

Newburyport Waterfront Trust
December 5, 2011
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, Joyce Enderle and Doug Locy and Manager Charlie Nichols.

3. Request for Additional Agenda Items

Joe Brown asked that fueling and Brown's Wharf parking be added to the agenda.

4. Minutes

Doug Locy moved to approve the minutes of the November 7 meeting as amended. Catherine Russell seconded the motion. The motion was approved with Joe Brown abstaining.

5. Manager's Report

Charlie Nichols reported:

- The trees must be sprayed for moths in the spring. Permission will be sought before the work is performed.
- He pruned the rhododendrons and performed general clean-up tasks on Railroad Avenue.
- The new grass is growing in the park but the school groups are still using the lawn due to the warm weather. He would like to install "keep off the grass" signs in April and May. He will make sure the signs have been removed for the April wedding that will be taking place there.
- The City removed two trees and their stumps and paved the area with bricks. The DPS would like to continue its past practices with the trees outside of the fence at the Firehouse. Doug Locy said the Trust must be notified and he will discuss this with the Mayor in an upcoming meeting. Joe Brown said the Trust must be involved before the work is done and not simply notified that work will be taking place. Bill Harris said the ownership of the land on the waterfront is not general knowledge and the DPS should be sent a copy of the map from the annual report along with a request that approval is sought for work. Joe Brown said the DPS has worked on the trees three times without notice and it must be made clear that permission must first be obtained. He asked Doug Locy for a list of the work that the DPS has been requested to do.
- There are only eight benches remaining that might have plaques installed. Joyce Enderle said two plaques have been purchased so only six benches are remaining, but there might be room for new benches. Joe Brown said it is possible that the metal benches around Market Landing Park might be used. A family has requested that a second plaque be added to a bench and has proposed paying \$500 for the plaque.

Newburyport Waterfront Trust
December 5, 2011

Doug Locy asked that a decision be deferred to the next meeting in order that it might be determined how a second plaque on a bench might look.

- The orange tape on the raised planks is holding. Joe Brown said an engineer should be asked how the issue of the raised planks should be addressed as they are becoming dangerous.

- The restaurant has cut a hole in the Firehouse in order to install a grease hose.

Permission was not requested for this action.

- Work will begin in the next week to repair the damage on the top of the Firehouse. Not Your Average Joe's plans to install gate at the entrance of the rear patio, as guests are stepping over the flower boxes. Joe Brown said the Firehouse lease states that written permission from the Trust is needed for all changes. He pointed out that staging has been installed along the Railroad Avenue side of the structure since August without permission. He would like the contract to be enforced. Doug Locy said the City owns the Firehouse and is responsible for its maintenance. Joe Brown said the Trustees would have granted permission but still should have been consulted first.

- He has spoken with the restaurant's manager about cigarette butts that have been discarded by employees. He would like them to smoke by the dumpster and not along Railroad Avenue. Joe Brown said the restaurant is a tenant of the Firehouse and Trust's agreement is with the Firehouse and not the restaurant.

6. Treasurer's Report

At the end of November the balance in the checking account was lower by \$3,300 to \$81,947. The charge for November for ND Landscape was \$2,268. The shared cost of paving was \$1,487, the cost of two bench plaques was \$270 and there were administrative costs of \$1,350. Deposits to the account included \$2,000 for the bench plaques and \$350 from Dean Holt. The work for the bank beds will be reimbursed in the amount of \$990. Doug Locy moved to approve the payment of the two bills from ND Landscape and one from the Handyman, Inc. for the installation of the bench plaques. Joe Brown seconded the motion. The motion was unanimously approved.

7. Applications for Park Use

World Tai Chi day will take place on April 28. The applicant would like a group to gather briefly on the grass behind the restaurant to do forms and breathing exercises. There would be no charge for the activity and no selling of any food or merchandise. Joe Brown moved to accept the application and waive the standard fee. Doug Locy seconded the motion. The motion was unanimously approved.

A check was received for an August 11 wedding.

8. Old Business

• Signage

Joe Brown said the statement in the November minutes that some existing signs being grandfathered is too broad. Doug Locy said he plans to document the signs that are allowable. Joyce Enderle said a-frame signs on the boardwalk would not be acceptable, only on the Transportation Dock. Permits must be received for any future signs.

• **Annual Report**

It was agreed that copies of the annual report be sent to the WFT neighbors, the Marine Society and the SDAH, along with the DPS, to educate them about the Trust's mission and goals.

• **Fishing Boat Leases**

Doug Locy said Dean Holt has indicated he would issue a check for the past due amount. Joe Brown said he would like inform the two captains that are in arrears that they would be asked to leave if they do not provide the first payment, the signed contract and proof of insurance by January 1. The first payment was due on October 15 and the second payment will be due on January 15. Joyce Enderle said the City wants boats to be there. Joe Brown replied that it would not be fair to the two vendors that have paid to allow others not to pay. He said there has been no response to the bills that have been sent every month and the Harbormaster has indicated he would put the boats on moorings. Doug Locy said they must be consistent in the requirement of payments but he is primarily concerned that they have insurance. Payments are up to date for the *Lisa Ann II* and the *Kelsey Marie*. Dean Holt paid the \$350 that was overdue for the *Katie May* and still must make the first payment for this year. Joe Brown moved that a written notification be delivered to the captain of the *Early Times*. Doug Locy seconded the motion. The motion was approved with Joyce Enderle voting in opposition. It was suggested that the agreement with Rob Germinara for the *Kelsey Marie* include a provision about signage.

• **Reorientation of the Ticket Booth**

The Trustees voted twice to have the ticket booth hardwired and moved perpendicular to the boardwalk. The booth continues to be parallel to the boardwalk and has a cord running to it. George Hilton has sent an email, which was copied to the Mayor, about the issue. Doug Locy said Mr. Hilton seem surprised that the issue was being addressed again. Joyce Enderle said the booth would block views in either location and it should be left where it is as Mr. Hilton has strong feelings about the issue. Joe Brown said the votes by Trustees should be enforced. The ticket booth is one of three leases with Mr. Hilton. Bill Harris said the leases require the provision of insurance, which is necessary to protect the endowment. The ownership of the *Prince of Whales* possibly has changed. Doug Locy said he would like a letter to be sent to Newburyport Whale Watching, Inc. If the ownership of the company has changed the agreement would be void. The Trust would have to enter into a new agreement with the new owner. Bill Harris suggested the Trust enters into a one-year lease for 2012 and the lease should be opened for bidding for 2013 in order that small businesses might compete. He said it is a matter of public record that the ownership of the boat changed in 2007 and that it is owned by a Delaware company and managed by New England Development. Doug Locy moved to enter into a one-year lease with the correct owner being listed. Joyce Enderle seconded the motion. The motion was unanimously approved. Joe Brown said the ticket booth issue should be resolved by spring.

Newburyport Waterfront Trust
December 5, 2011

• **Fueling**

The agreement with Atlantic Fuel ended on December 31. Joe Brown moved that fueling should not take place until a new contract has been entered into. The motion was not seconded. There was a concern that the boat operators might need fuel. . Joe Brown said that for four years the Trust has entered into the agreement in April and made it retroactive to January 1. He also said the whale watching boat is in dry dock and Jim Ford is the only captain who has purchased fuel and he will be leaving on January 1. Doug Locy said he would like the fueling to take place at the Fish Pier. Jim Ford said he would be agreeable to fueling in this location. The issue is with the Prince of Whales because there is not enough depth at the Fish Pier.

• **Landscaping Plan**

Doug Locy said he sent a letter to James Shanley and Geordie Vining about working together as plans for the park and the adjacent properties move forward.

9. New Business

• **Bylaws**

The Trust operates under a declaration but the past Trustees voted against the adoption of by-laws. Bill Harris said most non-profit entities have by-laws. If bylaws were to be adopted portions could be amended, unlike the declaration, if desired.

• **Subcommittees**

Joe Brown said he thinks the Trust should be proactive rather than spending time reacting to decisions made by others. He would like to forge better relationships with the Firehouse, the Harbor Commission, the Maritime Society and the NRA. He suggested that subcommittees be formed to meet with these groups. The subcommittees would not have the authority to enter into any agreements. He said he would like to work with the Harbor Commission on the fueling issue. Doug Locy moved to establish a subcommittee to work with the Harbor Commission. Catherine Russell seconded the motion. The motion was unanimously approved. Doug Locy will speak with the groups about working with the Trust and will make subcommittee assignments at the next meeting. Catherine Russell currently attends the NRA meetings.

• Doug Locy thanked Joyce Enderle for her work as a Trustee.

10. Executive Session

The Trustees entered into an executive session to discuss the compensation for the park manager. Joyce Enderle moved to increase Charlie Nichols' compensation to \$8,500 for the next two years with the condition he trains his replacement. Doug Locy seconded the motion. The motion was unanimously approved.

11. Adjournment

Joyce Enderle moved to adjourn the meeting at 9:30 p.m. Doug Locy seconded the motion. The motion was unanimously approved.