

Newburyport Waterfront Trust
June 13, 2011
Police Station Conference Room
Draft Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Cliff Goudey, Joseph Brown, Catherine Russell, Joyce Enderle and Doug Locy and Manager Charlie Nichols.

3. Call for New Agenda Items

None

4. Routine Business

• Minutes

Joe Brown moved to approve the minutes of the May 9 meeting. Joyce Enderle seconded the motion. The motion was unanimously approved.

• Manager's Report

Charlie Nichols reported:

- various groups from the Montessori School use the park at different times in the morning, and when they do, they take it over. They comply with his requests to stay away from certain areas, but some of their activities can damage the plant materials. It was agreed that the school should submit an application for exclusive use for the fall.
- there are two dead trees in the park. He has asked ND Landscape to discontinue feeding them and to credit the WFT for the feeding that was done. DPS will be asked to remove the trees. Two stumps were previously removed at a cost of \$75 each.

5. Treasurer's Report

Doug Locy presented a report on the status of the accounts. He said he is working to gather the necessary parties to transfer the Fidelity accounts. Joe Brown moved to approve the following payments: \$95.00 to the plumber for a backflow preventer, \$565.75 to the Greenskeeper for seven plantings and \$330.72 to Fritz Deguglielmo for bookkeeping services. Cliff Goudey seconded the motion. The motion was unanimously approved. Two checks have been received for Browns Wharf. The first, in the amount of \$400.00, was past due. The second, in the amount of \$1,400.000, is for the period from June to December, with \$100.00 deducted for a previous payment for June.

6. Applications for Park Use

Applications for weddings have been received for July 3, 2011 and April 21, 2012. Charlie Nichols asked the applicants be asked to pick up any flower petals that are

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thrown during the wedding. Joyce Enderle will post the dates on the Yahoo site. Doug Locy said he has created a direct link from the City website to the Yahoo site.

An application, certificate of liability insurance and check in the amount of \$100.00 has been received from Roots to Wings Yoga. The activities are to take place under the trees near the Firehouse on Friday mornings between 7:30 and 8:45 from June 10 to August 19. Joe Brown said the business has been handing out flyers and the WFT has a policy that businesses cannot advertise through their activities in the park. Cliff Goudey said that businesses should not hand out flyers that could get thrown away and create trash, but groups will not conduct activities in the park if they cannot attract business.

Bill Barrett, of the Pedaler, would like to display two bikes and a sign for his business on the grass strip on Somerby's Way. He is willing to improve the grass strip by adding pavers and plantings. Bill Harris said he is concerned this would set a precedent for allowing the advertisement of private businesses on Waterfront Trust land. Joe Brown moved to allow the activity for a one-year trial based on the submission of a permit request and compensation of \$150 plus improvements to the dirt surface. Cliff Goudey seconded the motion. The motion was unanimously approved.

Sue Ferlazzo, president of the Newburyport Garden Club, asked about a possible location in the park for a tree that the club would like to plant in honor of Maureen Ledwell. She said the club has a budget of \$75. Cliff Goudey said the Trust would be able to add to that amount. Ms. Ferlazzo suggested the Trust might contribute a plaque for the tree, which is something the Garden Club does not do. Joe Brown said she should coordinate her efforts with Charlie Nichols.

Dominique Deere spoke about plans for a gam to be held either in August or September. More details for the event would be available by the next meeting. She asked that the fee be waived. Cliff Goudey moved to approve the activity and waive the fee. Joyce Enderle seconded the motion. The motion was unanimously approved.

7. SDAH Lease

Joe Brown summarized a meeting with Peter Kelly about the payment of the SDAH rent. The group is \$2,350 behind on the rent for the current year's contract. This amount will be repaid with interest over the next three years. The current contract went into effect in April 2010 but the agreement was not signed until November 2010. The SDAH would like to park off of Merrimack Street while delivering items to the Firehouse. The Trust had decided to install bollards in the area to prevent parking. Charlie Nichols said the DPS would instead install curbing. Cliff Goudey said the parking would present a hazard to pedestrians and is not an attractive use of WFT land. He moved that the SDAH be notified that the activity would not be allowed. Joe Brown seconded the motion. The motion was unanimously approved.

8. Agreement with Atlantic Fuel

Cliff Goudey signed an agreement that allows the fueling to continue. He said the Trust does not have a contract with the Atlantic Fuel; the agreement is similar to a park use application. Joe Brown said that at the November 1, 2010 meeting a motion was passed that required the Trust to approve all future contracts. He would like the contract to be terminated because Cliff Goudey was not authorized to enter into the agreement. Doug Locy said he spoke with Paul Hogg about fueling at the Fish Pier. Cliff Goudey said the Harbor Commission has not established a protocol to allow for fueling at the Fish Pier and George Hilton cannot fuel at that location. Bill Harris said insurance is needed for the fueling to take place across the boardwalk. Doug Locy said the Trust must be protected against spills. Joe Brown said the items required in the letter from Chief Cutter should be received before the next meeting or the agreement should be revoked.

9. Somerby's Landing

One plant that was transplanted is not doing well but is not covered under a guarantee. The design for the bump outs will be handled as an enhanced proposal from ND Landscape. Charlie Nichols said next year the company should bill separately for Somerby's Landing and the bank beds. He was unhappy to see the DPS poured concrete for the footing for the parking machine, removing the bricks that had been placed there. Cliff Goudey said the landscaping around the elk should be done, along with the plantings in the bump outs. The landscaping under the kiosk will not be done at this time. Joe Brown said the Rosa rugosa cost \$100 per plant, which he thinks is high, and some are not doing well. He said the landscaping work when combined would exceed the \$25,000 threshold for awarding the contract. Doug Locy moved to approve the work in the elk bed for \$805 and the plantings in the bump outs for \$815. Joyce Enderle seconded the motion. The motion was unanimously approved.

10. Ticket Booth Location

Cliff Goudey said the boat owners want the ticket booth to be parallel to the boardwalk and they will not be happy if they are asked to move it. Doug Locy said he recalls the Trustees decided the booth should be perpendicular to the boardwalk. He said there must not be unilateral changes to decisions made by the Trustees. Joe Brown said provision #5 of the lease with the Yankee Clipper states the location of the booth may change at the discretion of the permitter. Doug Locy said an extension cord is still being used and the boat owners had agreed to provide a more permanent solution. Joyce Enderle moved that the boat owners be put on notice that location of the ticket booth shall be placed perpendicular to the boardwalk and an underground conduit in compliance with the City building code shall be installed between the end of the contract on October 15 and the beginning of winter. Doug Locy seconded the motion. The motion was approved with Joe Brown voting in opposition.

11. Yankee Clipper Contract

Joe Brown said the contract for the Yankee Clipper was made with someone other than Bill Taplin. He said this was not discussed at a meeting. Doug Locy said Cliff Goudey does not have the authority to agree to the change without the approval of the board. Joe Brown moved to approve the contract as signed. Doug Locy seconded the motion. The motion was approved with Cliff Goudey abstaining.

12. Brown's Wharf Parking Agreement

Cliff Goudey said it was his understanding that the six spaces at Brown's Wharf were not included in the agreement with the City. He said the Trust has the right to exempt any spaces it wishes from the agreement. It was noted that the parking agreement with the City began on April 16.

13. Other Business

An estimate was received for \$480 for planing the planks on the boardwalk. Doug Locy moved to approve a payment to the Handyman, Inc. for the planing and fastening of at least 20 boards that were identified by Charlie Nichols. Joe Brown seconded the motion. The motion was unanimously approved.

14. Upcoming Meetings

The next meeting of the Waterfront Trust will take place on Monday, July 11.

15. Adjournment

Joe Brown moved to adjourn the meeting at 10:00 p.m. Doug Locy seconded the motion. The motion was unanimously approved.