

Newburyport Waterfront Trust

November 5, 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 Co-chairs Cliff Goudey and Doug Locy, Catherine Russell, Joe Brown and Scott Sutherland.

3. Market Landing Park Stage

Mayor Holaday said there are safety issues with the current stage in Market Landing Park and she would like the Trust to share in the cost of two new stages. The stages would fold for easy installation and would be stored by the DPS. The smaller stage would be used for events such as Yankee Homecoming. Mayor Holaday would like the City, the Trust, the Yankee Homecoming committee and the Chamber of Commerce each to contribute \$5,500 to the cost of the new stages. The Yankee Homecoming committee and the Chamber of Commerce have agreed to participate. Doug Locy commented that the Trust could cover the expense by adjusting its fee schedule, with groups that wish to use the stage being charged a higher rate. The Trustees will forward any questions to the Mayor.

4. Water Usage

Mayor Holaday said the Trust used over one million gallons of water between April 17 and October 12, which is an average of 5,875 per day. She said this is unacceptable, as the City pays the water bill. She asked that the Trust conserve water by changing to a different type of sprinkler head. Cliff Goudey said the heads do not need to be changed, as a reduction in the amount of water used could be achieved by an adjustment to the timer on the irrigation system. Joe Brown said he had been told that only one line runs into the park and there might be other users of the water, such as the boats on the docks.

5. Merrimac Ale House

Joe Leone said the plans to convert the Davis Automotive building to the Merrimac Ale House have not yet been modified. With the restoration of the building, the first floor footprint would not be changed but the second floor would be expanded. The proposal includes a walkway for the face of the building on Trust land to provide access to the water. Mr. Leone's architect said the structure is on filled tidelands and is subject to Chapter 91 requirements. He maintained that the responsibility to provide access lies with both the Trust and the developer. Cliff Goudey said footage would be lost from the parking lot and the walkway does not provide access to the water, but rather to another building. He pointed out that Davis Automotive building extends to the lot line and

public access could only be accomplished by relying on the property of others. Lisa Mead said that public safety issues would be created by the blocking of the access between the two buildings with a fence. Joe Brown said the Trust had asked that a park-like structure, such as a trellis, be installed over the public land rather than a canopy. He added that while the Ale House is a good project, the Trust must work to preserve its interests. He said the Trust has six walkways to the water on its property already and the developer has the burden of providing his own Chapter 91 access. Andy Port said the pedestrian connection would benefit the City, pedestrians and the businesses, and would be in keeping with the mission of the Trust. Cliff Goudey said the mission of the Trust is the preservation of the historic ways to the water. A MEPA review is scheduled for November 8 at 12:30 p.m.

6. Transportation Dock Oversight

The dock owned by George Hilton, to which the *Prince of Whales* was tied, was damaged during Hurricane Sandy. The lease with New England Whale Watching, LLC, will expire at the end of next year. Joe Brown moved to send a registered letter to New England Whale Watching, LLC, inquiring about its plans for the upcoming year. Cliff Goudey said a less formal communication should be attempted first. The Trustees agreed the Waterfront Committee would contact New England Whale Watching and request a decision by November 12 about its intentions for the upcoming season. The motion was withdrawn.

Mayor Holaday said the *Prince of Whales* would not have been on the dock if the Harbormaster had been in charge of the Transportation Dock and the docks would have been removed before the storm. Paul Hogg said he would be happy to be in charge of the Transportation Dock. Doug Locy said floats might be added that are consistent with the ones along the remainder of the central waterfront and are overseen by the harbormaster. Whether for the 2013 season or the following year, when the lease has expired, a decision about the docks must be made. The Trustees agreed to form a subcommittee with the Harbor Commission to discuss the issue. Paul Hogg will be responsible for scheduling a subcommittee meeting.

7. Minutes

Scott Sutherland moved to approve the minutes of the October 1 meeting as submitted. Cliff Goudey seconded the motion. The motion was unanimously approved.

8. Treasurer's Report

Joe Brown circulated his report, which showed income for the month of October in the amount of \$12,673, with expenditures of \$9,247 and a cash balance of approximately \$175,000.

9. Boundary Survey Update

The joint Waterfront Trust and NRA subcommittee are scheduled to meet later in the week to resolve boundary issues. These issues include:

- The dumpster used by Not Your Average Joe's straddles the boundary line and the NRA collects rent from the restaurant for the use of the land.
- The majority of the Somerby's Way is on NRA property.

- An AUL was placed on the NRA east lot and some of the Trust's property was included in the restrictive order.

10. Fiber Cable Installation

Cliff Goudey said he met with a communications firm that wants to install a fiber optic cable under the river but has not heard anything further about the matter. The firm also contacted the City about running the cable from Cashman Park.

11. Annual Report

The Mayor has asked to receive the Trust's annual report. Scott Sutherland said the background should be moved to an appendix, where it would remain constant and the report should focus on the Trust's vision. The Trustees will compile a list of accomplishments and short and long term goals.

12. Ferry Wharf Way

It had been suggested that a granite marker be installed at Ferry Wharf Way. It was decided that because the way has not been permanently established, the marker would not be placed until a later date.

13. Trustee Recognition Plaque

Joe Brown said he would like to honor Stephanie and Fred Hufnagel for their years of service and donations to the Trust. He would like a plaque that costs no more than \$300 to be placed in the new garden on the west side of the Firehouse. Doug Locy and Cliff Goudey both acknowledged the contributions of the Hufnagels, but said they would not be in favor of the action, as many others have provided much for the Trust and have not been recognized. Both of the Hufnagels make a large donation to the Trust each year. Doug Locy moved to use a portion of the Hufnagels' donation for a bench plaque in their honor, contingent upon their approval. Joe Brown seconded the motion. The motion was unanimously approved.

14. ND Landscape Contract

Joe Brown said there is one year remaining on the three-year contract with ND Landscape. A clause in the contract provides for a review of the terms at the end of each year. The base contract is for \$18,000. The proposal for the upcoming has been enhanced and is \$4,000 above the base amount. Charlie Nichols requested that ND Landscape provide a proposal for a four-year continuation of the contract. Joe Brown moved that the Trust extend the current contract without the enhancements for one year. Scott Sutherland seconded the motion. Cliff Goudey said it would be favorable to the Trust to freeze the rate for four years. He said ND Landscape provides a good service and past bidders far exceeded the company's rates. Doug Locy agreed that a four-year contract would be preferable, but said this could not be done without going out to bid. Scott Sutherland read from the bylaws, which state that three quotes must be sought for projects between \$5,000 and \$25,000. The motion was unanimously approved.

15. Signage

Joe Brown suggested that a line be added to the sign planned for the foot of Green Street stating that Market Landing Park was established in 1991. The plan for the sign was presented to the ZBA. The ZBA commented that the blank back of the sign would be an invitation for graffiti. The information of the front of the sign could be replicated on the back for a cost of \$585. Joe Brown moved that the Trust's logo alone be added to the back of the sign and shrubs be planted behind it. Doug Locy seconded the motion. The motion was unanimously approved. The ZBA order was dated October 26 and there is a 21-day appeal period. Joe Brown will arrange for Jen Wright to produce the sign at the expiration of this period. The sign is to be installed in the spring. The cost of the installation and the location of the sign have not yet been determined.

16. Seaport Grant

Bourne Consulting was awarded the contract for the work on the bulkhead and is in the process of developing plans.

17. Web Site Development

Scott Sutherland will revise the web page based on comments made by the Trustees. The website will include a photo gallery, minutes, agendas and the calendar. The public must request access other documents. Joe Brown moved to approve a payment to Sonora Design Work in the amount of \$1,000 and to Scott Sutherland in the amount of \$189.27 for setting up the website. Cliff Goudey seconded the motion. The motion was unanimously approved.

18. Winter Leases

Signed leases and certificates of insurance were received from Rob Germinara and Jim Ford. Scott Sutherland will contact the owners of the two boats about the documents. Emergency contact information for the boat owners will be added to the website.

19. Snow Removal

Doug Locy distributed a draft agreement with the DPS for the removal of snow and ice. Tony Funari agreed to clear Railroad Avenue and make two passes along the boardwalk. The cost of the work is not to exceed \$2,000 per season without the prior approval of the Trustees. Joe Brown said he would like the agreement to cover the snow banks at the ends of the boardwalk by Riverside Park and the Harbormaster's shack. He added that Railroad Avenue is the responsibility of Not Your Average Joe's from the street to the path to the dumpster. The Trust is only responsible for the portion of Railroad Avenue from this path to the river.

20. Park Manager Job Description

Joe Brown moved to accept the most recent version of the job description for the park manager as amended. Scott Sutherland seconded the motion. The motion was unanimously approved.

21. Meeting Length

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Cliff Goudey moved that length of meetings be limited to two hours and may only be extended by a unanimous vote. Doug Locy seconded the motion. The motion was unanimously approved.

22. Survey

Six of the seven corner markers have been set. A conduit pipe was hit when the remaining marker was being installed. Charlie Nichols thinks the conduit contains the water line to the docks. It is not known if the hose was hit. The water has been shut off for the season and the system has been drained. The repair cannot be made until the water has been turned on again in the spring. The marker will not be installed until this time.

23. Adjournment

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