

**Newburyport Waterfront Trust**  
November 4, 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 7:03 p.m.

**2. Roll Call**

In attendance were members Doug Locy, Jody Fraser, Joe Brown, Si Morrill and Scott Sutherland.

**3. Minutes**

Joe Brown moved to approve the minutes of the October 7, 2013 meeting as submitted. Scott Sutherland seconded the motion. The motion was unanimously approved.

**4. Treasurer's Report**

Joe Brown said income was received in the amount of \$10,305, which includes a \$1,500 donation from the Beanpot Broadcasting Corp. for the Riverfront Festival. Expenses totaled \$6,312, leaving an account balance of \$168,883. No accounts receivable are due.

Scott Sutherland moved to collectively approve the payment of invoices from International Bronze in the amount of \$405 for three bench plaques; the Greenskeeper in the amount of \$70 for the monthly maintenance of the flowers; ND Landscape in the amount of \$1,707.56 for the bank beds and Fritz DeGuglielmo in the amount of \$712.50 for accounting services for the months of July, August, September and October. The work on the bank beds included damage done during Yankee Homecoming. Joe Brown will send a bill in the amount of approximately \$500 to the Yankee Homecoming Committee. Si Morrill seconded the motion. The motion was unanimously approved.

Si Morrill moved to approve payments to Edith Heyck in the amount of \$25 for flag repair and Scott Sutherland in the amount of \$8.75 for the registered letters for the winter leases. Jody Fraser seconded the motion. The motion was unanimously approved.

Doug Locy moved to approve the payment of an invoice from the Handyman, Inc. that included \$1,280 for lighting work and \$151.25 for the repair of planks on the boardwalk near the Harbormaster's shack subject to confirmation from Si Morrill that the planks are on Trust property and the work is an addition to that previously approved. Jody Fraser seconded the motion. The motion was unanimously approved.

Doug Locy will take responsibility for the duties of the treasurer for six weeks while Joe Brown is unavailable.

### **5. Chair's Report**

Doug Locy reported:

- the meeting schedule for 2014 has been posted on the website.
- he will meet with Andy Port or Geordie Vining on a regular basis before the Trust meetings.
- he received an email from Bob Uhlig about the use of Adirondack chairs in Waterfront Park. While the chairs are attractive their use in the park would be problematic.

### **6. Parks Committee Report**

Edith Heyck submitted a written report. The irrigation system was blown out for the winter. The meter and back flow preventer have been insulated and will remain in place for the winter.

Si Morrill said he and Jody Fraser have meet with principals from ND Landscape to review the contract in anticipation of it being put out to bid. The present contract is detailed and should be simplified in a way that does not remove its basic requirements. The draft contract will be presented for approval at the December 2 meeting. Alternative services that are not a part of the base contract will be listed in order that estimates of their costs might be obtained. Joe Brown commented that the maintenance of the NRA property be added an alternate with that group's approval.

Si Morrill said that while the water-saving program worked well for the lawn, it was detrimental to other plant materials. ND Landscape has been asked to divide the irrigation system in order that the water-saving program might be applied to the lawn only.

Joe Brown commented that the DPS did a good job pruning the Rosa rugosa and the new bulbs in the fixtures on the boardwalk are an improvement.

### **7. Paid Parking**

Scott Sutherland said he and Richard Jones have met about the enforcement of parking regulations in Riverside Park. The current signage should be replaced to more clearly indicate that stickers are not valid in the lot. The new signs, which would have a blue background with white lettering, would indicate that permit holders must pay a fee. Joe Brown commented he would like the number of signs in the park to be reduced. Si Morrill moved to the revised signage design. Jody Fraser seconded the motion. The motion was unanimously approved.

### **8. Waterfront Committee Report**

Scott Sutherland reported the repairs to the bulkhead are set to begin. Captain Ford will tie up to the bulkhead on the east side of the embayment, rather than the usual west side, until the beginning of January due to the work. Captains Connors and Holt will tie up in the embayment for the winter. Captain Holt is insured for \$300,000, not the \$1 million required by the lease agreement. When asked to increase the coverage, he said that \$300,000 is the limit provided by his insurer. Joe Brown moved to allow Captain Holt to

remain in the embayment for this winter with a \$300,000 insurance policy. Jody Fraser seconded the motion. The motion was unanimously approved. The Trustees will discuss at a future date if the \$1 million insurance requirement is to remain in effect and will do so in a time frame that will give Captain Holt the ability to make other arrangements if necessary.

Scott Sutherland said the proposal agreed upon at the November meeting was forwarded to the Harbor Commission but a discussion with the group has not yet taken place. A joint subcommittee meeting is scheduled for November 19. The Waterfront Committee sent a letter to 13 entities that might be interested in introducing other activities to the waterfront. The only response received was from Joe Grady, who operates deep-sea fishing charters in Salisbury. Joe Brown said the charter fishing boat would bring increased activity to the waterfront and would be beneficial to the city. No decisions will be made without the approval of the Trustees and further discussions with the Harbor Commission.

#### **9. Parking Lease Amendment**

Joe Brown moved to approve the parking lease amendment. Scott Sutherland seconded the motion. The motion was unanimously approved.

#### **10. Parking Lease Letter**

Joe Brown drafted a letter to Richard Jones about the parking lease that would be effective beginning April 1, 2014. The letter recommends that rates be increased to reflect full market value, hours be extended and enforcement be improved. It was also suggested that the traffic signals at entrance to Riverside Park be improved and the City provide assistance with engineering services for the redesign of the lot. Doug Locy said he would not approve the document as written. He reviewed his recommended changes and will amend the letter for approval at the December 2 meeting.

#### **11. NRA Open Issues**

Doug Locy said approximately 20% of Market Landing Park is owned by the NRA. He said the group appears to be agreeable to being responsible for its share of the maintenance costs. An agreement to this effect should be incorporated into the landscape contract that is to be negotiated shortly. He said the NRA should also share the cost of the park manager. The ownership of the berm is divided between the Trust and the NRA. It might be desirable to have the berm included in the contract and the maintenance costs shared. Joe Brown recommended that the maintenance of the NRA land be handled as an alternate in the contract in order that it might be renewed annually. The Trust would enter into a written agreement with the NRA to be reimbursed for a percentage of the costs. Si Morrill said it is logical for the Trust to be responsible for the maintenance of the entire park provided the NRA agrees to share the cost.

Joe Brown said the Trust received an invoice in the amount of \$600 for the spring mulching of Somerby's Landing, 70% of which is owned by the NRA. He said the NRA should therefore reimburse the Trust the amount of \$432. He suggested the NRA be billed for 20% of the \$1,750 charged for the watering of the grass and 20% of the \$720

charged for fungicide. He calculated the NRA owes the Trust \$1,758 for a portion of the ND Landscape base contract and \$333 for work on the trees. The outstanding items total \$3,023. He will forward an itemized bill to Doug Locy in order that he might present it in person to the NRA with a cover letter. If the NRA does not take action, the maintenance of the portion of the land owned by the NRA will be excluded from the landscape contract. If the NRA is to be included in the contract, an agreement must be reached within 30 days about the percentage of future expenses for which it will be responsible. The goal of the Park Committee is to send the landscape contract out to bid shortly after the December 2 meeting.

### **12. Boundary Survey**

A few small items must be resolved before the survey is recorded. Joe Brown asked that granite markers be placed in six locations. Si Morrill moved to approve the installation of granite markers at the cost of \$300 per marker in the recommended locations. Jody Fraser seconded the motion. The motion was unanimously approved. Everett Chandler has agreed to mark the pins that cannot easily be found in the spring.

### **13. Dumpster Relocation**

Doug Locy said he met with three fence companies about a new enclosure for the dumpster. He also met with James Shanley in the field and reached an agreement about the new location of the dumpster. The size and height of the enclosure is to be reduced. Doug Locy moved that the Waterfront Trust agree to the relocation of the dumpster and its enclosure, to waive its claim to \$3,000 past rent and to bear the cost of the landscaping of the entire area vacated by the existing dumpster enclosure with the conditions that the NRA agrees to pay all of the cost of the new enclosure and the disposal of the old enclosure. Si Morrill seconded the motion. The motion was approved with Joe Brown abstaining.

### **14. Other Business**

Si Morrill said three bench plaques are on order. One honoring Charlie Nichols will be installed on Railroad Avenue.

Doug Locy will draft a letter that informs the NRA the Trust intends to file a complaint with DEP unless the AUL is removed from Trust land by January 1, 2014.

### **15. Adjournment**

Jody Fraser moved to adjourn the meeting at 9:30 p.m. Si Morrill seconded the motion. The motion was unanimously approved.