

Newburyport Waterfront Trust
October 1, 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 and Manager Charlie Nichols.

3. Minutes

Scott Sutherland moved to approve the minutes of the September 10 meeting as amended. Joe Brown seconded the motion. The motion was unanimously approved.

4. Discussions with Guests

Kelsey Marie Lease

Rob Germinara said he would like to reserve the same space in the embayment for his lobster boat next year. Cliff Goudey said he did not see a lot of fishing activity last year and the embayment is not to be used for wet storage. Mr. Germinara said he was not able to exercise his license this past year but he plans to actively fish next year. Joe Brown suggested the matter be considered later in the meeting when the fishing boat leases are discussed.

Davis Automotive Building

Joe Leone described his plans for the Davis Automotive building, which he recently acquired. He would like to install a five-foot-wide sidewalk that would extend the length of the property to the Brown's Wharf building. He said the sidewalk, which would be located on Trust property, would not only benefit the restaurant but the public as well by providing access to the waterfront. He would install, maintain and light the sidewalk and cover it with an awning. He does not intend to extend the sidewalk beyond his property line to the waterfront. He would like to lease parking in front of the restaurant for customers.

The Trustees made the following comments:

1) they are bound by the requirements of the Declaration of Trust, which dictates how Trust property can be used. The plan as presented would allow the Trust's property to be used almost exclusively by the restaurant and would be in violation of the Declaration. They would not object to an emergency exit opening onto Trust property, but the primary entrance for the restaurant should not be on the side of the building. It was suggested the entrance might be recessed so that the door does not swing into Trust property and steps to the entrance would not be located on Trust property.

- 2) the proposed awning would be located over Trust property. It would strengthen the impression the sidewalk is related to the restaurant and might block views of the water from Green Street. It was suggested a trellis might be used instead as it would not be attached to the building. This would reduce the impression that it belongs to the restaurant and would allow it to contribute more to the park.
- 3) they would not be in favor of leasing parking spaces to the restaurant. The primary purpose of the parking spaces in Riverside Park is to provide access to the water. The plans calls for the addition of a few spaces near the building. This would be beneficial in that would allow the same number of spaces in a different area of the park to be converted to green space.
- 4) there was a concern the sidewalk would push the parking spaces near the building closer to the traffic island, which would block the flow of vehicles. The loading dock might also interfere with the traffic circulation.
- 5) the provision of access to the water is in keeping with the mission of the Trust but the benefit to the public from the sidewalk would be limited in that it does not extend to the water.

The Trustees provided suggestions about how the plan could be made to work and invited Mr. Leone to attend the November 1 meeting with revisions.

5. Status of the Survey of Trust Property

Everett Chandler said two points are in the water and still need to be set. Their location indicates the pilings are on Trust property. Seven pins are located in the grass on the sides of Market Landing Park, where they would not be able to be easily located. Joe Brown suggested that they be replaced with granite markers in order that there be a firm understanding of the lot lines. He noted several issues brought to light by the survey. One of these is that the majority of Somerby's Way is on NRA land. A second issue is that the NRA has the legal right to move Ferry Wharf Way and might wish to do so to allow for the placement of buildings. Joe Brown said the Way would hopefully line up with the opening in the granite by the berm, but the path has to traverse the parking spaces that were given to the condo owners. He indicated a blue line he had drawn on a map and said the NRA owns the land between the blue line and the bulkhead. He said as this is critical for the ability to maintain the floats, the Trustees must be concerned with the disposition of this land at the time the NRA ceases to exist. A final issue is that a hazardous waste restriction order placed on the NRA east lot was also put on Trust land. Bill Harris said this might be resolved during the environmental impact process. Some of the NRA property was improved as recreational and park land with Federal funds. The NRA would be required to offset the land in both quantity and quality in order for it to be developed as commercial space and could possibly choose to transfer some of its land to the Trust. Joe Brown said the Trust should communicate with the NRA on these issues before the commencement of the environmental impact process.

Joe Brown moved to put four concrete markers in the grass on the east side of Market Landing Park and three on the west side at a cost of approximately \$250 each. Doug Locy seconded the motion. The motion was unanimously approved.

6. Website Design

Scott Sutherland proposed that Jim Somers of Sonora Design Work create an on-line library of current and archived materials. Mr. Somers would build the site and acquire the domain name. The Trustees discussed the ways the public might be allowed to access the documents. Doug Locy moved to approve an expenditure not to exceed \$1,000 for the development of a website. Cliff Goudey seconded the motion. The motion was unanimously approved.

7. Report of the Waterfront Committee

Scott Sutherland revised the fueling protocol according to decisions made at September meeting. Doug Locy moved to approve the amended protocol. Scott Sutherland seconded the motion. The motion was unanimously approved. The protocol will be sent to Chief Cutter for his signature.

Cliff Goudey reviewed the changes to the draft fishing boat leases for 2012-2013. Joe Brown said he would like the signed lease, proof of insurance and first payment to be received before the boats go into the embayment and for the second payment to be received earlier, at the mid point of the lease period. It was agreed the second payment would be due by January 15. He said that at the October 3, 2011 meeting it was voted that the *Lisa Ann II* would be allowed to tie up to the bulkhead outside of the embayment. He said this should be reflected in the lease and the leases for the other boats should indicate they are to tie up in the embayment. Others stated this would not be desirable because according to the funding, the area outside of the bulkhead is to be reserved for recreational vessels. The *Lisa Ann II* is not able to tie up in the embayment and is only allowed to tie up to the pilings because there are currently no other options. The leases will state the boats are to be tied up at a designated section of the bulkhead. Joe Brown also said the rate of \$700 for six months is below market rate. He would like the rate to be \$1,000 for boats over 44 feet. Doug Locy said the rates should remain the same for this year and a change might be considered for next year. There was a concern that an increase in the rate would result in the boats leaving the city. Doug Locy moved to approve the leases as amended. Scott Sutherland seconded the motion. The motion was approved with Joe Brown voting in opposition.

Cliff Goudey said he attended a walkthrough with the prospective bidders interested in provide engineering support for the bulkhead. He said it appears the \$2 million budget is nowhere near adequate for the desired scope of work.

8. Report of the Park Committee

Catherine Russell said she, Joe Brown and Charlie Nichols met to discuss a variety of issues. She said she would like the Big Boy to be removed and a bench put in its place. Molly Ettenborough has indicated she would not be agreeable to moving the Big Boy. The unit is desirable because it compacts the trash but it smells. Charlie Nichols will contact Molly Ettenborough about having the Big Boy cleaned.

9. Manager's Report

Charlie Nichols said:

- 1) he would like to recommend the two trash barrels in the park be removed. They are too close to the benches, they attract flies and bees and they do not get emptied often enough. He said the number of barrels on the boardwalk is adequate. The two barrels will be put into storage.
- 2) he would like the Trustees to lobby the City to extend the hours of the paid parking into the evening.
- 3) there should be a written contract between the City and the Trust for attaching the floats to the pilings. Cliff Goudey said it would be useful to clarify with the Harbor Commission that the Trust owns the property. A lease similar to that used for the tour boats could be drafted allowing the use for a sum of \$1.
- 4) the work on the flagpole has been completed. The halyard will be installed on the next warm day. He said he takes the flag down during winter storms but he will be away from January to March. He asked if the flag should left down during this time. The flag becomes too heavy for the pole when covered with ice and he would not want it to rip. The flag will be left up during the winter and other arrangements will be made.
- 5) Wilson Welding has completed the work on the fence but it is still wobbly. Threaded rods could be added at a cost of \$3,000 to \$3,500 to make it more stable. Joe Brown asked that a written estimate be provided.

10. Signage

Joe Brown said the application for the sign at the entrance to Waterfront Park has been filed with the ZBA and the item is on the agenda for the October 23 meeting. Jen Wright had revised the design to make the circle on the top of the sign smaller, but the Trustees agreed she had made it too small. She will be asked to make the circle 20% smaller than in the original design. The cost estimate of the sign would be \$2,409 without installation. The exact location of the sign has not yet been determined. The Trustees accepted the cost of the sign. A vote to authorize the manufacturing of the sign will not be taken until ZBA approval has been received.

Joe Brown distributed the revised design for the "no bike signs." These signs do not require ZBA approval and would be installed by the Handyman. Scott Sutherland moved to have 13 signs constructed at a cost of \$1,700. Cliff Goudey seconded the motion. The motion was unanimously approved.

11. Treasurer's Report

Joe Brown said almost \$17,000 in back ND Landscape bills were paid and \$3,000 was received, leaving a cash balance of approximately \$172,000.

12. Other Business **Annual Report**

The last annual report completed was for the period ending June 30, 2011. A report has not yet been done for the period ending June 30, 2012. Doug Locy will circulate a copy of the older report so the Trustees might decide on the format of the next report. Cliff

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Goudey said the report should focus on the NRA plans and how it relates to the vision of the Trust.

NRA Plan

Joe Brown said the Trust should be more proactive with regards to the NRA plan. The discussion was tabled due to the lateness of the hour.

13. Adjournment

The meeting was adjourned at 10:45 p.m.