

Newburyport Waterfront Trust
May 8, 2012
Police Station Conference Room
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 Joe Brown, Catherine Russell, Scott Sutherland, Cliff Goudey and Doug Locy.

3. Minutes

Joe Brown moved to approve the minutes of the March 5 meeting as submitted. Cliff Goudey seconded the motion. The motion was unanimously approved.

4. Applications for Park Use

Newburyport Crab Cake Company

Joe Webster is seeking permission to sell food in Riverside Park. He intends to set up his stand on the brick area by the stainless steel sculpture four days per week. He would set up at 10:00 am to prepare for lunch and break down around 6:00 pm, perhaps later on days when there is increased foot traffic, such as during Yankee Homecoming. He submitted copies of his permits and proof of insurance. He said he would cover the bricks with mats and would not bring in oil. He instead would cook on a small griddle that would be operated by a propane tank. He would offer chowder, crab cakes and lobster rolls, along with desserts and beverages. He intends to set up an 8' x 10' tent with two tables, which would be broken down each evening, but would like to expand to a food truck if the business proves successful. A food truck would take up a parking space. This has not been previously allowed and might result in the loss of parking income for the City. Compensation for the lost space might be required. The agreement with the City is for 63 spaces and there are 65 spaces in the park. The issue will be discussed with Richard Jones.

The Trustees have not all had the opportunity to review the application. The weekly fee that would be charged has not yet been determined. An agreement also must be reached on the hours of operation and the exact location. Cliff Goudey and Joe Brown will work with the applicant, who wishes to be in operation before the next meeting, which is scheduled for June 11. A special meeting will be held to review and approve the plans.

Wedding Refund

Doug Locy moved to issue a refund in the amount of \$200 for a wedding scheduled for May 27. Notification of the cancellation was received more than one month before the wedding was to have taken place. Scott Sutherland seconded the motion. The motion was unanimously approved.

Riverfest

The organizer of the Riverfest would like to hold a raffle at the event but was not in attendance to discuss the proposal. The proceeds would be used for the beautification of the park. The raffle was not a part of the original application, which would have to be amended. More information is needed and the discussion was tabled.

Roots to Wings Yoga

An application was received for a “Roots to Wings” yoga class that would take place each Friday morning from 7:30 to 8:45 between June 1 and August 17. The proceeds from the class would benefit the Pettengill House. The 12 to 15 participants in the class would set up yoga mats on the grass to the west of Not Your Average Joe’s. A certificate of insurance was submitted. According to Charlie Nichols the organizers made sure the area was well picked up after the last year’s classes. Doug Locy moved to approve the application. Joe Brown seconded the motion. The motion was unanimously approved.

5. General Business

EZ Peddler Signage Permit Renewal

The EZ Peddler has applied for a renewal of a signage permit. The use permit allows for one a-frame sign and two bikes to be displayed at the entrance to Riverfront Park. The fee is \$50 a month for three months although the use is permitted throughout the year. If the agreement is extended it should contain a clause that it might be terminated at the time new signage for the area is installed. The Trustees discussed the bikes that the EZ Peddler displays in a parking space in front of the store. Doug Locy said that visibility for the business is important and he does not think the bikes need to be removed. The issue is the proliferation of signs, which detracts from the atmosphere of the park. Letters should be sent to the businesses that display signs that have not been permitted. Doug Locy moved to extend the use permit for the placement of two bikes and an a-frame sign at the entrance of Riverside Park with the clause that the contract might be terminated with a 30-day notice. Catherine Russell seconded the motion. The motion was unanimously approved.

Riverside Park Signage

Jen Wright said she has met with Catherine Russell and Joe Brown and has developed preliminary designs for an identification sign at the entrance of the park, a directory sign for the businesses near Brown’s Wharf and a sign that makes a positive statement about the use of the park and includes a map. Joe Brown said he thinks two additional signs would be needed that are similar to the latter one. One of these would be in Market Landing Park and the other along the boardwalk. They would serve to identify the Trust’s land. He thinks the business should be charged if they are to be listed on the directory signs. Some of the Trustees would like the color of the signs to be changed from blue to forest green. They made comments on the size, location and content of the signs. Work on the design will continue with the goal of developing for the next meeting a package that would be appropriate for submittal to the ZBA.

Mayor's Request for Light Pole Banners

Doug Locy said Mayor Holaday had emailed him requesting permission to install banners on light poles to advertise the Art Walk and the Literary Festival. There was not enough time for the Trustees to vote on the issue. The proposed locations were at the ends of the boardwalk, near the boat ramp and the Custom House walkway, and by the embayment. Doug Locy said two or three of these banners would be appropriate, as they would be installed only for three days at a time and they are not advertising signs. Cliff Goudey said the Trust might consider adding its own decorative banners to the light posts along the boardwalk. The signage committee was asked to make recommendations on the installation of banners at a future meeting.

Waterfront Survey

The location of the boundaries between Trust land and NRA land is unclear. Many of the pins have been lost. Everett Chandler has a plan based on the deed and would be able to reinstall the pins at a cost of \$5,000 - \$6,000. The NRA will be consulted before any work is approved.

Eco Tour Ticket Sales

Bill Taplin asked for permission to sell tickets for his boat at the ticket booth. The lease allows for the advertising of all tour boats at the ticket booth but the sale of tickets is permitted only for the boats berthed at the Transportation Dock. Cliff Goudey moved to allow the sale of tickets for the Eco Tours at the ticket booth for the term of the lease. Doug Locy seconded the motion. The motion was unanimously approved.

6. Manager's Report

Charlie Nichols was not in attendance but submitted a written report.

7. Treasurer's Report

Joe Brown said that on May 1 the Trust's cash balance totaled \$167,800. After that date the first installment of \$7,500 for the second year of the parking agreement was received. He said that at the beginning of April there were no outstanding accounts receivables, which is the first time he could remember this being the case. He said the Trust is in good financial shape. Doug Locy commended him for making sure the payments were received in time.

Cliff Goudey said he received an invoice for the excavation of the berm for the relocation of the ticket booth in the amount of \$1,075. The Trust had voted at a previous meeting to pay half of the cost up to \$600. A check will be issued for \$537.50.

Joe Brown moved to accept a proposal from the Greenskeeper for \$1,025 for the maintenance of the plants in the barrels on the boardwalk between May and October. Joe Doug Locy seconded the motion. The motion was unanimously approved.

An invoice was received from the Handyman, Inc. in the amount of \$1,400.

8. Other Business

Bylaws

Trustees commented on the draft bylaws prepared by Scott Sutherland. It was decided that annual elections would take place at the first meeting in which there are five Trustees, no later than March. Trustees discussed changing the co-chair position to chair and vice chair and using Robert's Rules as a guideline for running meetings. Scott Sutherland will incorporate the comments into the draft and finalize it for the next meeting.

SDAH Lease

Joe Brown moved to accept the regulations for the use of Railroad Avenue as amended. Doug Locy seconded the motion. The motion was unanimously approved. Scott Sutherland will finalize the document and forward it to the SDAH.

Scott Sutherland suggested that the umbrella insurance policy required for the SDAH be reduced to \$1 million. The reduced limit would be in keeping with the City's requirements for other structures. The limit had been raised due to alcohol being served on the patio, but the Trust is named as an additional insured on the Not Your Average Joe's policy. Joe Brown moved to reduce the SDAH umbrella insurance policy from \$5 million to \$1 million. Doug Locy seconded the motion. The motion was unanimously approved.

ND Landscape Contract

Joe Brown said he has received four proposals from ND Landscape for work above the \$17,000 basic contract. The Bank beds had been excluded from the base contract. Doug Locy moved to approve an expenditure for the storage of backflow meter, its reinstallation at the rate of \$75 per hour and \$500 for each Bank bed. Joe Brown seconded the motion. The motion was unanimously approved.

Doug Locy moved to approve a proposal for \$862 for the weeding and mulching of the Rosa rugosa beds near the Harbormaster's shack. Cliff Goudey seconded the motion. The motion was unanimously approved.

Doug Locy moved to approval a proposal for \$2,283.53 for the creation of a planting bed in the area where the trees were removed to mirror the beds in which the burning bushes are growing. Joe Brown seconded the motion. The motion was unanimously approved.

Doug Locy moved to approve a proposal for \$8,000 for the fall pruning of the bottlebrushes along the walkway at Somerby's Way and the planting of the ten barren areas adjacent to the walkway. Joe Brown seconded the motion. The location of the property line in this area is not known. Some of the beds might be on NRA property. The NRA will be consulted before the work begins and ND Landscape will be asked to provide a planting plan. The motion was unanimously approved.

Leaf Blowers

Cliff Goudey said he is concerned about the noise and emissions from the use of leaf blowers in the park. Joe Brown moved to authorize the chair to contact ND Landscape to

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determine if the elimination of leaf blowers would result in increased charges or reduced services. Cliff Goudey seconded the motion. The motion was unanimously approved.

Bookkeeping Fee

Scott Sutherland moved to approve a payment to the accounting firm in the amount of \$900 for the preparation of the fiscal year-end tax report and the non-profit corporation report for the Office of the Attorney General. Cliff Goudey seconded the motion. The motion was unanimously approved.

Preservation Week

Joe Brown said he has been asked to speak during Preservation Week about the past, present and future of the waterfront. He plans to state that he is speaking as an individual and not representing the views of the Trust. He said he would like this to be a policy. The Trust has not taken a position on the development of the waterfront and the consensus among the Trustees might not be reached.

9. Adjournment

Joe Brown moved to adjourn the meeting at 10:35 p.m. Doug Locy seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust is scheduled for June 11.