

Newburyport Waterfront Trust
July 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, Jody Fraser, Joe Brown, Si Morrill and Scott Sutherland. Doug Locy read the mission statement.

3. Minutes

Scott Sutherland moved to approve the minutes of the June 3, 2013 meeting. Si Morrill seconded the motion. Joe Brown circulated a statement of his concerns regarding procedural issues and the minutes for the portion of the meeting during which the repair of the bulkhead was discussed. He said he wanted the minutes to reflect that he had requested the motion to be read before the vote and the Chair denied the request. He said the statement indicating the Trust would be responsible for legal fees for the transfer of the strip of tidelands was written by Geordie Vining after the fact and should not be incorporated into the motion. He also said that, according to the Declaration of Public Trust, policy might only be determined by a majority of the Trustees and there is no provision to delegate these powers to a single Trustee to act on behalf of the Trust. The motion was approved by a four to one vote with Joe Brown voting in opposition.

4. Reconsideration of Motion

Joe Brown moved to reconsider the vote on the bulkhead repair work. Scott Sutherland seconded the motion. The motion was unanimously approved.

Doug Locy said some of the language in the motion might have been modified slightly by Geordie Vining after the fact. He moved 1) to confirm support for and approval of the Bulkhead Project, including retroactively authorizing past permit applications as well as any future permit applications (including the MEPA Environmental Notification Form, the Notice of Intent to the Conservation Commission, the Army Corps of Engineers permit, the Chapter 91 Minor Project Modification request or any other such requirement, the NHESP Massachusetts Endangered Species Act review and any others) and authorizing the City to seek funding and manage all aspects of the project in consultation with the Trust's designated liaison; 2) to authorize Scott Sutherland to speak, sign permit applications and act on behalf of the full Waterfront Trust regarding the Bulkhead Project and 3) to accept the conveyance from the NRA of the strip of tidelands affected by the repair and replacement of the bulkhead and mooring pilings once the project is completed and to authorize a reasonable expenditure for any associated legal costs related to this conveyance. Scott Sutherland seconded the motion. Joe Brown said the permits that are

included in the motion are not available on the Planning Department website as was agreed. Scott Sutherland said he would make them available. Joe Brown said the bylaws do not allow the delegation of authority. Doug Locy said many documents must be signed outside of meetings. Joe Brown said “reasonable expenditure” is ambiguous. Scott Sutherland said this is a standard legal term. The motion was unanimously approved.

5. Manager’s Report

Charlie Nichols submitted a written report that stated:

- children from the Brown School have been using the park because the playground at the school has been closed. He had requested that they confine their activities to a certain area of the park. Si Morrill commented the use should not be an issue now that school is out for the summer and the Brown School is closing.
- the painting of the benches is halfway complete. Several applications have been received for bench plaques. Si Morrill said metal benches and the benches on Merrimac Street must be numbered and a schematic drawing of the locations posted on the website. The applicants will be contacted after this has been completed. The Handyman has provided input on the manner in which the plaques might be attached to the metal benches.

6. Treasurer’s Report

Joe Brown distributed an end-of-the year report that was prepared with the assistance of Scott Sutherland. He said the year was a good one, which a \$14,000 increase in the cash balance. He said year-end balance is higher than would normally be expected because a major project, the boat docks, was not undertaken and many outstanding bills were collected.

Si Morrill moved to approve the payment of an invoice for the Handyman, Inc. in the amount of \$2,502.50 for the installation of four bench plaques and the repair and painting of 18 waterfront benches and the Firehouse benches. Doug Locy seconded the motion. The motion was unanimously approved.

Scott Sutherland moved to approve a payment to Peter Tinsley in the amount of \$365 for the assembly of the sign and the drilling of its granite posts. The DPS prepared the holes and was responsible for the remainder of the installation. Si Morrill seconded the motion. The motion was unanimously approved.

Doug Locy moved to approve a payment to Minh’s Taylor Shop in the amount of \$20 for the repair of the flag. Jody Fraser seconded the motion. The motion was unanimously approved.

Joe Brown said he received a bill from the Greenskeeper in the amount of \$500 but he wishes to receive the contract for planting and maintenance throughout the season before releasing the check.

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Joe Brown said the contract with Not Your Average Joe's for rent for the dumpster area was signed in October 2011. He has billed the NRA \$2,500, half of the amount received since this date. Doug Locy said the issue was not discovered until the survey was done. The NRA voted to split the amount received from the restaurant with the Trust at its November 2012 meeting. Joe Brown said the NRA has not yet responded to the request to pay half of the bill for the mulch used on Somerby's Way. An agreement should be reached with the NRA about ongoing maintenance.

7. New Business

Park Use Application

An application has been received for the Ward-Moylan wedding that is scheduled for Saturday, June 7, 2014 from 3:00 p.m. – 6:00 p.m. The Parks Committee reviews the applications, which are posted on the website after it has been determined the dates do not conflict with any other events.

Short-term Parking

The Trustees voted at the June 3 meeting to establish two 15-minute, unrestricted parking spaces on a trial basis. Scott Sutherland said Mayor Holaday suggested alternative location for the spaces. One is to be located at the island in front of the Murphy building and one is to be near the boardwalk. The trial will run for the balance of the term of the lease, which ends in April 2014. The City will install signage and police the spaces. The amount of income paid to the Trust will not change. The Mayor is prepared to sign an agreement. Joe Brown moved to accept the parking proposal. Si Morrill seconded the motion. The motion was unanimously approved.

Lisa Mead said the City would make money on ticketing with the short-term parking and it would be desirable to have more than two spaces. She said she does not believe the provision of short-term access to the businesses would be in conflict with the Trust's mission. She said the Trustees should take advantage of the opportunity that will be afforded by the impact of the Ale House on parking. The Trustees discussed the possibility of negotiating for higher rates and increased hours if they chose to continue the contract with the City.

RFQ for Landscape Contracts

The Park Committee with assistance from Joe Brown will review the existing landscape contract to determine what might be added to or deleted from the base in preparation for seeking bids.

Slacklining

The Park Committee will consider the way in which this activity might be allowed in the park safely and without causing damage to the trees.

Transportation Dock

The T-Dock contracts will expire at the end of the season. Joe Brown requested that the Harbor Commission appoint members to review the bid package with the Trustees to

determine that a desirable mix of boats is obtained. He said other services might be desired by the public and should be considered, such as a boat camp or water taxi.

Scott Sutherland said the electricity for the T-dock, the ticket booth and approximately six light poles is on one meter and is paid for by the DPS. The electricity used by the boats is estimated at \$1,500 to \$2,000 per year. The cost should be taken into consideration with the renewal of the T-dock contracts and should not be born by the City.

Doug Locy said the Mayor would like a sub meter to be installed to separate the water usage for irrigation from that of the boats. The installation of a separate meter for the recreation boats and the T-dock boats is a topic for the agenda for a meeting between the Harbor Commission and the Trust.

8. Old Business

Riverside Park Improvement

Doug Trees has volunteered to look at the parking layout and the lighting at Riverside Park. Scott Sutherland met with New England Development about extending the walkway. Handicapped access and the location of a culvert are issues that would need to be addressed. Plans will be brought to New England Development after they have been further developed. It is not yet know if New England Development would agree to the extension of the walkway over its property.

Joe Brown said he would like to receive the final plans for the Ale House, as some changes that were made by the Planning Board. He also said the lights in front of the high school, which are the same style as the downtown lights but taller and more powerful, might be considered to the replace the wooden poles in Riverside Park.

Trust Sign

Joe Brown said that because of the location of wiring, bricks were installed under the sign rather than the flowers that were originally planned. He added that Catherine Russell was very helpful in bringing the project to a conclusion.

Park Manager Position

The Park Committee will work to find a replacement for Charlie Nichols, who will be leaving his position as park manager at the end of the year. Scott Sutherland recommended the job description be reviewed at the August meeting.

Seaport Grant Committee

Scott Sutherland said the tour boat operators attended the June 28 meeting of the Seaport Grant Committee to request that fasteners be installed that would to minimize the lateral movement of the docks as the tides shift. The work to repair the bulkhead might require that the tour boats leave the docks earlier in the fall than expected and delay their return in the spring. In addition the fishing boats might be prevented from using the embayment during the winter if the repair work is done from a barge. A crane might be located in the NRA parking lot as alternative, although this might require that a portion of the boardwalk be closed.

9. Other Business

Dock Extension

The length of the new dock used by the whale watch boat is shorter than the one that was previously in that location. The result is a 15-foot gap between two docks. The operator of the Eco Tours has requested to be allowed to fill this gap with four to five-foot dock that would be used by a maintenance boat. The contracts jointly cover 200 feet of dock space, which is greater than the current combined length of the docks. Joe Brown moved to allow the use of an infill dock on a trial basis for the remainder of the season at no additional cost. Scott Sutherland seconded the motion. The motion was unanimously approved. The issue will be addressed in the contracts for the next year.

Firehouse Contract

Joe Brown said the contract with the Firehouse is to expire in the spring and he would like the dumpster used by Not Your Average Joe's to be discussed as a part of the contract negotiations. He would like a better understanding of the contract between the NRA and the restaurant for the dumpster. He said the parking of vehicles on Railroad Avenue also should be discussed. Doug Locy said he would like an outdoor amenity, such as seating, be added to the west side of the Firehouse.

10. Adjournment

Scott Sutherland moved to adjourn the meeting at 9:00 p.m. Si Morrill seconded the motion. The motion was unanimously approved.