

**Newburyport Waterfront Trust**  
April 12, 2013  
Police Station Conference Room  
Minutes

**1. Call to Order**

A special meeting of the Newburyport Waterfront Trust was called to order by Chair Doug Locy at 5:00 p.m.

**2. Roll Call**

In attendance were members Doug Locy, Catherine Russell, Joe Brown and Scott Sutherland.

**3. Minutes**

Joe Brown moved to approve the minutes of the April 1, 2013 meeting as amended. Scott Sutherland seconded the motion. The motion was unanimously approved.

**4. Merrimac Ale House Plans for a Riverside Park**

The draft letter and list of conditions from the Trust to Joe Leone regarding the proposed walkway and landscape improvement at Riverside Park were reviewed. The conditions, which are labeled as Exhibit A, are to become a part of the final decision by the Planning Board. Mr. Leone said his attorney, Chip Nylan, is in the process of reviewing the documents and he is not prepared to sign an agreement at this time. At the suggestion of Scott Sutherland, Doug Locy will amend the letter to indicate the agreement would become void if not signed within 30 days.

The following specific comments on the conditions were made:

#1 – Mr. Leone said he did not have a problem with the first condition, although he could not speak for his attorney. He said he reserved the right withdraw any comments he might make without his attorney's approval.

#2 – Mr. Leone asked he would not want a possible sale of the property to be held up while waiting for written permission from the Trust to assign the agreement to another party. Scott Sutherland said it should be added that the Trust's approval might not be unreasonably withheld.

#3 – Mr. Leone said he is not agreeable to the Trust maintaining the improvements. He said he has a maintenance crew at the Black Cow and he would like to manage the property himself. Joe Brown said the Trust owns the property and should be allowed to manage it. Catherine Russell said she is concerned about losing control of Trust property. Doug Locy said Mr. Leone might be in a better position to maintain the property.

#4 – Mr. Leone said Doug Trees would be willing to evaluate the parking arrangement at no cost to either party. He believes he could improve the accessibility of the property and increase the parking by two to four spaces. Doug Locy said he would like to remove the parking in front of the Brown's Wharf building in order to create more green space.

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#5 – Mr. Leone said he does not want to be responsible for any work done on land beyond the curbing. He agreed to paint arrows to indicate that the direction of traffic has changed and to demarcate eleven parking spaces.

#6 – The language will be changed to indicate the light pole will be removed instead of relocated. The Trust intends to install new light fixtures. The existing pole is to be shown on the plan.

#7 – Mr. Leone would like his attorney to provide further input on this section.

#8 – Mr. Leone said he thinks the section requires some modification. He said the walkway is a public one and he does not want to assume liability for parties that are not guests at his restaurant. Joe Brown said the section pertains to those using the emergency egress. Bill Harris said Mr. Leone would not need coverage for areas beyond those he is maintaining but the Trust must be covered in the event the property is not properly maintained.

#9 – Mr. Leone said if he agrees to move the steps that are on the Trust property inside the structure, he would want the door to be used as an entrance or exit year round. Scott Sutherland said it would be convenient to drop patrons at the side door, while Joe Brown said this would cause congestion. Doug Locy said he believes a side entrance would be a benefit to both parties.

#10 – Joe Brown does not want the mature height of trees to block views of the water.

#11 – Andy Port was responsible for adding the language about the light poles. Mr. Leone said there would be lighting on the building and it is not within his budget to offer the installation of streetlights.

#12 – Mr. Leone said he would like the parking to be re-aligned within a day and his construction vehicles would then remain inside the work area. He does not intend to install the landscape elements until the completion of construction.

#13 – Mr. Leone said he would not agree to re-line the entire parking lot. He will be asked to assume responsibility for the parking area impacted by construction.

#15 – Joe Brown explained New England Telephone has a 20-foot easement along the boundary line of the Trust property for an underground cable that extends under the river. The company has the right to maintain cable at their expense.

#17 – Joe Brown and Catherine Russell objected to glass walls that would open out over Trust property. The building extends to the property line and they do not wish it to cross over the line. Scott Sutherland said the glass walls provide ambiance. The agreement requires that Trustees vote to allow the extension of any building or decorative element beyond the property line.

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The plans are to be presented to the Planning Board at the April 17 meeting. Mr. Leone would like the discussion to be concluded at that meeting. He has the ability to request an extension. The Trustees are not prepared to vote on the agreement before the Planning Board meeting. They wish to have the opportunity to meet to review the changes proposed by Mr. Leone's attorney.

**5. Other Business**

Doug Locy said it might be desirable to extend the walkway and add outdoor seating to the area in front of the Chamber of Commerce where there is now parking. He said the parking is only fully utilized during the summer months.

Doug Locy said the Trust has frequently waived the park-use fee for charitable events. Team Paul and Eve, which will be hosting the spinathon on June 1, has been charged \$300. He moved to waive the fee for the spinathon. Catherine Russell seconded the motion. The motion was unanimously approved.

Joe Brown said the boundary issues are frequently on the agenda but do not get discussed. He asked that the item be placed at the top of the agenda for the next meeting.

Doug Locy moved to authorize the expenditure of \$1,728 for four soil treatments that were proposed by ND Landscape to reduce water usage. Scott Sutherland seconded the motion. Joe Brown said he would prefer to invest in the replacement of the sprinkler heads. He said the Trustees should begin by looking into the way in which the water is meter and by having the Trust exempted from the sewerage charge. ND Landscape has estimated the cost of replacing the sprinkler heads to be \$20,000. Scott Sutherland said the soil treatments should be accompanied by a 50% reduction of the irrigation system. He recommended that the effectiveness of the four treatments be evaluated before a commitment to a second season is made. The motion was unanimously approved.

**6. Adjournment**

Scott Sutherland moved to adjourn the meeting at 7:05. Si Morrill seconded the motion. The motion was unanimously approved.