

Newburyport Redevelopment Authority
City Council Chambers
December 13, 2018
Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Leslie Eckholdt, Bob Uhlig, David St. Cyr and Andy Sidford. Also in attendance was Attorney Kathleen O'Donnell.

3. Vote to Approve the Sale of 25 Water Street

Bob Uhlig said the NRA has been encouraged by the City to expedite the sale of its central waterfront property. To this end, the Authority approved a framework plan for an expanded park and reduced parking and issued an RFP for the sale of the Custom House and Lots D, B and E of its associated land. The Newburyport Maritime Society was the sole respondent to the RFP and the Authority voted at its October 15, 2018, meeting to sell the property to the Maritime Society with certain deed restrictions. The draft deed restrictions were revised in response to concerns expressed by the City and the public. The City and Maritime Society have approved of the final language of the draft deed the NRA prepared. The restrictions, which would be in place for 999 years, would require that the property shall be operated as a maritime museum and Lots B, D and E shall be kept free of structures and open to public except for special events. The property shall not be sold or mortgaged without prior permission and its ownership would revert to the NRA or its successor in interest if any of the restrictions were violated.

Leslie Eckholdt said she would like two changes to be made to the document. She would like the first restriction, which states the use of the property is restricted to the operation of a maritime museum open to public, to include the requirement that it be open on a regular basis. She also requested a revision to the fifth restriction, which conveys to the City the option of purchasing the property if it is not operated as a maritime museum for 365 consecutive days. She would like this to be changed to 180 days with a 180-day extension for good cause. Bob Uhlig responded that he is satisfied with the provisions as they stand and they have been reviewed by the City's attorneys.

Andy Sidford moved to accept the deed as written and approve the sale of 25 Water Street to the Newburyport Maritime Society. David St. Cyr seconded the motion. The motion was approved with Leslie Eckholdt voting against it.

4. West Lot Activity and Use Limitation

A public notice was posted in the *Daily News* on December 12 indicating an activity and use limitation has been placed on the west lot. The soil remediation has been completed and no further action is required on the part of the NRA. Park development would be allowed on the west lot.

5. Dumpster and Recycling Enclosure

The design for the expanded dumpster enclosure was modified in response to comments from abutters. The work will be completed in April or May, as soon as the weather permits. The quote received was only guaranteed for the fall and the cost of the work might be higher in the spring.

6. Central Waterfront Parcel Disposition – Next Steps

Lot C of the Custom House property is to be transferred to the City. The Maritime Society would be granted an easement for the use and maintenance of the lawn. In 2019, the NRA will be working to convey the submerged tidelands jointly to the City and Waterfront Trust.

The deeds for the transfer of two parcels of registered land adjacent to Water Street to the Waterfront Trust are ready to be signed. The deed for a third parcel had been signed previously. This is simply a clerical matter.

7. Treasurer's Report

Leslie Eckholdt report that on November 30 the balance in the checking account was \$18,673.42 and the balance in the money market account was \$403,443.54. She noted that transfer of the accounts to the Institution of Savings was a good one, as a significant amount of interest is now being received.

Andy Sidford moved to approve the payment of invoices from Comack Brothers in the amount of \$75 for water shut off, ESS in the amount of \$4,463.44, Gretchen Joy in the amount of \$150 for minute taking for the December 13 meeting, Gretchen and Tom Joy in the amount of \$403.24 for Pop Up Park maintenance and supplies and Mackie Shea in the amount of \$134 for legal services. David St. Cyr seconded the motion. The motion was unanimously approved.

8. Minutes

David St. Cyr moved to approve the minutes of the August 15, September 11, October 9 and October 15 meetings. Andy Sidford seconded the motion. The motion was unanimously approved.

9. Other Business

Leslie Eckholdt received correspondence from Timothy Sherry about a 5' x 30' parcel of land near lot 17 owned by the William J. Sherry Trust. Kathleen O'Donnell will look into the matter.

10. Public Comment

Bill Harris congratulated the NRA on its significant property transfer, which he said is consistent with the urban renewal plan.

11. Adjournment

Andy Sidford moved to adjourn the meeting at 7:54 p.m. David St. Cyr seconded the motion. The motion was unanimously approved. The next meeting of the NRA will be scheduled for Tuesday, January 8, 2019.

HISTORICAL BACKGROUND
to
RESOLUTION OF THE NEWBURYPORT REDEVELOPMENT AUTHORITY
December 13, 2018

The Newburyport Maritime Society (hereafter “NMS”) was incorporated in 1968 for the purpose of establishing a Maritime Museum at the site of the Robert Mills Custom House. The Newburyport Redevelopment Authority (hereafter “NRA”) acquired the 25 Water Street property in the City of Newburyport by eminent domain later in 1968 for the purpose of establishing a museum complex in accordance with the NRA’s urban renewal plan. Subsequent thereto, the City of Newburyport, supported by personnel of the NRA, applied for the creation of the “Market Square Historic District” for the purpose of obtaining a federal grant to assist with historic preservation of historic buildings at Market Square and Water street, including the Robert Mills Custom House.

The National Park Service authorized creation of the “Market Square Historic District” in February 1971 and then the City of Newburyport obtained a federal preservation grant for up to fifty percent of rehabilitation costs of buildings in the Market Square Historic District in year February 1971. The residents and businesses of the greater Newburyport region more than matched in years 1972-1975 the federal grant for the restoration of the Robert Mills Custom House to serve as a maritime museum.

The NMS opened the Custom House Maritime Museum in June 1975 and has operated that non-profit Museum for more than a half century for the benefit of the general public. The NMS mission for the Custom House Maritime Museum has been to preserve the Robert Mills Custom House and to interpret the maritime history of the lower Merrimack Valley and its place in American history. The NMS has supervised the repair and preservation and maintenance of the Robert Mills Custom House, an architecturally and culturally significant landmark building within the City of Newburyport, with preservation restrictions for this landmark building held by the Historical Society of Old Newbury, d/b/a Museum of Old Newbury, the City of Newburyport, and the Commonwealth of Massachusetts.

Over the years, the taxpayers of the City of Newburyport, through the Community Preservation Act, have provided multiple historic preservation grants to the NMS since year 2005, and have significantly aided the preservation of the Robert Mills Custom House. Today, the NRA has determined that outright ownership by NMS of the Robert Mills Custom House and adjoining lands, rather than mere leasing of buildings and lands, would better enable the NMS to reliably maintain and preserve the Robert Mills Custom House and to improve its suitability to curate and conserve artifacts, collections, and archives for a permanent maritime museum to be regularly open to the public. However, the NRA has also determined that safeguards should be included in any Deed of real property from the Authority to NMS against the transfer of the property to third

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parties, the mortgaging or other hypothecating of the 25 Water Street property, buildings and fixtures; or the leasing of the property and buildings to third parties without the prior express permission of the City of Newburyport as the successor in interest to the NRA, for the benefit of the residents of the City of Newburyport.

As such, the NRA has caused such safeguards to be included in a Deed by the Authority to the Newburyport Maritime Society, Inc., justifying the transfer at a nominal price of \$100, taking into account the material, cultural, preservation, and public access benefits to the City of Newburyport, the Commonwealth of Massachusetts, and all residents of the United States. The NMS has established the goal of authorizing free admissions to the Custom House Maritime Museum for all residents of the City of Newburyport. The NRA has reviewed financial statements and received strategic plans of the NMS, and the NRA has determined that a grant deed with quitclaim covenants furthers the purposes of the Authority and is consistent with the now-expired urban renewal plan [after consulting with the NMS and the City and their counsel, and with other stakeholders for the purpose of improving the Grant Deed and the safeguards within that Deed.

RESOLUTION OF THE NEWBURYPORT REDEVELOPMENT AUTHORITY

December 13, 2018

WHEREAS the Newburyport Maritime Society (hereafter “NMS”) incorporated in year 1968 for the purpose of establishing a Maritime Museum at the site of the Robert Mills Custom House; and

WHEREAS the Newburyport Redevelopment Authority (hereafter “NRA”) acquired the 25 Water Street property in the City of Newburyport by eminent domain later in year 1968 for the purpose of establishing a museum complex in accordance with the NRA’s urban renewal plan; and

WHEREAS the City of Newburyport, supported by personnel of the NRA, applied for the creation of the “Market Square Historic District” for the purpose of obtaining a federal grant to assist with historic preservation of historic buildings at Market Square and Water street, including the Robert Mills Custom House; and

WHEREAS the National Park Service authorized creation of the “Market Square Historic District” in February 1971; and whereas the City of Newburyport obtained a federal preservation grant for up to fifty percent of rehabilitation costs of buildings in the Market Square Historic District in year February 1971; and

WHEREAS the residents and businesses of the greater Newburyport region more than matched in years 1972-1975 the federal grant for the restoration of the Robert Mills Custom House to serve as a maritime museum; and

WHEREAS the NMS opened the Custom House Maritime Museum in June 1975 and has operated that non-profit Museum for more than a half century for the benefit of the general public; and

WHEREAS the NMS mission for the Custom House Maritime Museum has been to preserve the Robert Mills Custom House and to interpret the maritime history of the lower Merrimack Valley and its place in American history; and

WHEREAS the NMS has supervised the repair and preservation and maintenance of the Robert Mills Custom House, an architecturally and culturally significant landmark building within the City of Newburyport, with preservation restrictions for this landmark building held by the Historical Society of Old Newbury, dba Museum of Old Newbury, the City of Newburyport, and the Commonwealth of Massachusetts; and

WHEREAS the taxpayers of the City of Newburyport, through the Community Preservation Act, have provided multiple historic preservation grants to the NMS since year 2005, and have significantly aided the preservation of the Robert Mills Custom House; and

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WHEREAS the NRA has determined that outright ownership by NMS of the Robert Mills Custom House and adjoining lands, rather than mere leasing of buildings and lands, would better enable the NMS to reliably maintain and preserve the Robert Mills Custom House and to improve its suitability to curate and conserve artifacts, collections, and archives for a permanent maritime museum to be regularly open to the public; and

WHEREAS the NRA has determined that safeguards should be included in any Deed of real property from the Authority to NMS against: the transfer of the property to third parties, the mortgaging or other hypothecating of the 25 Water Street property, buildings and fixtures; or the leasing of the property and buildings to third parties without the prior express permission of the City of Newburyport as the successor in interest to the NRA, for the benefit of the residents of the City of Newburyport; and

WHEREAS the NRA has caused such safeguards to be included in a Deed by the Authority to the Newburyport Maritime Society, Inc., justifying the transfer at a nominal price of \$100, taking into account the material, cultural, preservation, and public access benefits to the City of Newburyport, the Commonwealth of Massachusetts, and all residents of the United States; and

WHEREAS the NMS has established the goal of authorizing free admissions to the Custom House Maritime Museum for all residents of the City of Newburyport; and

WHEREAS the NRA has reviewed financial statements and received strategic plans of the NMS, and the NRA has determined that a grant deed with quitclaim covenants furthers the purposes of the Authority and is consistent with the now-expired urban renewal plan; and

WHEREAS the NRA has consulted with the NMS and the City and their counsel, and with other stakeholders for the purpose of improving the Grant Deed and the safeguards within that Deed:

WHEREFORE:

The Newburyport Redevelopment Authority, at a properly noticed meeting hereby approves this RESOLUTION to set forth the purposes and expectations of the Authority with respect to the proposed grant deed and its safeguards for the benefit of the Newburyport Maritime Society, Inc., its members and visitors, and the City of Newburyport and its residents.

In Witness Whereof, the said Newburyport Redevelopment Authority has caused these presents to be signed in its name and behalf on this 13th of December,

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2018 by Robert Uhlig, its Chairman duly authorized, attested by David St. Cyr, its Secretary, and under seal.

Newburyport Redevelopment Authority

By _____
Robert Uhlig, Chairman

Attest:

By _____
David St. Cyr, Secretary

Resolution:

Whereas the NBPT Maritime Society (MS) is dedicated to presenting NBPT history to the public and to preserving the Robert Mills Custom House (CH) as its home.

Whereas legal ownership of the CH by the MS would better enable the MS to pursue large grants for historic restoration and preservation of the CH.

Whereas the MS has developed plan to fully fund the perpetual maintenance of the CH through a dedicated endowment.

Whereas over the first 50 years, the MS' s endowment will predictably provide over \$1.2 for the maintenance of the CH.

Whereas the MS will give every NBPT resident free admission to the CHMM (Custom House Maritime Museum) during all hours that the CHMM is open for public tours.

Whereas the MS is dedicated to both preserving the structure of the CH and ensuring that the structure's architectural value to the NBPT community is maintained to the highest standards of historically accurate restoration, without exception.

Whereas the MS plans to launch major capital improvements of the CH, including a climate control system, improved security systems, weatherproof storage space for collection items not on display, a children's activities space, and upgrades to the lighting and electrical systems.

Whereas the MS will be finally able to pursue grants and private funding that require ownership of the CH building as a condition.

The NRA has decided to grant a deed to the Robert Mills Custom House, the land on which it sits, Lots B, D and E to the NBPT Maritime Society.