

Newburyport Waterfront Trust
September 9, 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.

3. Minutes

Si Morrill moved to approve the minutes of the August 5, 2013 meeting as submitted. Doug Locy seconded the motion. The motion was unanimously approved.

Si Morrill moved to approve the minutes of the August 26, 2013 meeting as amended. Jody Fraser seconded the motion. The motion was unanimously approved.

4. Bulkhead Project Update

Geordie Vining reported that the bulkhead repair project is ready to be put out to bid. A pre-bid meeting is scheduled for September 19. The project is expected to be substantially complete by May, which will allow the tour boats to be on the docks by May 1. Arrangements for docking the *Lisa Ann II* until the beginning of the year will have to be made.

5. Park Use Applications

The Newburyport High School Class of 2014 would like to hold a breakfast on the October 19 to raise funds for the prom and senior week activities. A buffet would be located on the stage and tables placed in the park. A Trust policy prohibits the sale of food in the park. The Trustees were concerned that tables and chairs would damage the lawn. In addition it is likely that a permit to prepare food would be needed from the Board of Health. It was suggested that the group contact Not Your Average Joe's. The restaurant might be willing to cook the food and serve it on the patio. The Park Committee will work with the group.

6. Treasurer's Report

Joe Brown reported that a \$2,000 donation was received from Natalea Brown. Expenses totaled \$29,191, which included the \$25,000 committed to the bulkhead repair project, leaving an account balance of \$172,723.

The Handyman, Inc. has submitted an invoice in the amount of \$1,168.75 for the repair of planks on the east end of the boardwalk. This portion of the boardwalk is on NRA property. Joe Brown moved to pay the invoice and discuss later in the meeting how best

to approach the NRA about reimbursement. Si Morrill seconded the motion. The motion was unanimously approved.

7. Yankee Homecoming Monument Relocation

Ralph Ayers has indicated he would be willing to pay for the cost of moving the Yankee Homecoming monument from Waterfront Park to the Bartlet Mall, where the opening ceremonies for the event are now held. Joe Brown moved to inform Ralph Ayers that the Trust is interested in the relocation of the monument. Jody Fraser seconded the motion. The motion was unanimously approved.

8. NRA Subcommittee Meeting

Somerby's Way, which is 70% on NRA property, is to be conveyed to the Trust. The NRA wishes to delay the conveyance in order that it might use the land for open space credit for its development. Doug Locy said the Trust spent \$8,000 last year on improvements to the Way before the survey revealed the Trust does not own the property. He said the NRA has agreed in principle to share the cost of maintenance. Joe Brown pointed out the NRA agreed to pay 50% of a recent bill for mulch but has not yet done so. The NRA should convey the land to the Trust or be responsible for the cost of its maintenance. Doug Locy said he would like the Trust to control the entire area, as some sections could be better maintained. Items for which the NRA might be approached for partial reimbursement include the spraying for winter moths and the application of mulch, wetting agent and fungicide. Everett Chandler might be asked to help calculate the amount of NRA land that the Trust has been maintaining to determine the percentage of the landscaping cost that might be the responsibility of the NRA. Si Morrill moved to authorize Doug Locy to work with Everett Chandler and to discuss how best to approach the NRA at the next meeting. Joe Brown seconded the motion. The motion was unanimously approved. Doug Locy will notify NTA chair Tom Salemi about the vote.

The dumpster used by Not Your Average Joe's is location partially on Trust property. The NRA collects rent from the restaurant each month for the use of the space. The NRA agreed to rewrite the agreement with the restaurant so that equal amounts would be paid to both groups but has not yet done so. The Trustees decided it would be preferable for the dumpster to be removed from the Trust property altogether. Joe Brown moved to inform the NRA that the dumpster is to be removed from Trust property and the Trust will not seek compensation for past rent if action is taken within 90 days. Scott Sutherland seconded the motion. The motion was unanimously approved.

Joe Brown moved to send a letter to the NRA requesting the AUL be removed from the Trust property before the survey is recorded. Jody Fraser seconded the motion. The motion was unanimously approved. Doug Locy will work with Bill Harris to draft the letter.

Joe Brown said the agreement between the Trust and the NRA was for the survey of the boundary lines between their properties. That work has been completed but the NRA has delayed the completion of the survey by adding to the scope. Joe Brown moved to request

that the NRA complete the work on the survey within 60 days. Si Morrill said that the Trust is making an effort to work cooperatively with the NRA and it would be better not to demand a 90-day time limit. Joe Brown withdrew his motion. Si Morrill moved to send a letter to the NRA requesting the survey be completed within 60 days if possible. Jody Fraser seconded the motion. The motion was approved by a four to one vote with Doug Locy voting in opposition. Doug Locy said he would convey the request to the NRA. Joe Brown said he would like the request to be made in writing.

9. Parking Committee Update

Doug Locy said he attended a meeting called by the Mayor with Lisa Mead, Richard Jones and David Murphy about a proposed one-hour time limit for some parking spaces in Riverside Park. Joe Brown commented that the parking regulations have not been adequately enforced. The needs of those using the park and boats are the primary concern of the Trustees, as is dictated by the mandate. Doug Locy moved to retain only the 15-minute parking space by the water and develop a plan to be reviewed by the Trust for the implementation of six one-hour spaces that are located proportionally throughout the park. Scott Sutherland seconded the motion. The motion was approved by a four to one vote with Joe Brown voting in opposition.

10. Park Manager Position

Doug Locy introduced Edith Heyck, who will replace Charlie Nichols as Park Manager. Si Morrill moved to extend the agreement with Charlie Nichols by one month to assist with the shut down of the park at the end of the season. Jody Fraser seconded the motion. The motion was unanimously approved.

11. Park Manager's Report

Si Morrill said he learned the backflow prevented must be removed and installed by licensed plumber. The work has previously been done by the irrigation company, which does not have a licensed plumber on staff. The DPS will store the backflow preventer when it has been removed.

Si Morrill said ND Landscape has been asked to replace plant materials in the bank beds that were damaged during Yankee Homecoming. He recommended that the work be done and a decision about how to handle the bill be made after it has been received. It was agreed that the Yankee Homecoming Committee should be responsible for the replacement cost, not the banks.

12. Slacklining

The problem with slacklining in the park continues. Efforts to relocate the activity to a different section of the park have been unsuccessful. Bill Harris said this might create a liability for the Trust and recommended the Trust be added to the City's insurance policy. He said a slacklining club might be created. The members of the club could purchase a medical policy and sign a liability waiver for the Trust. Scott Sutherland suggested that signage be installed that indicates the activity is prohibited. The police could then be asked to enforce the policy.

13. Insurance

A Directors and Officers Liability Insurance policy should be obtained before work on the bulkhead begins.

14. Parking Signage

Scott Sutherland said signage regarding paid parking is lacking in the area of Riverside Park by the former Davis Automotive building. He moved that the Trust permit the installation of two “Pay at the Kiosk” signs in front of the building now owned by Joe Leone. Si Morrill seconded the motion. The motion was unanimously approved.

15. Adjournment

Joe Brown moved to adjourn the meeting at 9:40 p.m. Jody Fraser seconded the motion. The motion was unanimously approved.