

**Newburyport Redevelopment Authority Meeting
with Newburyport Waterfront Trust,
Mayor Holaday and City Council
City Hall Auditorium
June 20, 2018
Minutes**

1. Call to Order

Bob Uhlig called a joint meeting of the Newburyport Redevelopment Authority and Newburyport Waterfront Trust to order at 7:02 p.m.

2. Roll Call

In attendance were NRA members Bob Uhlig, Leslie Eckholdt, Andy Sidford and David St. Cyr and NRA Attorney Kathleen O'Donnell. Also present were Trustees Dan Mello, Sean Bradley and Steve Hines, Attorney Grace Connolly, Mayor Donna Holaday and City Councilors Jared Eigerman, Heather Shand, Larry Giunta, Charlie Tantar and Sharif Zeid.

3. Soils Update

Bill Chapman reported he is in the process of completing the final environmental documents for the west lot. These include a risk characterization, a notice of an AUL and a permanent resolution statement. The preliminary findings indicate a limitation would likely be placed on residential development, which is a positive outcome. Peter Durning will provide guidance on the language of the AUL. ESS is coordinating with TRC, the consultant to the Waterfront Trust. The process will be completed and the final findings presented in the next month.

4. Parcel Disposition Plan

Kathleen O'Donnell presented a draft timeline for the disposition of the NRA property. The land court process to divide the land behind the Custom House would be a lengthy one. Instead a petition could be filed for the land to be deregistered. It could then be divided into separate parcels. The survey that shows the location of the Rail Trail must be completed before this process could begin. The certificate of title for the piece closest to river is in the name of the former owner and not the NRA. After the certificate of title has been changed in the land court, the parcel could be transferred to the City. An RFP must be drafted for the disposition of the Custom House parcel. This document would specify the land must be used by a maritime museum. It is expected 180 days would be necessary to complete the process.

The tidelands would be transferred jointly to the Waterfront Trust and the City. It is not necessary to issue an RFP for land that is being transferred to the City. The land court judgement requires that the public have access to this land. A provision is being considered that would require the revenue generated from the operation of tidelands to be used to support and maintain tideland improvements, such as the docks and bulkhead.

The east and west lots would ideally be transferred to the Waterfront Trust after an RFP process has been followed. The RFP would restrict the use of the land to park

and parking. Before the land could be transferred, an AUL must be placed on the west lot.

The NRA could assume responsibility for issuing an RPF for the design of the park. The NRA is prohibited by law from gifting its money to the Waterfront Trust. Instead, it could use its funds to ensure the Trust is in a good position to construct and maintain an expanded park. The available funds should be sufficient to cover the cost of conceptual and final designs. The timeline for the design phase would be the same regardless of which party provides the funds. It is estimated 1.5 years would be necessary to complete the design process.

Larry Giunta asked if the tidelands could be divided, as was previously proposed. Kathleen O'Donnell explained the process could take three to four years and Commonwealth approval would be necessary. The Commonwealth has the right to take back the property. Grace Connolly agreed the best solution would be joint ownership between the City and Waterfront Trust with restrictions on the deed that would comply with the land court order.

Sharif Zeid asked about the use of the home rule petition to eliminate the need for an RFP and allow for the transfer of the NRA's monies. Attorney O'Donnell has not yet received an answer to this question from the general council at DHCD. Mr. Zeid asked about the distribution of the income generated on the central waterfront. Attorney O'Donnell responded the NRA is the seller of the property and would not be involved with the negotiations between the City and Waterfront Trust. Steve Hines said he has met with the chair of the Harbor Commission and is confident an agreement could be reached.

Mr. Zeid asked about the timeline for the amendment of the Trust document. Attorney O'Donnell explained that the amendment of the Trust document is not on the NRA's timeline because it is not an NRA task. Steve Hines responded that the recent focus of the Waterfront Trust has been on the property transfer and environmental issues. The amendment of the document is currently not a priority for the Trust and need not be done before the land is transferred.

5. Public Comment

Rob Germinara, 2 Ashland Street, asked if the NRA members voted to approve the timeline and asked about the terms of the members. Attorney O'Donnell responded that a vote has not been taken on the timeline because it is a draft and the members serve until they are replaced. Laurel Algrove, 22 Beacon Ave, spoke about the trust fund created for the betterment of the waterfront from the Chain Bridge to the mouth of the river that was written about recently in the *Daily News*. She asked if at some point this money could be used as supplemental income for the expanded park. Mayor Holaday responded this money could be a source of income after the monies become available. The trust fund must first reach 100 years or \$1 million. Bill Harris, 56 Lime Street, said he is pleased with the progress that has been made and he approves of the joint ownership of the tidelands. Elizabeth Harris, 56 Lime Street, asked if the ways to the water would be included in the park design. Attorney O'Donnell responded the ways are not an issue now that the land is to be converted to a park. The ways were to guarantee public access to water when the sale of the land to a private developer was being considered. Bill

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Harris responded that the ways create a sense of the seaport. He said Central Wharf Way should be shown as being 25 feet wide on the survey. Steve Hines responded the ways will be on the survey, with the exception of Lower Custom House Way, which is an issue to be resolved between New England Development and the City.

6. NRA Business

- On May 31, the balance in the checking account was \$2,868.69 and the balance in the money market account was \$343,577.86. Leslie Eckholdt moved to approve a payment to the Waterfront Trust in the amount of \$1,169.43; to Gretchen Joy for minute taking in the amount of \$150.00; and to Tom and Gretchen Joy in the amount of \$1,884.50 for labor and materials related to the maintenance of the PUP and east and west lot planters. David St. Cyr seconded the motion. The motion was unanimously approved.
- Leslie Eckholdt will send a copy of the past parking agreement with the City to Kathleen O'Donnell. The current agreement has expired.
- There was no update on the dumpster enclosure.
- Andy Sidford moved to approve a second contract with Peter Durning up to the amount of \$5,000. David St. Cyr seconded the motion. The first contract included attendance at three public meetings and did not include advice on the AUL. The motion was unanimously approved.

7. Adjournment

Andy Sidford moved to adjourn the meeting at 8:48 p.m. David St. Cyr seconded the motion. The motion was unanimously approved. The next joint meeting will be scheduled for July 18.