

Newburyport Waterfront Trust
Police Station Conference Room
June 26, 2019
Minutes

1. Call to Order

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

2. Roll Call

In attendance were Trustees Sean Bradley, Steve Hines, Wilbur Shenk, Dan Mello and Matt Pieniazek.

3. Minutes

Wilbur Shenk moved to approve the minutes of the May 7, 2019 meeting as submitted. Sean Bradley seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on May 31 was \$250,601, down \$3,125 from the previous month. Income for the month totaled \$3,529, which consisted of \$3,520 in dockage fees from Bill Taplin and \$9 in interest. Expenses for the month totaled \$5,692.87 and included \$1,667 for the park manager and minute taker; \$2,349 for the monthly landscaping contract; \$1,643.28 for Seaport Signworks and \$33.59 for Edith Heyck for weed killer. The balance in the Fidelity Assets Management Account decreased \$970 during the month.

The Firehouse Center for the Arts owed \$6,647 at the end of May. In June, \$4,431 of this was received, leaving a balance of \$2,216. The Newburyport Bank submitted \$750 in June for the planting bed. The NRA owes \$3,009 and fourth quarter parking fees are due from the City.

Wilbur Shenk moved to send an invoice to the NRA in the amount of \$1,034.82 for its share of monthly park maintenance expenses. Matt Pieniazek seconded the motion. The motion was unanimously approved.

Dan Mello moved to approve payments to Tom Joy in the amount of \$361.94 for maintenance and supplies; to Comak Brothers Landscaping in the amount of \$574.15 for irrigation system repairs; to the Home Depot in the amount of \$405 for flowers; and to Sandy Aldrich in the amount of \$225 for weeding. Wilbur Shenk seconded the motion. The motion was unanimously approved.

The total amount of revenue received through June was \$105,967. This is \$31,000 lower than expected, largely because payments from the Firehouse, tour boats and the City are outstanding. The year-end revenue is projected to be \$117,452. It is estimated that expenses for the year will total \$77,133, which is lower than projected because legal expenses were lower than expected and some special projects that were planned were not undertaken.

5. Chair's Report

At its June 11 meeting, the NRA voted to convey 50% of the ownership of the submerged tidelands to the Waterfront Trust subject to an easement for the bulkhead and pilings. The deed was recorded the following day. The action prevents the Trust from becoming landlocked and preserves its ability to obtain waterside income. Matt Pieniazek moved to ratify the acceptance of the submerged tidelands. Wilbur Shenk seconded the motion. The motion was unanimously approved. By email, Bill Harris noted that the Public Settlers of the Waterfront Trust are not a party to the deed and do not accept that their rights to enforce the Trust under Section 405 of the Massachusetts Uniform Trust Act or otherwise would be impaired by the acceptance of this deed by the Waterfront Trustees.

Attorney Connolly advised that the Trust either obtain its own insurance or ensure each year that it continues to be covered under the City's policy. The Trust document indicates that the City shall insure the Trust, and this document is not being amended, but the City has indicated it might not be willing to continue the insurance in the future.

The artist shanties have been moved from Waterfront property to land owned by the NRA adjacent to the east lot.

Two new members have been appointed to the NRA. One vacancy existed and one member was replaced before the expiration of his term. This was done through a procedure that eliminates the requirement for a reading at two City Council meetings.

6. Park Use Applications

The Chamber of Commerce submitted an application for a concert by the Army band on Thursday, July 11. Steve Hines recused himself from the discussion. The event would include food vendors along Railroad Avenue from noon until 8:00 p.m. Yankee Homecoming chair Dennis Palazzo requested that the stage be left in place through August 4. This would not be possible due to a wedding that is scheduled for July 22. Dan Mello moved to approve the application with a fee of \$400. Matt Pieniazek seconded the motion. The motion was unanimously approved.

Wilbur Shenk moved to approve a joint application from Sweat Republic and Tread for a fitness class for 25 to 50 participants on Thursday, July 25 from 5:00 to 7:30 p.m. A check in the amount of \$135 has been received. Matt Pieniazek seconded the motion. The motion was unanimously approved.

7. Park Committee Report

- The touch-a-boat and high school performing arts events were both successful.
- The trees have been sprayed for winter moths.
- Tom Joy is working to eliminate tripping hazards and is in the process of painting the benches and signs.
- Stones are to be installed in two islands in the Riverside Park lot in July.
- The new sign is to be installed soon.
- A quote will be sought for the removal of three trees.
- Matt Pieniazek moved to approve the purchase of four Adirondack chairs for the berm at a cost of approximately \$3,200. Dan Mello seconded the motion. The motion was unanimously approved.

8. Waterfront Committee Report

- Matt Pieniazek moved to approve the purchase of the three *Ninth Wave* docks for the amount of \$ 4,500. Dan Mello seconded the motion. The motion was unanimously approved. Signs must be installed indicating the docks are private.
- Wilbur Shenk moved to approved the repair and washing of the docks for a cost not to exceed \$1,500. Dan Mello seconded the motion. The motion was unanimously approved.
- Dan Mello will work on receiving payments from the tour boat operators. Payment has been received in full from Bill Taplan. The first installment was made for the *Yankee Clipper* and no payment has been received for the *Captain's Lady*.

9. Public Comment

Pam Ketchum read a lengthy statement from Bill Harris, who was not able to attend the meeting.

10. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:16 p.m. Dan Mello seconded the motion. The motion was unanimously approved.