

Newburyport Redevelopment Authority
City Council Chambers
November 8, 2017
Minutes

1. Call to Order

Chair Bob Uhlig called a regular meeting of the Newburyport Redevelopment Authority to order at 7:00 p.m.

2. Roll Call

In attendance were members Leslie Eckholdt, Bob Uhlig and Marian Levy. Andy Sidford and David St. Cyr were absent. Carol Powers was also in attendance.

3. General Business

A. Proposal for West Lot Soils Analysis from ESS

Bill Chapman of ESS reported on the environmental testing performed in the west lot. The soil and water analysis revealed that petroleum contamination exists in one part of the site. Arsenic was also located intermittently, with a higher concentration found near the expanded berm than on other parts of the site. A detailed risk characterization determined the petroleum would not pose a risk for the current or future use of the site and no remediation would be required. The area of high concentration of arsenic poses an unacceptable risk for the planned use of the site as a park. Mr. Chapman proposed that the soil in this area be removed. A second detailed risk characterization would then be conducted to determine if an acceptable level of risk has been achieved or it would be necessary to place an AUL on the property.

ESS is preparing the Phase II report that is due to DEP within the next two weeks. No action would be required for one year but Mr. Chapman recommended the soil remediation be performed soon because it would be beneficial to know in the planning stages for the park whether or not an AUL would be required for the site. The impact area would be approximately 20' x 20' x 3' and the work would take place over two to three days. The disposal site for the contaminated soil would be determined prior to the work and clean fill would be added. The cost of the work would not be known until soil content has been analyzed, a contractor has been engaged and the disposal site has been determined. Leslie Eckholdt moved to approve expending up to \$20,000 for testing and excavation of the contaminated soil and the addition of clean fill. Marian Levy seconded the motion. The motion was unanimously approved.

B. City Drainage and Paving Work on Ferry Wharf Way

City Engineer Jon-Eric White attended the meeting to discuss the project the City undertook on NRA property without approval. A seven-foot wide concrete sidewalk with curbing was installed on Ferry Wharf Way, for which the Massachusetts Supreme Judicial Court has stipulated a 20-foot width must be maintained, as it is a historic "waye to the water." Mr. White said the City's stormwater system is inadequate to handle the water that flows down State Street into Market Square for greater than ten-year storms. Several businesses in the area have been impacted. In addition the trunk line under Ferry Wharf Way, into which the water from two catch basins in the square flows, has become

obstructed. To repair it would be a costly project that the City does not plan to undertake in the short term. The concrete sidewalk was constructed on Ferry Wharf Way to accelerate the flow of water away from Market Square. Mr. White said the sidewalk was not intended to be a temporary solution. Because the square is a bowl, catch basins, no matter their number, would not be able to handle the volume of water flowing into the square in a large storm. A secondary bypass would always be necessary.

The City would be willing to work with the NRA to redesign the walkway in the spring in order to meet the requirements for accessibility, drainage and maintaining the historic way at the appropriate width.

In addition to the issue of the width of Ferry Wharf Way, the members were concerned about the issue of liability. The concrete path is in effect a drainage system that has been made to look like a walkway. The City was asked to keep it clear of snow and ice and to block access to the walkway with cones if it were to become unsafe.

C. Dumpster Modifications

The discussion was tabled due to the absence of David St. Cyr.

D. Leases and Agreements

Carol Powers will contact Richard Jones about the parking agreement.

4. NRA and Waterfront Trust Business. Central Waterfront Review

A. Draft Letter of Intent

Carol Powers and Steve Hines discussed the most effective way to resolve the issues related to the draft letter of agreement. Mr. Hines said the document does not reflect the discussions that took place at the meetings attended by the Waterfront Trust, Mayor Holaday, Leslie Eckholdt and Marian Levy. The Trustees instructed Grace Connelly, the attorney for the Waterfront Trust, to revise the draft accordingly. Ms. Powers expressed her concern that some of these revisions are outside of the ways in which the NRA would be able to act under the Urban Renewal Plan. She will work with Ms. Connolly on the legal issues, which includes the conveyance of the NRA's obligations and promises.

B. RFP for Design Services

Mayor Holiday offered the City's assistance in the preparation of the RFP. The goal would be to put the RFP out to bid around February 1 and have the design work completed by June 1.

C. Submerged Tidelands

Mayor Holiday said she does not want the submerged tidelands to be put out to public bid. She will send to Carol Powers the Kopelman and Page response to the memo Jamy Madeja prepared on the rights and responsibilities of the NRA with regards to the submerged tidelands.

5. Reports

A. Clerk's Report

None

B. Treasurer's Report

On October 31 the balance in the checking account was \$8,594 and the balance in the money market account was \$351,663.31. Marian Levy moved to approve a payment to Gretchen Joy for minute taking for the November 8 meeting, to Tom and Gretchen Joy for PUP maintenance and watering between October 9 and November 4 in the amount of \$485.00 and to the Custom House for the NRA's portion of the lawn irrigation system in the amount of \$10,000. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

C. Counsel's Report

None

6. Public Comment

None

7. Upcoming Meetings

The next meeting of the NRA is scheduled for Wednesday, December 13.

8. Adjournment

Leslie Eckholdt moved to adjourn the meeting at 8:45 p.m. Marian Levy seconded the motion. The motion was unanimously approved.