

Newburyport Redevelopment Authority
February 27, 2008

Present: Nat Norton, Patty Dorfman, Erford Fowler, Tim Brennan

Absent: Rick Taintor

Public Comment:

none

Waterfront Use Applications:

An application from the C10 foundation for the Brew Fest was received. A representative of the Brew Fest said that last year's group was very calm and controlled and the police were pleased as to how it was conducted. They requested moving the location to the parking lot in order to have one contiguous space and be allowed to better monitor the area. It would also allow a larger tent (50' x 110'). The proposed date was 7/30/08. Attendance would be no more than 800. Food would also be for sale and there would be live entertainment. The group said they were aware they were occupying past parking spaces during Yankee Homecoming so they expected paying for parking. They asked to take past practice into consideration when considering their fee. It would take up about 50 spaces. They were planning on appearing in front of the license commission in the next week for the one day beer license. Ms. Dorfman asked about the request of electrical power. The representative said they tapped into the light post last year and hoped to do it again. Mr. Norton said that the NRA may be willing to forfeit their share of the parking proceeds but the applicants must pay for the share Standard Parking was supposed to get which works out to about \$5 per space per day. The representative also noted that fewer cars than expected were parked there last year. They would require the space Wednesday and until noon the next day. Mr. Fowler asked where the employees would park. The applicant said that they would park in the fenced area. Mr. Fowler said he would want the exact number of spaces prior to final approval. It would also be required to calculate the cost. The applicant said that they unintentionally interfered with the fishermen's access in the past year but they would be sure this wouldn't occur this year. The fence would be approximately 25' away from the pier. Barry Connell, 36 Woodland Street, said he participated in volunteering for the event years ago. After serving on the C10 board, he noticed it was successful and wanted to revive it with some additional controls. He said it would not interfere with the fish pier and still allow them to tap into the NRA's electrical power. He said that the C10 foundation provides information to protect the public interest and they were a 501c3 non-profit organization. He also said that the Yankee Homecoming committee was thrilled to have this event. He suggested talking to the City Marshal about how last year's event went. Mr. Fowler asked for the current 501c3 status. A rep said they file annually with the attorney general. Mr. Connell said he files an annual report and reapplies every four years. Mr. Fowler asked to file their certificate with the NRA. Mr. Norton noted they came to the meeting with the insurance binder and all other approvals. The applicants said they were willing to do this. Mr. Brennan motioned to approve the application based on receiving all the information requested, the exact number of spaces to be used, and the \$5 per space fee for one day (and until noon the next day.) Ms. Dorfman seconded and it was unanimously approved.

The Custom House submitted a waterfront use application for a July 26th wedding. Mr. Fowler thought the NRA should require copies of all the other permits that the applicant was required to obtain (ex. – liquor license) prior to approving the application. Ms. Dorfman motioned to approve and Mr. Fowler seconded and all voted in favor.

The Custom House also submitted a waterfront use application for July 17-20th for a possible Maritime Festival. Ms. Dorfman motioned to approve, Mr. Fowler seconded, and it was unanimously approved.

Sign/Façade Applications:

A sign application was received from Simply Street on Inn Street requesting additional signage for their back doors facing the parking lots. There are currently no signs above those doors. The applicant said that the Printmaker and the Elephant's Trunk also have signs on the rear. They would be small signs, black and gold. Mr. Sidford had approved the application. Mr. Brennan motioned to approve the signs and Ms. Dorfman seconded. It was unanimously approved.

Misc:

Mark Guay said he was giving the NRA a heads up that the Custom House would be requesting a lease agreement with the NRA. Carol Ann McPhearson said that in 1968 the NRA offered the Custom House a 99 year lease for use of the lawn area for a museum complex. Because of the "ways to the river" issue it was sidelined. In Feb. of '01 the Custom House again formally asked to have the lawn added to the lease. They were told by the NRA to ask for the lease annually. In '04 they asked again for a lease for the lawn and the NRA gave them permission to be the caretakers of the lawn. However in '07 the Coast Guard celebration and the Beer Fest occurred on the same day causing a conflict so they hoped that would not occur again. They requested to come back at the next meeting for a formal presentation. They were thinking of a two year lease. Mr. Brennan was concerned with the lease possibly getting in the way of the park planning. Mr. Fowler suggested asking for a lease in advance prior to the two years expiration to prevent it from lapsing. Mr. Norton thought that the NRA's attorney could draft a lease or advise on how to proceed.

Approval of Minutes:

Mr. Fowler motioned to approve the minutes of the 1/23/08 hearing and Ms. Dorfman seconded. Mr. Norton made clarifications and all voted in favor of approval.

Treasurer's Report:

Mr. Brennan presented a summary of 2007 activity. He said that this year the NRA is starting off better financially than last year. The service fees that occurred in 2007 would disappear as the checks would be coming out of the checking account, instead of the money market account. Mr. Brennan also said that he brought the balance in the money market account back into the checking account, and then transferred the amount for February's checks. Mr. Fowler asked what the total proceeds for the parking were. Mr. Brennan did not know off hand. Mr. Fowler motioned to approve the Treasurer's report and Ms. Dorfman seconded. It was approved unanimously.

Correspondence:

Mr. Norton said he was contacted by Rep. Costello's assistant, Fred Lucey about the park planning. Mr. Norton provided them with a copy of the latest Cecil plan. They would talk about cost estimates at a later date. Cecil did an estimate for about \$5m years ago on their first plan.

Notice of Non-Compliance:

A cost estimate was provided for a Tier II extension and preparation of a bid proposal. The extension was \$1K in labor with \$200 direct expenses. The bid package was \$2K with direct expense of \$200. The consultant would also evaluate proposals and attend a meeting if necessary. Mr. Fowler asked if the consultant had identified any grants yet. Mr. Norton said that he was told there was funding out there and they were willing to research it. VHB recommended pursuing the grant idea to pay for the work to do the work. They thought that by the time the LSP is on board next March, grants could be in place to pay for it. Ms. Dorfman said that many grants are just forms that NRA members could fill out. Ms. Dorfman motioned to approve the expenditure with a contingency that the NRA's attorney says that they are authorized to sign. Mr. Fowler seconded and all voted in favor (Norton abstained.)

Bylaws:

Mr. Norton asked members to review the bylaws as some corrections should be made.

Park Planning:

Mr. Fowler said it would be preferable to schedule around people's calendars instead of having to hold extra meetings. A meeting for March 12th at 6pm was scheduled to discuss the Cecil plans. One issue is the tree line along the boardwalk impeding the views to the river. Mr. Norton also was concerned with the impact of the views and not disturbing the existing boardwalk. Mr. Fowler was concerned with the cost of supporting the park with 134 parking spaces and the possibility of the Maritime Museum expanding. He also wanted the City involved in the planning as it's still not known what the City is doing with parking. He felt the plan would be great on paper with a few changes. He said the City can't pay for it and the residents don't want to have to pay for it. Mr. Norton said that price tags from concepts must be derived. Mr. Fowler did not think there were enough parking spaces on the land. Mr. Fowler said he also had literature about an ice skating rink in Newport that covers a parking area. He said that the banks and businesses sponsor the upkeep of the rink. Mr. Fowler requested inviting the Mayor and Nancy Colbert to the next special meeting. Mr. Fowler also suggesting Andrea Egmont getting involved with the skating rink aspect of the project. Ms. Dorfman was concerned with the location of the bike path going through the parking lot.

Waterfront Trust Proposal:

Ms. Dorfman noted that in Cliff Goudey's letter, it inferred that the Harbor Commission was in favor of the fueling at the boardwalk but she attended the meeting and she said they were not. The Harbor Commission was concerned that the commercial fisherman would not have access to the low priced fuel and thought it should be located at the fish pier. In order to bring in fuel, the boardwalk would need to be shut down, no pedestrians could be near the hoses, and cigarettes would be a concern. Fire Chief Steve Cutter has drafted regulations that Mr. Norton did not know if was acceptable to the Waterfront Trust. Ms. Dorfman said that the applicant previously

requested the same and was denied but then presented information showing that other communities do it. If the Harbor Commission was to provide fuel, they would also not require the additional \$.05 per gallon that the Waterfront Trust would require. She thought they should work with the fisherman and was also concerned with the proposed hours. Clarification was necessary about how the fuel truck would be using the NRA's property. Mr. Fowler was concerned about losing the little fisherman the City still has. Ms. Dorfman investigating whether fueling could be done at the fish pier at high tide. She was opposed to the idea of allowing the Waterfront Trust to access NRA land to allow fueling. Mr. Fowler said he would also prefer a better solution than what the Waterfront Trust was proposing.

Cliff Goudey of the Waterfront Trust said that he was concerned about the boats going to a different home port because of the cost of fuel. He said the boats that dock there provide half of the Waterfront Trust's income. George Hilton and Jimmy Ford suggested the idea of allowing vessels to fuel at the Boardwalk and also suggested using biodiesel. They suggested using Atlantic Fuel. The fish pier location was first suggested but the Fire Department did not like the idea because of allowing general access to an unlimited number of boats. Allowing fuel trucks has been done in the past. He said the Waterfront Trust has not yet commented on the draft rules that the fire chief provided. The language that the Waterfront Trust would be responsible in the event of an accident basically makes the City liable, which they don't want to do. Ultimately, he thought the fish pier would be a good idea but thought this would work as a temporary measure. The Waterfront Trust doesn't have the ability to allow boats to pull up for fueling nor do they want to get in the fuel business. The only place to park while fueling is on NRA property. An area by electrical panels in middle of the north end of the west lot could be used. Mr. Goudey said that the proposed hours were not an inconvenience. Mr. Goudey also thought the boardwalk didn't need to be closed down. Mr. Fowler was concerned about the diesel smell. Ms. Dorfman asked how long it would take to fuel. Mr. Goudey said it would be about a half an hour. He hoped to have it in effect by the summer. Mr. Norton was concerned with logistics and liability extending to the NRA. Mr. Goudey said that the trucks are licensed and have spill kits. Regulations are in place and details would be worked out with Chief Cutter. Mr. Fowler suggested looking into the idea of putting fueling stations near the harbormaster's shed. He said he would like other avenues explored. Ms. Dorfman explained that Harbor Commission was under the impression that allowing fueling at the fish pier wasn't an option and now they have a new interest. Mr. Goudey said the fish pier didn't have a place to dock in the winter and the fish pier requires a fishing license which the tour boats don't have. Ms. Dorfman suggested fueling on Waterfront Trust property in winter and the other area in summer during the highly populated season. Mr. Goudey said he was asking for the sake of his clients. Mr. Brennan asked if piping was an option to prevent having to have people step over a hose. He said he was not opposed to the idea as a temporary solution if it they could make it work. Ms. Dorfman thought it was unfair that other commercial fisherman could not access the prices that would be available to Waterfront Trust boats. Mr. Goudey said they were going to continue speaking with the Fire Chief. Ms. Dorfman said she would be more comfortable after seeing a final draft of the proposal. She said she would object to a permanent measure. She didn't agree upon the hours. Mr. Fowler wanted to make a decision once all the other parties have agreed upon details. Mr. Brennan was fine if it was conditioned that the liability is not on the NRA and they were properly insured, etc. The disruption factor was also a concern. Mr. Fowler wanted to see something else explored first that doesn't involve the NRA property. Mr. Brennan suggested

approving it for one year trial. Mr. Goudey said historically the Harbor Commission has not done enough for the commercial fisherman so they were trying to help out. Both Mr. Fowler and Ms. Dorfman were concerned with approving it at this stage.

The meeting adjourned at 9:22 PM.

Dianne Eppa,
Note Taker