

Newburyport Waterfront Trust
December 2, 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, Si Morrill and Scott Sutherland.

3. Minutes

Scott Sutherland moved to approve the minutes of the November 4, 2013 meeting as amended. Si Morrill seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

Doug Locy reported the account balance is \$174,623. Checks were received in the amounts of \$1,708 for the bank beds and \$1,709 from the NRA for reimbursement for work done by the Handyman, Inc. Invoices were received from ND Landscaping in the amount of \$2,532.86 for monthly maintenance and \$1707.56 for the maintenance of the bank beds and from Design Consultants in the amount of \$1,800 for granite boundary markers. Si Morrill moved to approve the treasurer's report. Jody Fraser seconded the motion. The motion was unanimously approved.

5. Park Use Applications

Doug Locy said no new applications have been received. Scott Sutherland said the calendar on the website is current. Si Morrill said he and Jody Fraser intend to update the park use application and review the fee schedule.

6. Chair's Report

Doug Locy reported that:

- he sent a letter the Mass Dept. of Transportation indicating the Trust's approval of the Clipper City Rail Trail crossing Custom House Way.
- the Waterfront Trust property is within the boundaries of a proposed cultural district, the status of which will be discussed at a meeting tonight.
- he has completed and submitted the applications for directors and officers liability insurance.

7. Park Committee Report

Jody Fraser reported that:

- the fall cleanup has been completed.
- Rich Banks will be contacted about providing a new flag.
- the two trash barrels that had been removed from the top of park might be replaced.

- three plaques have been ordered and should be received around December 18. An additional plaque request has been received. A map showing the locations of the plaques will be posted on the website.
- the monthly park report will be posted on the website.

8. 2014 Landscape Contract

Si Morrill said he sent the draft landscape contract to James Shanley, who forwarded it to Carol Powers for review. He said the contract has been made less complicated by the addition of a map that indicates the locations of each element in the contract. He will work with Bill Harris and Carol Powers on a review of the language in the contract to be certain both the Trust and NRA are protected from liability. Scott Sutherland reviewed his recommended changes to the contract. He suggested the contract be amended so that payments are not made before the work has been performed. With this change there would be eight payments rather than seven, with the last payment being made on December 1 for work in November. He also suggested the language be amended to indicate leaves shall be taken off of the premises. The bank beds will not be a part of the base contract but rather will be priced and invoiced separately. Si Morrill will amend the draft contract and schedule a meeting with Bill Harris and Carol Powers. The final draft will be completed for approval at the January meeting.

9. Waterfront Committee Report

Scott Sutherland said two joint subcommittee meetings with the Harbor Commission have taken place. He said the Trust had previously decided that it would be desirable to have a more formal agreement with the Harbor Commission about the management of the waterfront. A draft lease between the Trust, Harbor Commission and Harbormaster was approved by the Trustees at their October meeting and was forwarded to the Harbor Commission for review.

At the July joint subcommittee meeting the subject of bringing new users to the docks was discussed. Letters were sent to several entities that might be interested in introducing other activities to the waterfront. A response was received from Joe Grady, who operates deep-sea fishing charters. The inclusion of the fishing charter operation was the primary topic of conversation at the November joint subcommittee meeting.

Mr. Sutherland said the Harbor Commission must recognize that the Trust owns the boardwalk, embayment, bulkhead and pilings and has use rights to the submerged land owned by the NRA. A copy of the Declaration of Public Trust was sent to the Harbor Commission. Doug Locy said the leases for the vessels should be at full market value. The addition of a charter fishing operation would provide necessary additional income for the Trust. The dock owned by Mr. Charos might be extended to allow the boats owned by Mr. Grady to dock in the embayment.

Mr. Sutherland said he requested the Harbor Commission subcommittee discuss the issue at its next meeting and provide a written summary of the discussion to the Trust at the end of December in order that a joint subcommittee meeting might be scheduled for January. He would like an agreement to ultimately be reached that acknowledges the

Trust's control of the embayment and Transportation Dock and provides for a five-year lease to the Harbor Commission for the docks to the east of the embayment.

10. DCI Scope of Work and Cost Proposal for Riverside Park

The discussion of the agenda item was tabled.

11. Survey Plan Revision

Scott Sutherland recommended that the contract be amended to reference the attached sketch, which includes the six additional bounds, as Exhibit A. He said it also should be specified that payment would be made at the completion of the work. Doug Locy moved to approve the contract as amended. Scott Sutherland seconded the motion. The motion was unanimously approved.

12. Parking Lease Letter

Scott Sutherland suggested the letter to Richard Jones concerning the parking agreement be amended to lengthen the paid parking hours. He said hours should be extended in the morning because the charter fishing boats depart before the time it would be possible to receive a ticket from the machine. He would like to be named in the letter as the Trust's designated City Parking Committee representative.

Scott Sutherland moved to approve the contract as amended. Jody Fraser seconded the motion. The motion was unanimously approved.

13. NRA Items

Doug Locy said the new dumpster enclosure would be installed in the spring. At the November 20 NRA meeting Carol Powers said the AUL does not impact Trust property. The next meeting of the NRA is scheduled for January 22. The Trustees decided at their November meeting to file a complaint with DEP unless the AUL is removed from Trust land by January 1, 2014. This action will be delay providing continuing progress is made on the issue.

14. Adjournment

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