

Newburyport Waterfront Trust
Joint Meeting with the Newburyport Redevelopment Authority
Mayor Holaday and City Council
City Hall Auditorium
June 20, 2018
Minutes

1. Call to Order

Bob Uhlig called a joint meeting of the Newburyport Redevelopment Authority and Newburyport Waterfront Trust to order at 7:02 p.m.

2. Roll Call

In attendance were NRA members Bob Uhlig, Leslie Eckholdt, Andy Sidford and David St. Cyr and NRA Attorney Kathleen O'Donnell; Trustees Dan Mello, Sean Bradley and Steve Hines, Attorney Grace Connolly, Mayor Donna Holaday and City Councilors Jared Eigerman, Heather Shand, Larry Giunta, Charlie Tantar and Sharif Zeid.

3. Soils Update

Bill Chapman reported he is in the process of completing the final environmental documents for the west lot. These include a risk characterization, a notice of an AUL and a permanent resolution statement. The preliminary findings indicate a limitation would likely be placed on residential development, which is a positive outcome. Peter Durning will provide guidance on the language of the AUL. ESS is coordinating with TRC, the consultant to the Waterfront Trust. The process will be completed and the final findings presented in the next month.

4. Parcel Disposition Plan

Kathleen O'Donnell presented a draft timeline for the disposition of the NRA property. The land court process to divide the land behind the Custom House would be a lengthy one. Instead a petition could be filed for the land to be deregistered. It could then be divided into separate parcels. The survey that shows the location of the Rail Trail must be completed before this process could begin. The certificate of title for the piece closest to river is in the name of the former owner and not the NRA. After the certificate of title has been changed in the land court, the parcel could be transferred to the City. An RFP must be drafted for the disposition of the Custom House parcel. This document would specify the land must be used by a maritime museum. It is expected 180 days would be necessary to complete the process.

The tidelands would be transferred jointly to the Waterfront Trust and the City. It is not necessary to issue an RFP for land that is being transferred to the City. The land court judgement requires that the public have access to this land. A provision is being considered that would require the revenue generated from the operation of tidelands to be used to support and maintain tideland improvements, such as the docks and bulkhead.

The east and west lots would ideally be transferred to the Waterfront Trust after an RFP process has been followed. The RFP would restrict the use of the land to park

and parking. Before the land could be transferred, an AUL must be placed on the west lot.

The NRA could assume responsibility for issuing an RPF for the design of the park. The NRA is prohibited by law from gifting its money to the Waterfront Trust. Instead, it could use its funds to ensure the Trust is in a good position to construct and maintain an expanded park. The available funds should be sufficient to cover the cost of conceptual and final designs. The timeline for the design phase would be the same regardless of which party provides the funds. It is estimated 1.5 years would be necessary to complete the design process.

Larry Giunta asked if the tidelands could be divided, as was previously proposed. Kathleen O'Donnell explained the process could take three to four years and Commonwealth approval would be necessary. The Commonwealth has the right to take back the property. Grace Connolly agreed the best solution would be joint ownership between the City and Waterfront Trust with restrictions on the deed that would comply with the land court order.

Sharif Zeid asked about the use of the home rule petition to eliminate the need for an RFP and allow for the transfer of the NRA's monies. Attorney O'Donnell has not yet received an answer to this question from the general council at DHCD. Mr. Zeid asked about the distribution of the income generated on the central waterfront. Attorney O'Donnell responded the NRA is the seller of the property and would not be involved with the negotiations between the City and Waterfront Trust. Steve Hines said he has met with the chair of the Harbor Commission and is confident an agreement could be reached.

Mr. Zeid asked about the timeline for the amendment of the Trust document. Attorney O'Donnell explained that the amendment of the Trust document is not on the NRA's timeline because it is not an NRA task. Steve Hines responded that the recent focus of the Waterfront Trust has been on the property transfer and environmental issues. The amendment of the document is currently not a priority for the Trust and need not be done before the land is transferred.

5. Public Comment

Rob Germinara, 2 Ashland Street, asked if the NRA members voted to approve the timeline and asked about the terms of the members. Attorney O'Donnell responded that a vote has not been taken on the timeline because it is a draft and the members serve until they are replaced. Laurel Algrove, 22 Beacon Ave, spoke about the trust fund created for the betterment of the waterfront from the Chain Bridge to the mouth of the river that was written about recently in the *Daily News*. She asked if at some point this money could be used as supplemental income for the expanded park. Mayor Holaday responded this money could be a source of income after the monies become available. The trust fund must first reach 100 years or \$1 million. Bill Harris, 56 Lime Street, said he is pleased with the progress that has been made and he approves of the joint ownership of the tidelands. Elizabeth Harris, 56 Lime Street, asked if the ways to the water would be included in the park design. Attorney O'Donnell that responded the ways are not an issue now that the land is to be converted to a park. The ways were to guarantee public access to water when the sale of the land to a private developer was being considered. Bill

Harris responded that the ways create a sense of the seaport. He said Central Wharf Way should be shown as being 25 feet wide on the survey. Steve Hines responded the ways will be on the survey, with the exception of Lower Custom House Way, which is an issue to be resolved between New England Development and the City.

6. Waterfront Trust Business

A. Treasurer's Report

The cash balance on May 31 was \$243,579, up \$13,427 from the previous month. Receipts totaled \$18,888 and included parking revenue from the City in the amount of \$17,500, park activity income from Tindall Tai Chi and Sokolowski Performing Arts in the amount of \$380 and interest in the amount of \$8. A payment of \$1,590.20 from the *Captain's Lady* for electrical services is outstanding.

Expenses for the month totaled \$4,495 and included \$1,594 for the park manager and minute taker, \$701 for bookkeeping services, \$2,000 for snowplowing and \$200 for the portable toilet rental.

Invoices will be sent to the NRA in the amounts of \$1,000 for reimbursement for the treatment of the sycamores and \$389 for the standard expenses in May and to the Firehouse for the quarterly payment of \$2,215.

Sean Bradley moved to approve payments to Comak Brothers for the repair of leaks in the sprinkler system in the amount of \$95, to Edith Heyck for compensation for the summer intern in the amount of \$138, to the Handyman for a 50% deposit on the painting of the benches in the amount of \$1,815 and the Home Depot for flowers and fertilizer in the amount of \$671.46. Dan Mello seconded the motion. The motion was unanimously approved.

B. Park Use Applications

The Firehouse submitted an application for a blue grass band on August 22. The expected size of the crowd is 1,000. Neither Wilbur Shenk nor Matt Pieniazek were in attendance to propose a fee. Dan Mello moved to approve the date of August 22 for the event, with the fee to be determined at the next meeting. Sean Bradley seconded the motion. The motion was unanimously approved.

Frank Cousins presented an application from the Chamber of Commerce for the Riverfest, which is scheduled for September 1. The event would be handled in the same manner as it has been in the past. An additional 18 police officers would be hired for a total of 30. Dan Mello moved to approve the Riverfest application with a fee of \$4,000. Sean Bradley seconded the motion. The motion was unanimously approved.

C. Minutes

Dan Mello moved to approve the minutes of the May 16, 2018, meeting as submitted. Sean Bradley seconded the motion. The motion was unanimously approved.

D. Other Business

Dan Mello reported the Trust's social media presence has been established through the creation of an Instagram account. The Trust currently has 60 followers.

7. Adjournment

The Waterfront Trust portion of the meeting was closed at 8:26 p.m. The next joint meeting will be scheduled for July 18.