

Newburyport Redevelopment Authority
Joint Meeting with the Newburyport Waterfront Trust
Police Station Conference Room
May 16, 2018
Minutes

1. Call to Order

Chair Bob Uhlig called a meeting of the Newburyport Redevelopment Authority to order at 7:25 p.m.

2. Roll Call

In attendance were members Bob Uhlig, Leslie Eckholdt, Andy Sidford and David St. Cyr and Attorneys Carol Powers, Kathleen O'Donnell and Peter Durning. Also in attendance were Trustees Wilbur Shenk, Dan Mello, Sean Bradley and Steve Hines and Attorney Grace Connolly.

3. Minutes

Leslie Eckholdt moved to approve the minutes of the March 14, 2018, meeting as submitted. David St. Cyr seconded the motion. The motion was unanimously approved.

Andy Sidford moved to approve the minutes of the April 25, 2018, meeting as submitted. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

4. NRA Business

A. Introductions

Bob Uhlig introduced Carol Powers, former NRA attorney and her replacement, Kathleen O'Donnell. He also introduced Bill Chapman, environmental consultant and Peter Durney, environmental attorney.

B. Soils Update

Bill Chapman of ESS provided an overview of the soil remediation work. When the soil and ground water in the west lot were assessed, a low level of hydrocarbons was found that does not pose a risk. One area with a high concentration of arsenic was also discovered. The soil was excavated and disposed of off site. The next step in the process is the completion of a more detailed risk assessment. This task will be completed in the next two weeks and will determine the uses that are to be restricted. A July 1 goal has been set for the recording of an AUL on the west lot. The procedure will be similar to that followed for the east lot, where lead was found.

Peter Durney said the Massachusetts Contingency Plan regulates contaminated soil. A licensed site professional would review the existing conditions and provide a profession opinion on any action that should be taken, such as the recording of an AUL. An AUL places limitations on the way in which land might be development according to the type and amount of contaminants found. Attorney Durney would review the AUL for the west lot before it is recorded.

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The Waterfront Trust voted to engage TRC to conduct an AAI-compliant Phase 1 Environmental Assessment. This work is necessary to protect the Trust from liability when it accepts the NRA property. The NRA gave permission to the Waterfront Trust to conduct the Phase 1 Environmental Assessment on its land. Bill Chapman will forward the current proposed plan to close out the west lot to TRC. Depending on the outcome of the Phase 1 Assessment, the Waterfront Trust might partner with the City to conduct a Phase 2 Assessment.

Bill Chapman submitted a proposal in the amount of \$21,500 for the additional services needed to complete the work on the west lot by July 1. To date \$69,376 has been paid to ESS. Andy Sidford moved to approve a payment to ESS for additional services, with the total for all work not to exceed \$89,610. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

Grace Connolly asked if the recording of the AUL should be put on hold while the Phase 1 Assessment is being conducted. This might make it difficult to meet the July 1 deadline due to a 21-day notification requirement. The issue will require further discussion.

The meeting was opened to comments from the public. Bill Harris said the proper procedure was not followed when the AUL was recorded for the east lot. The abutters must be notified before the AUL is placed on the west lot. He spoke about the presence of coal pockets and said he is concerned the Waterfront Trust will acquire land that would cause it to become bankrupt. Elizabeth Harris said there would be advantages to delaying the transfer of the property so as to allow the NRA to be the lead agency on the environmental assessments.

C. Property Survey

Everett Chandler informed Bob Uhlig that he has been delayed in producing the existing conditions plan and will provide an update at the end of the week.

D. Dumpster Modifications

David St. Cyr received quotes totally \$21,000 for the expansion of the dumpster enclosure to accommodate a second bin for recycling. A 20' x 16' x 8' cedar fence would be installed. The cost is higher than was originally expected because the scope of work has changed. Instead of crushed stone, the entryway for the trucks would be paved and a concrete pad would fill the entire enclosed area rather than just half. Plant materials are to be installed around the exterior of the enclosure. The work should be completed in July. Leslie Eckholdt moved to approve expending up to \$25,000 to expand the dumpster enclosure. Andy Sidford seconded the motion. The motion was unanimously approved.

E. Review of Expenses

Andy Sidford moved to approve a payment to Gretchen Joy in the amount of \$150 for minute taking for the May 16 meeting; to Tom and Gretchen Joy in the amount of \$471.34 for labor and materials for the maintenance of the Pop Up Park; to the Waterfront Trust in the amounts of \$1,000 for its share of the cost to treat the sycamore

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trees and \$389 and to Dave Dylewski for work along Somerby's Way. David St. Cyr seconded the motion. The motion was unanimously approved.

F. Endowment

Leslie Eckholdt said she would recommend placing the endowment funds in a T. Rowe Price account rather than stocks or bonds. Kathleen O'Donnell explained the Massachusetts Department of Housing and Community Development must approve the dissolution of the NRA. When considering an endowment, it must be remembered that the way in which the assets of redevelopment authorities are disbursed is determined by statute.

5. Combined Waterfront Trust and Newburyport Redevelopment Authority Business

Bob Uhlig distributed a revised parcel disposition plan dated May 16, 2018. In this plan all A and B parcels would be conveyed to the Trust, along with D2. Parcel D1 would be conveyed to the Custom House Maritime Museum and later divided into parcels D1A and D1B. D1B would then be transferred to the City. The plan shows the submerged tidelands from the eastern edge of the embayment being transferred to the City, with the remainder going to the Trust. The City Council apparently favors this manner of disposition for the submerged tidelands. The Trustees indicated they are in general agreement with the disposition plan. A meeting for further input is to take place on May 23 with the NRA, Waterfront Trust, Mayor Holaday, City Council and CHMM.

6. Reports

Treasurer's Report

On April 30 the balance in the money market account was \$343,577.86 and the balance in the checking account was \$2,868.60.

7. Public Comment

Jim McCauley, 27 Storeybrooke Ave., asked about the status of the work to be done on Ferry Wharf Way. Bob Uhlig responded the business owners requested the construction not take place during their busy season. Rob Germinara, 2 Ashland Street, said the rights of the Trust should be included on the survey. Bill Harris, 56 Lime Street, repeated the comment made by Mr. Germinara and said the Settlers would litigate if the rights to the downriver submerged tidelands were not transferred to the Trust. He said the Settlers would make sure the Harbor Commission would be able to pay for its new building, but otherwise the Trust should retain all income generated at the docks.

8. Adjournment

The meeting was adjourned at 8:46 p.m.