

Newburyport Waterfront Trust
April 1, 2013
Police Station Conference Room
Minutes

1. Call to Order

A meeting of the Newburyport Waterfront Trust was called to order by Chair Doug Locy at 7:00 p.m.

2. Roll Call

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

3. Minutes

Scott Sutherland moved to approve the minutes of the March 18 meeting as amended. Si Morrill seconded the motion. The motion was unanimously approved.

4. Park Committee Report

Si Morrill said he walked the Trust property with Charlie Nichols to obtain an overview on how the space is used and the work that should be done. Several planks on the boardwalk should be nailed.

5. Treasurer's Report

Joe Brown summarized the account activity for the past month. He said \$1,400 was owed for past ND Landscape invoices that had not been received. The invoices for standard maintenance are sent monthly between May and November. He moved to reimburse Charlie Nichols in the amount of \$11.68 for keys.

Scott Sutherland asked about a payment that is due from the NRA for the survey. Joe Brown said the Trust has paid the full amount for the work and he sent a bill for half of the cost to the NRA, as was agreed upon. James Shanley had stated the NRA does not intend to reimburse the Trust until the work has been completed. The only outstanding item from the base contract is determination of the width of Ferry Wharf Way. This issue must be resolved before the survey is recorded. Doug Locy will follow up with the NRA.

6. Public Comment

None

7. Park Use Applications

Fuel Training Group

Si Morrill said that since the last meeting he met with the owners of FUEL and he and Catherine Russell reviewed the group's application. He said he is comfortable with the application as it was submitted and he intends to monitor the use of the park by the group

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to make sure it is consistent with the application. Doug Locy moved to approve the FUEL application. Si Morrill seconded the motion. Joe Brown asked if the fee is to be increased. He said the use is more intensive than under the original program but the fee has not been increased. He added that he does not approve of the use of the park by the group on Saturdays, which is the day the park receives the most visitors. Scott Sutherland pointed out that a map showing the locations of the planned activities, which was a requirement of the application, has not been received. He said a detailed description of the activities must be attached to the application for documentation for the future. Catherine Russell said the Trust is bound by the declaration, which indicates park use is to be occasional and transient. She said the proposed use by FUEL is not occasional. Doug Locy said the use by the group does not create maintenance issues in the park and in his opinion this type of activity is appropriate for the park. Bill Harris said the primary purpose of the Trust is to keep the park open for public and the use by FUEL displaces the public. He said the amount of use has increased and no longer meets the definition of occasional. The intensity of use has risen from the level of a permit to that of a lease. The group provides a certificate of insurance but does not pay fair market value for the use of the park. Doug Locy said the Trust has not established a system for determining fair and full market fees. He added the Montessori School uses the park more frequently, does more damage and is not presently charged for its use of the park. Joe Brown said the fee waiver applies to non-profit groups. Scott Sutherland questioned if it is appropriate for FUEL to pay \$250 for the season while \$200 is charged for weddings. He said it would be the role of the Park Committee to review the fee schedule.

Scott Sutherland amended the motion to include that sections 3 and 4 of the contract be fulfilled before the next meeting as a condition of approval. Doug Locy, Scott Sutherland and Si Morrill voted in favor of the motion as amended and Joe Brown and Catherine Russell voted in opposition.

Riverfront Festival and Movie Series

Ann Ormond said the movie series is scheduled for August 7, 14 and 21, with a rain date of August 28. The entire lawn area would be used for seating and an inflatable screen would be placed on the stage. The DPS has agreed to remove the trash on the Saturday mornings following the presentations.

The Riverfront Festival has been moved from July to Labor Day weekend and is scheduled for August 31. Ms. Ormond said tarps will not be allowed on the lawn and she will make sure a truck is not driven on the lawn as it was last year. The insurance policy expires on June 6 and a copy of the renewed policy will be forwarded when available. Doug Locy informed her she must provide trash receptacles, as the two barrels were removed from the park last year. Joe Brown said that according to Trust policy attendance at events must not exceed 5,000 people. He also said the Trust has a policy against advertising in the park, vendors were located on Trust property during the event last year and Railroad Avenue is not to be used by trucks. Maureen Daley of SDAH said big festivals put a strain on the Firehouse. Joe Brown said the line for the Port-a-Potties often block the flow of traffic in the parking lot. Ms. Ormond agreed to a request by Scott Sutherland that the number of Port-a-Potties be increased over what was provided

last year. Doug Locy moved to approve both events. Scott Sutherland seconded the motion. The motion was unanimously approved.

Yankee Homecoming

A check was received from the Yankee Homecoming committee. The event is scheduled from July 26 to August 4. Scott Sutherland asked that the certificate of insurance be emailed to him after the renewal has been received. Joe Brown suggested that the Park Committee met with the Yankee Homecoming Committee a week before the event to review the plans. Si Morrill moved to approve the application. Doug Locy seconded the motion. The motion was unanimously approved.

8. Clipper City Rail Trail

Geordie Vining said he recently met with Jim McCarthy, acting Chair of Maritime Society, Tom Salemi, NRA chair and Doug Locy about the plans for the transition zone between the boardwalk and the Rail Trail and presented a revised plan for the area. In the previous proposal the trail ended at Custom House Way. A granite planter and brick plaza that was acted as a terminus were to be added at the end of the Custom House lawn. It is now proposed that the trail continue across Custom House Way and run into the NRA parking lot. The plan would impact two benches on Custom House Way, three parking spaces and a tree that is not in good health. This would be an interim solution, as the configuration of the space along the waterfront is in flux. The new path termination would line up at the approximate location where bikes would cross the park. There is no plan at this time for a park crossing. Bill Harris said the plan is a good one in that a negative impact to a historic resource would be avoided. Doug Locy moved to support the revised preliminary plan as presented with the condition that the date is added to the plan. Si Morrill seconded the motion. The motion was unanimously approved.

9. Annual Report to the Mayor

Doug Locy said changes were made to the document as a result of comments made by the Trustees. Joe Brown said the budget he presented for FY 2014 is a draft and is subject to seven footnotes. Doug Locy said some light fixtures are available at a discount and he might like to add their purchase and installation to the budget. The budget submitted with the report will be marked as draft and will be refined over the course of the three months that remain in this fiscal year. Doug Locy moved to approve the annual report as written. Si Morrill seconded the motion. The motion was unanimously approved.

10. Merrimac Ale House Plans for Riverside Park

Joe Leone said the plans for the restaurant have not been changed since they were last presented to the Trustees. The plans have been approved by the ZBA and will be considered by the Planning Board at its April 17 meeting. The Trustees would like the island to be connected, one parking space removed and other spaces straightened to order to increase pedestrian safety. They discussed the use of the side door with Mr. Leone. The side door may not be considered the legal access to the restaurant because it is not handicapped accessible. The plans show that a vestibule is located inside the door, indicating it would be used as a secondary entrance. Joe Brown pointed out that Mr.

Leone had agreed at a previous meeting to remove the steps leading to the door, as they are on Trust property. Mr. Leone responded that he thought the proposed landscaping and changes to the parking configuration made the removal of the steps unnecessary. Doug Locy said he did not think the steps would be a problem because the side door would only be used as an emergency exit. Joe Brown said he would like the stairs to be located on the inside of the structure, as he does not think it appropriate for steps to be leading from the restaurant to a public park. Andy Port said a side access to the restaurant would not be detrimental to the park and the perception that a conflict exists between a public benefit and private use in an erroneous one. Doug Locy said he would not be in favor of the door being used as an entrance and he would like to be used only as an emergency exit. Si Morrill said the narrow driveway would become blocked when passengers were being dropped off and he agrees the door should be used only as an emergency exit. Scott Sutherland said he thinks the side access would be convenient but he agrees with Joe Brown that the steps should be located inside the building. Bill Harris said steps leading to Trust property from a structure in which alcohol is being served would create a liability that would put the endowment at risk. Si Morrill also indicated he is concerned about the steps being located on Trust property. Mr. Leone said he would agree to the door being only used as an egress as long as he might request this to be changed at a later date. Doug Locy said that the issue would not be decided at tonight's meeting, but he suggested a railing be added to the stairs and the door be used only as an exit. Joe Brown distributed a list of additional concerns. He asked about changes being made to plans that have already been approved by the ZBA. He said he would like a parking consultant to determine if the proposed parking arrangement is a viable one and he would like the financial arrangements to be verified. He said he is concerned about the view corridor, as the trees indicated on the plan grow to 30 feet in height. He said arrangements must be made for the irrigation of the grass and the light fixtures must be specified in the plan. He asked about the easement given to New England Telephone. Andy Port said the issues must be resolved before the Planning Board meeting. Doug Locy moved that he and Joe Brown meet to convert the Trust's concerns into specific requirements for the applicant. Si Morrill seconded the motion. The motion was unanimously approved.

11. Meeting Extension

Si Morrill moved to extend the meeting until 9:45. Scott Sutherland seconded the motion. The motion was unanimously approved.

12. Brown's Wharf Parking

The Trustees voted at the March 18 meeting against renewing the agreement for the six parking spaces at Brown's Wharf. David Murphy requested that the Trustees considered allowing the spaces be used for 30-minute parking that would not be exclusive for one establishment but would be available for public use. Bill Harris said the boating public must have access to both short and long-term parking. Doug Locy suggested that Park Committee consider the proposal. Scott Sutherland it is a citywide issue and he agreed to meet with Richard Jones to discuss the matter.

13. Water Use

The Mayor has requested that the Trust reduce the amount of water used in the park. ND Landscape has proposed a treatment for the soil that would allow it to retain moisture. More information on the treatment is needed. Another solution would be the replacement of the sprinkler heads, which would be expensive. Charlie Nichols suggested that the use of water by the Harbormaster be researched. Scott Sutherland said the Trustees should look into the plan being developed by the Water Department to conserve water in the public parks.

14. Boat Leases

Doug Locy said a check in the amount of \$360 was received from Robert Germinara to replace one that had not cleared the bank. His boat was not been taken out of the embayment over the course of the winter, although this requirement is not included in the contract. Another boat owner is interested in leasing space in the embayment. Doug Locy moved that Scott Sutherland draft a letter to Mr. Germinara stating the lease will not be renewed if his boat is not actively used for fishing. Joe Brown seconded the motion. The motion was unanimously approved.

No certificate of insurance was received for one boat that has been in the embayment during the winter. Joe Brown moved that Scott Sutherland draft a letter to Mr. Connor stating the lease will not be renewed if proof of insurance is not received. Doug Locy seconded the motion. The motion was unanimously approved.

Joe Brown moved that future leases contain the provision that boats are not to be stored in the embayment in the winter. Si Morrill seconded the motion. The motion was unanimously approved.

The checks and insurance certificates for the summer leases are due April 15.

15. Adjournment

Joe Brown moved to adjourn the meeting at 9:45 p.m. Si Morrill seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust will be held on Friday, April 13.