

**Newburyport Redevelopment Authority**  
City Council Chambers  
December 13, 2017  
Minutes

**1. Call to Order**

Chair Bob Uhlig called a regular meeting of the Newburyport Redevelopment Authority to order at 7:10 p.m.

**2. Roll Call**

In attendance were members Leslie Eckholdt, Bob Uhlig, Andy Sidford and David St. Cyr. Marian Levy was absent. Carol Powers and Waterfront Trust members Steve Hines, Wilbur Shenk, Dan Mello and Matt Pieniazek were also in attendance.

**3. General Business**

**A. West Lot Soils Analysis**

At the November 15 meeting Bill Chapman of ESS proposed that soil near the newly expanded berm be removed. A high concentration of arsenic has been found in this area that would pose an unacceptable risk for its planned use as a park. The NRA approved expending up to \$20,000 for the testing and excavation of the contaminated soil and the addition of clean fill. ESS is in the process of coordinating a date with the Department of Public Services to conduct sampling tests to determination the exact location of the arsenic contamination.

Leslie Eckholdt expressed her concern about the \$31,000 that has been spent to date on soils testing in the west lot, the \$20,000 that has been allocated and unknown future costs. It was explained the expense is not out of line for the type of work being performed and that some of the findings have been more serious than expected, leading to a greater amount of work than anticipated. In addition DEP filing obligations must be met and the work is not discretionary.

**B. City Drainage and Paving Work on Ferry Wharf Way**

No action is being taken at this time. The item will remain on the agenda as a reminder the City has indicated its willingness to work with the NRA in the spring to redesign the walkway in order to meet the requirements for accessibility, drainage and maintaining the historic way at the appropriate width. Leslie Eckholdt commented she was pleased Mayor Holaday, Tony Funari and Jon Eric White attended the November meeting to discuss the work that was done on NRA property without permission.

**C. Dumpster Modifications**

David St. Cyr explained the trash hauling company is to provide information on the turning radius of the truck, which would have implications for the entrance to the Dumpster. Once this information has been received, work on the design of the Dumpster enclosure will move forward.

#### **D. Leases and Agreements**

Carol Powers has attempted to contact Richard Jones about the parking agreement but has not yet received a response.

#### **E. Endowment**

Leslie Eckholdt and David St. Cyr are working together to establish a fund to assist in the long-term maintenance of the expanded park.

### **4. Joint Meeting with the Waterfront Trust**

#### **A. Draft Letter of Intent**

The members of the Waterfront Trust identified five areas of concern with the draft letter of intent the NRA had prepared:

1) The final design of the park would be approved before any land would be conveyed. The Trustees would like the community to participate in the design process. The letter of intent indicated the conceptual plan of the park should be recorded, which the Trustees do not view as necessary. Carol Powers said it was intended a survey plan, not a plan for the design of the park, should be recorded to serve as a baseline plan. A survey was done by Everett Chandler but was not recorded because of certain promissory elements the NRA did not believe should be included. A plan showing the existing conditions should be recorded and the Chandler survey should provide the basis for this. Bob Uhlig requested the Waterfront Trust indicate it is in agreement with the framework of the design. The NRA would like the basic shape of the curved walkway to be accepted as a part of the park design. Andy Sidford said the NRA has produced a conceptual design that has been well received. It was planned for the design details to be finalized at a later date.

The Trustees and NRA members discussed the conveyance of the parcels that have been identified as D1 and D2 on the conceptual plan. The board of the Custom House Maritime Museum wishes to have access to water. Steve Hines said it would be preferable that the land to be conveyed to the Custom House end at the bike path, with an easement for its uses being conveyed to the Custom House. The NRA must discuss this with the board of the Custom House.

2) The draft letter of intent states the party to which the property is conveyed would assume the duties and obligations of the NRA. This is not acceptable to the Trust and is a legal issue that the groups' attorneys must resolve.

3) The NRA indicated in the draft letter of agreement that the expanded Trust should include one of the Settlers. It would not be possible for a Settlor to serve on the Trust.

4) The NRA indicated in the draft letter of agreement that it does not intend to transfer the ownership of the two parcels, E1 and E2, on which the Pop Up Park and restrooms are located until park support structures have been designed and funded. The Trustees wish to receive these two parcels at the same time as the remainder of the NRA property. Bob Uhlig said the development of a support structure would be a component that would be considered during the design process.

5) The dissolution of the NRA was discussed. Steve Hines said the Trust has not requested that the NRA be dissolved at the time of the land conveyance and therefore the issue does not need to be addressed.

Grace Connolly said the Waterfront Trust does not want to inherit environmental hazards and would wish to receive a completed remediation plan and satisfactory environmental assessment. Bob Uhlig said in the worst-case scenario an AUL would be imposed on the west lot similar to that in place on the east lot. The fill that would be added to elevate the grade would act as a cap and the soils would only be disturbed during construction.

Steve Hines said he would like to move forward with a Memorandum of Understanding without pursuing the letter of intent. He distributed a draft set of principles designed to provide a basis for discussion on a MOU between the Waterfront Trust, the NRA, the City and the Custom House Maritime Museum. The principles include a list of the parties to the MOU and the revised Waterfront Trust, a description of the way in which the parcels would be distributed to the Maritime Museum, Trust and City. The Trustees would determine the final design of the park. The City has agreed to provide annual support to the Trust. The Trust would retain the revenue from parking, park use fees, the embayment, submerged tidelands and would enter into a revenue-sharing agreement with the City and Harbor Commission for the docks. Bob Uhlig asked for the framework plan the NRA has developed for the expanded park to be included in the MOU.

The existing Trust document would not be changed but rather amendments would be added. These would include:

- 1) the increase in the number of Trustees to seven, two of which would be NRA members.
- 2) the addition of the authority for the Trust to grant easements to utility companies.
- 3) the addition of the authority to grant easements, leases, licenses and to enter into use agreements with the City and non-profit organizations.
- 4) the addition of the authority for the Trust to enter into leases, licenses and use agreements with private entities for public and private events.

Grace Connolly said that as the City would be an essential party to the MOU, the document should not be prepared without City involvement. Mayor Holaday wishes to hold one more meeting with two members of each of the NRA and Waterfront Trust and then an open public meeting. Steve Hines will initiate the meeting with the mayor, which likely not to take place until January.

## **B. RFP for Design Services**

The Waterfront Trust will undertake the RFP after the land has been transferred.

## **C. Submerged Tidelands**

Carol Powers explained after it was decided the east and west lots would not be developed, the NRA sought to find other sources of income through which it might accomplish its goals. A reduction in the amount of parking would also make additional income sources necessary. The submerged tidelands could prove to be a source of significant income. The Waterfront Trust will make any decisions about the submerged tidelands after the land has been transferred. Wilbur Shenk said the Trust would be responsible for identifying sources of income. Steve Hines said he has discussed revenue sharing and the possible expansion of the docks with the Harbor Commission.

## **5. Reports**

### **A. Clerk's Report**

None

### **B. Treasurer's Report**

On November 30 the balance in the checking account was \$7,443.14 and the balance in the money market account was \$342,090.15. Andy Sidford moved to approve a payment to Gretchen Joy for minute taking for the December 13 meeting, to Tom and Gretchen Joy for PUP maintenance between November 5 and December 12 in the amount of \$385.00 and materials in the amount of \$257.40; to Dave Dylewski for snow markers in the amount of \$19.90; to the Waterfront Trust for park maintenance between June and October in the amount of \$5,026.35; to ESS in the amounts of \$2,684.33 and \$5,554.86; to Leslie Eckholdt for materials and copying in the amount of \$18.00 and to Comack Brothers Landscaping for turning off the water in the amount of \$75.00. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

### **C. Counsel's Report**

Carol Powers is working on the renewal of the Directors and Officers Liability Insurance Policy.

## **6. Minutes**

Andy Sidford moved to approve the minutes of the September 13, 2017, meeting as submitted. David St. Cyr seconded the motion. The motion was unanimously approved.

Andy Sidford moved to approve the minutes of the October 11, 2017, meeting as submitted. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

Leslie Eckholdt moved to accept the minutes of the November 8, 2017, meeting. Bob Uhlig seconded the motion. The motion was approved with Andy Sidford and David St. Cyr abstaining.

## **7. Public Comment**

Jeannette Isabella, 1 Lime Street, asked if a building is being considered for the area to the west of the Firehouse. Bob Uhlig responded that if a building were to be constructed, it would be a park support structure only and not one that would be used by a private entity such as the Chamber of Commerce and view corridors would be taken into consideration.

Sandy Small, 25 Oak Street, said Mayor Holaday recently shared a park plan with the City Council that includes elements not discussed by the Waterfront Trust and NRA. It appears she received an old diagram from Andy Port.

Rob Germinara, 2 Ashland Street, asked how the NRA's funds would be disbursed. He was told it is not intended that the money would be used for capital improvements but rather some might be used to establish an endowment for the long-term maintenance of the park.

## **8. Upcoming Meetings**

The next meeting of the NRA is scheduled for Wednesday, January 10, 2018.

**9. Adjournment**

Leslie Eckholdt moved to adjourn the meeting at 8:36 p.m. David St. Cyr seconded the motion. The motion was unanimously approved.