

Newburyport Waterfront Trust
January 9, 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 and Manager Charlie Nichols.

3. Discussions with Guests

• Boat Camp

Kate Yeomans said children who participant in the Boat Camp occasionally use the park to play games and she questioned why they were asked to leave the park in November. Charlie Nichols said they had been asked to move to a different part of the park and not play directly in front of the stage, as this is the most heavily used area and it is difficult to keep the grass growing there. He said he would like the area between the walkway and the stage to be open for general use and for groups such as the Boat Camp or the Montessori schools to use the side areas and the area between the walkway and the restaurant. Joe Brown explained that the lawn had been recently seeded and time was needed for the grass to become established. The “keep off” signs that would put up after the lawn had been seeded were removed after the October snowstorm. Due to the warm weather the use of the park has continued longer than expected. Cliff Goudey said the signs should be placed within 20 feet of the stage and not in the entire area between the walkway and the stage. Doug Locy said the Montessori schools have been asked to keep the students off of the grass while the seed is becoming established. It was agreed that the occasional use of the park by the Boat Camp would not require that an application for a use permit be submitted.

• Ownership of the Prince of Whales

Doug Locy said he received a response about the ownership of the *Prince of Whales* and a copy of the certificate of insurance. The owner is Newburyport Whale Watch, LLC and the existing agreement will be revised to reflect this. The agreement had previously been under the name of George Hilton. Scott Sutherland said the document should include the name of an authorized agent of the company. The Trust previously did not have leasing authority. As it now does, clause #26 of the agreement will be deleted and the agreement will be re-issued as a lease rather than a permit. Permits are intended for transient and occasional use. The remaining period of the agreement will be two years.

• Ticket Booth Orientation

Doug Locy said that while the Trustees had voted the ticket booth must be moved to be perpendicular to the boardwalk, some tree limbs would have to be cut to accommodate it and he would like them to reconsider the decision. George Hilton said that two Trustees

said it was acceptable for the ticket booth to face the waterfront. Doug Locy said he had been a party to the conversation and this was not his understanding of the discussion. In any event, such a decision could not be binding without a vote of the Trustees. Joe Brown said the Trustees voted two times that the ticket booth must be turned so that it is perpendicular to river and the wiring issue must be resolved. Doug Locy said that the structure would be an issue whether it is placed parallel or perpendicular to the boardwalk, as it blocks views of the water. The ticket booth creates less of an impact when it is perpendicular to the water, but he would like it off of the boardwalk altogether. He said his main concern is with the wiring. An extension cord runs to the booth. Cliff Goudey said he thinks a conduit should be buried. George Hilton said he would like the ticket booth to be opposite the boats and asked if it could be placed in the berm so that it does not take up space on the boardwalk. He said there would be an expense to moving it into the berm, so he wants there to be an agreement that he would not be asked to move it again once it has been located there or be asked to cover the cost of replacing the berm when the booth is removed. A provision must be made for the preservation of the granite blocks. Joe Brown said the change must be incorporated into the agreements with the other boats operators who share the ticket booth. Cliff Goudey moved to allow the cooperative ticket booth run by the boat operators be recessed into berm so it is flush with granite and off of the boardwalk provided that 1) the three leases are amended to reflect the change, 2) a plan showing the new location is approved by the Trustees, 3) the booth is wired and 4) the move is completed before the next season begins. Joe Brown seconded the motion. The motion was unanimously approved.

• **Fueling**

Doug Locy said there has been a concern about the provision of fuel at the Transportation Dock and some parties think this would be better done at the Fish Pier. Cliff Goudey said he thinks the fueling has gone smoothly and has provided income for the Trust. He does not think the *Prince of Whales* would be allowed to fuel at the Fish Pier because it does not have commercial fishing license. George Hilton said he does not understand why the Trust would want to take away the opportunity for the boats to obtain fuel. Joe Brown responded that the Trust maintains a park with a boardwalk and users must step over the hose. He also said the Fish Pier was designed with catch basins to handle fuel spills. Doug Locy said he is concerned about the possibility of a spill and the fuel could be better contained at the Fish Pier. George Hilton said the company has insurance. Cliff Goudey said a spill could happen at either location, but the regulations are designed to prevent such an occurrence. He also pointed out that the likely location for a spill would be on the boat where the fueling is taking place and therefore the alleged advantage of the fish pier is irrelevant. He said he thinks there should be more than one location for the boats to obtain fuel and he has consistently encouraged the Harbor Commission to implement a fueling plan at the Fish Pier following the procedures taken by the Trust back in 2008. George Hilton said the length of the *Prince of Whales* and current would prevent the boat from fueling at the Fish Pier at any time other than a very high tide. Doug Locy said he would confirm that Jim Ford would be agreeable to obtaining fuel at the Fish Pier. He said if there were no other solutions, the Trust might agree to allow only the *Prince of Whales* to continue to fuel at the Transportation Dock. Joe Brown said

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Doug Locy circulated a letter from 2009 about the fueling but there was nothing in the minutes reflecting a vote had taken place. Cliff Goudey said the Trust had a procedure in place and it was being followed. Joe Brown said the Trust had not voted and, as the matter is not urgent, it should be determined if the Harbor Commission wished to take over the provision of fuel. George Hilton said he does not want to wait for the issue to be resolved because he wants to be able to contract for a fuel price. He wants to be given at least one more season before having to make other arrangements. Cliff Goudey said the only objection he has heard to the fueling taking place at the Transportation Dock is the hose runs over the boardwalk for half an hour early in the morning. Doug Locy said the Trust might vote to allow the only the *Prince of Whales* to fuel at the Transportation Dock for this season. It would be an agreement that would be in place for one year, not the term of the lease, and the issue would be addressed next year. George Hilton asked why the matter would be revisited next year. Cliff Goudey said there have not been any problems with the fueling and the contracts are for three-year terms in order to help the owners be successful in bad times and he does not want them to have to jump over another hurdle. Joe Brown asked if the NRA approves of the fuel truck using the parking lot. He said the Harbor Commission and the Harbormaster might be able find a solution over the summer and he would not want the Trust locked into a longer period. Doug Locy said he would like a year in order to evaluate ways to make the fueling safer. Cliff Goudey asked what would happen if a vote to allow for one year only the *Prince of Whales* to fuel at the Transportation Dock did not pass. Doug Locy said no fueling would be allowed at all. Joe Brown asked that the fee of \$.05 per gallon be included in the motion. Scott Sutherland said a good faith effort should be made to find an alternative solution for fueling the *Prince of Whales* for the following year. Doug Locy moved to modify the lease agreement to reflect that the *Prince of Whales* only will be allowed to fuel at the Transportation Dock for one year for a fee of \$.05 per gallon with an option to renew for another year. Catherine Russell seconded the motion. The motion was approved with Cliff Goudey voting in opposition.

• **Signage**

Jen Wright said she would design a directory sign for the entrance of Riverside Park if the Trustees wish to pursue the matter. She said the logo might be redesigned, but Cliff Goudey said he likes the current logo and it has been used by the Trust for 15 years. Joe Brown said this might be an opportunity to design a central signage system for the park and he thinks an identifying sign might be appropriate for the entrance. He also said he would like to know how to address the issue of A-frame signs, which he does not like. Doug Locy moved to form a subcommittee with Catherine Russell and Joe Brown as members to work with Jen Wright to develop a signage proposal. Cliff Goudey seconded the motion. The motion was unanimously approved.

Bill Taplin said he has an existing 18" x 4" sign for the Ecotours. He would like to install a larger sign in the same location. The dimensions of the proposed sign would be 18" x 16". Two existing signs for other boats are approximately 18" x 24" in size. Joe Brown said the Trust should have a policy on non-tenant signage and signs should not be installed in a piecemeal manner. He said Mr. Taplin has a boat berthed at the Black Cow

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and this would set a precedent for allowing signage for other non-tenants. Doug Locy said the boat would be at the Transportation Dock if there were room and the Trust should encourage boat traffic. He moved to issue a one-year use permit and to waive the fee pending the approval of the design of the sign. Cliff Goudey seconded the motion. The motion was unanimously approved.

4. Minutes

Cliff Goudey moved to approve the minutes of the December 5, 2011 meeting as amended. Joe Brown seconded the motion. The motion was approved with Scott Sutherland abstaining.

5. Manager's Report

Charlie Nichols reported that:

- he received a bill for \$28 for the repair of the flag.
- the DPS removed four trees and trimmed other small ones. It is possible that a fifth tree that was to be removed will survive. The stumps were ground for \$275. ND Landscape removed the chips from the holes, filled them with loam and seeded the areas. Joe Brown moved to approve payments of \$28 for the repair of the flag, \$275 for the grinding of the stumps and \$375 to ND Landscape. Doug Locy seconded the motion. The motion was unanimously approved.
- he approached the Newburyport Five and the Institution for Savings about repairing the flagpole. The Yankee Steeple Company gave an estimate of \$9,100 for the work. The quote includes applying gold leaf to the eagle, banding the pole, installing a new lanyard and repairing the pulley. The cost of the job without the gold leaf would be \$6,300. Cliff Goudey suggested that, as the flagpole is a ship's spar, it might be sent to Essex or Lowell's Boat Shop. Scott Sutherland offered to assist with
- The DPS cut the Rosa rugosa to the ground. This should be done every five to six years. Joe Brown said they are out of control at east end of berm and near the Matthews memorial. He would like ND Landscape to provide a quote from ND Landscape to cut all of the Rosa rugosa, with the exception of that near the Harbormaster's shack, to be cut down to six inches.
- he will need an employee sticker in order to park in the lot after the current sticker expires.
- the photocells on lights must be cleaned and one on Somerby's Way is defective.
- the Not Your Average Joe's employees continue to discard cigarette butts on Railroad Avenue. The manager has been asked several times to address the issue. He picks them up when the issue is brought to his attention.
- it is not known how the new grease trap at Not Your Average Joe's will be emptied. It is possible that a grease truck might have to access the building via Railroad Avenue. Doug Locy will contact the corporate office.
- there is a new electrical box on the side of the Firehouse which he would like to paint green.
- he would like to hire the Handyman, Inc. to repair the light poles near the stage and along the paths in the park where the glass has been blown in. The work should take three to four hours.

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- the Handyman, Inc. will no longer plane the planks on the boardwalks and would like longer screws to be installed. Joe Brown suggested an engineer be hired to diagnose the problem and propose a solution. Geordie Vining will be asked if this is something the City Engineer might be able to do.
- he would like the DPS to mulch the beds on Somerby's Way next season instead of ND Landscape. Joe Brown moved to extend the contract for ND Landscape, Inc. for the base amount only of \$17,730. Doug Locy seconded the motion. The motion was approved with Scott Sutherland abstaining.
- the DPS filled the potholes in Riverside Park.
- children from the Montessori School have continued to play in the park although he requested them not to due to the unusual weather. The roots are fragile and he will reseed by hand in the spring.

6. Treasurer's Report

Doug Locy reported Fred and Stephanie Hufnagel donated \$1,500 to the Sexton Fund. Joe Brown moved to accept the \$1,500 donation. Doug Locy seconded the motion. The motion was unanimously approved.

The winter leases have been signed. Captains Ford and Connors have paid, while Captains Hold and Germinara have outstanding bills. Certificates of insurance have been received from everyone except Captain Connors.

The SDAH has not yet paid the rent that was due January 1.

7. Applications for Park Use

Three applications have been received for weddings. Two are in order but the third is scheduled for the first Saturday of Yankee Homecoming. The check will be held until the chair of Yankee Homecoming has been consulted.

Joe Brown moved to approve an application from the Chamber of Commerce for the Riverfront Festival on July 7-8. Doug Locy seconded the motion. The motion was unanimously approved. The Chamber will pay a fee of \$1,800. Joe Brown said the group should also submit applications for its Memorial Day weekend and Columbus Day weekend festivals. The *Bounty* is scheduled to be in port on July 13-16. As this is a City event, the fee will be waived.

8. Old Business

• Sculpture Park Update

Cliff Goudey said Geordie Vining told him there are new sculptures to be installed. Joe Brown asked if the park policy agreement had been signed. The Trustees do not judge the quality of the artwork, but must approve it for size and location.

• Bylaws

Scott Sutherland volunteered to prepare draft bylaws. Bill Harris will provide him with samples. The bylaws would complement the declaration and define the way in which the

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Trust conducts its business. Joe Brown would like to elect officers at the next meeting and said this should be done annually. The bylaws would set the terms of the officers. The issue will be discussed further at the next meeting.

• **Subcommittees**

Doug Locy said he spoke with representatives of the Harbor Commission and the SDAH about meeting for the informal discussion of common issues a couple of times per year. Scott Sutherland offered to work with the SDAH along with Catherine Russell. Joe Brown and Doug Locy will meet with the Harbor Commission. Catherine Russell has been attending the NRA meetings and Cliff Goudey said he sometimes meets with James Shanley.

• **Bench Plaques**

Scott Sutherland volunteered to coordinate the ordering and installation of bench plaques.

• **Landscaping Plan**

The vice president of the radio station said he would purchase a tree for the park if the one that blocks the view of the stage from the balcony were to be removed. The Trustees will consider the type of tree that should be installed.

9. Adjournment

Joe Brown moved to adjourn the meeting at 10:15 p.m. Doug Locy seconded the motion. The motion was unanimously approved.

A add in Section 3 Fueling after 3rd to last sentence endingfor the following year. "The Captain of the Prince of Whales agreed to work with the Harbormaster in the Spring of 2012 to determine if it is possible to provide a safe docking arrangement at the Fish Pier for the Whale Watching Boat"

B and in Managers Report 3rd bullet delete last two sentences and replace with "The flag pole is in fact a Mast from thr Fishing Schnoor Gertrude L. Thebaud an as such is of signifigant historic value .Scott agreed to work with Charlie to determine if it can be restored. It was suggested that Lowells Boat shop an possibly the boat yards in Essex where the boat was built could be contacted"