fixtures for the parking lot and their concrete bases have been ordered. The plans are being revised to reduce the size of one island and to move the lights from the outside of the walkway to the inside. The results of soil tests for contamination have not yet been received. It is probably that the lot will not be disturbed before Labor Day.

The NRA plans to alter the alignment of the parking spaces in its west lot. The plans show the parking would encroach onto Trust land slightly. Requiring the NRA to change the plan would probably result of the loss of some parking spaces. Steve Hines said in the field it seems the Trust would be giving up a great deal of land, although this is not the way it appears on the plan. Some gravel has been pushed onto Trust land but the new alignment does not necessarily coincide with the placement of the stone. Scott Sutherland

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said the parking spaces would not be moved further to the east. He added it might not be in the interest of the Trust to push the issue, as some Trust parking spaces impinge on NRA land. George Ellison said the encroachment might be used as a bargaining chip in future negotiations with the NRA. He recommended a letter be sent to notify the NRA the Trust is aware of the situation. Bill Harris suggested the Mass. Waterways Regulatory Department be contacted to gain an understanding of the distance that parking spaces must be kept from the water.

Scott Sutherland distributed a draft of the annual report of the Trust and has received comments from Joe Brown. He wishes to forward the document to Mayor Holaday after the June financial information has been incorporated.

#### **6. Parks Committee Report**

Edith Heyck said the area from which trees were removed would not be reseeded until after the Riverfest. She intends to hire Riverfront Landscaping to repair the irrigation lines to the bank beds and to install soaker hoses to the beds recently planted by the Horticultural Society. She is obtaining quotes for cleaning the stage and repairing the fence. The Harbormaster plans to place a dumpster by his shack and will inform boaters that trash is not to be placed in Trust barrels. The City is working on funding for emptying the barrels twice weekly.

Wilbur Shenk and George Ellison met with the Kelly Dunn of the Jeanne Geiger Crisis Center concerning a park-use application the group submitted. Wilbur Shenk moved to approve the application. Steve Hines seconded the motion. The motion was approved.

#### **7. Waterfront Committee**

Steve Hines said he and Joe Brown met with the tour boat operators and resolved some signage issues. He said the tour boat operators have done their best to address the damage to the pilings. They have encased the chains in PVC and painted the pilings. He said the damage was normal wear and tear that could be avoided. The electrical boxes did not sustain any damage during the past winter. The City is to repair some cobbles by the shed.

#### **8. Public Comment**

Rob Germinara, 2 Ashland Street, said the Trust should reclaim the Way to the Water on the east side of the Custom House.

Lon Hachmeister, High Road, Newbury, said the waterfront should be under the management of the Trust. He wishes there to be a master plan for the area.

#### **9. Parking Agreement with City**

George Ellison moved to approve a three-month extension of the parking agreement with the City at the rate of \$8,000 per quarter with the understanding that if the City increases parking rates, the amount to be received by the Trust would increase at an amount to be agreed upon. Wilbur Shenk seconded the motion. The motion was approved. Joe Brown

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voted against the motion by proxy, writing, “This lease has already been extended once and with this further extension, the summer tourist season is over. If the City wants to subsidize downtown parking, they should do it with their money and not penalize the Trust from its mandate of leasing at full and fair market value.”

**10. Adjournment**

George Ellison moved to adjourn the meeting at 8:18 p.m. Steve Hines seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust will be held on Thursday, July 30 at 7:00 p.m.