

**Newburyport Redevelopment Authority**  
September 26, 2007

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

**Public Comment:**

**Minutes:**

**Applications:**

1. Chamber of Commerce – Mr. Taintor said that the property was public property. Only applies to zoning. He thought it seemed as the City Council had responsibility to approve use on a public way. Anne Ormand said that the Mayor might get a determination that it's the Council's jurisdiction. Mr. Fowler suggested talking to Rich Jones about getting on the Council agenda. The application requested to withdraw the application.

2. Waterfront Use Request for MS Society – 4/12/08. Tents will be set up in the West Lot. They have not paid parking fees in the past. Mr. Taintor motioned to approve the request and Ms. Dorfman seconded. It was approved unanimously.

3. Maritime Society – has insurance, use on 9/29/07. Ms. Dorfman said the same event was held last year. Mr. Norton said that he spoke with a woman regarding parking. The application was missing the map but they requested the use of the Custom House lawn. Wine will be under a tent with walls. The applicant will submit the map to the Planning Office if approved. Bathroom facilities and water will be covered by the Custom House. Hospital is charged a fee for these facilities. The insurance certificate had expired but an extension letter was included with the application. Ms. Dorfman motioned to approve the application and Mr. Fowler seconded. It was unanimously approved.

Mr. Norton said someone called him about the parking situation while reserving NRA land. They asked if anything could be done to have the fees waived. Mr. Norton said that they usually allow non-profits to have the NRA donate their portion. This would be different b/c people are coming to the event and are not anticipating free parking. Not much to do this at this late date. Didn't ask for vendor spaces either. Did not advertise free or paid parking on flyer. Mr. Taintor suggested having Standard Parking count cars and having the NRA pay their share. Mr. Norton suggested maybe they could arrange a stub ticket system for next year as there was not much that can be done now.

**Minutes:**

Edits were made by Mr. Norton to the 6/27 minutes. Mr. Taintor motioned to approve, Ms. Dorfman seconded.

Mr. Taintor made clarifications to the 7/25 minutes. Mr. Taintor motioned, Mr. Fowler seconded.

Minutes of annual meeting of 5/23/07 were approved. Rick and Erford presented a slate, EF secretary, TB Treasurer.

8/22 minutes – Mr. Brennan made edits. Ms. Dorfman motioned to approve, Mr. Fowler seconded and minutes were approved unanimously.

### **Correspondence**

Mr. Norton met with the Waterfront Trust about shared maintenance costs and paid parking. Both topics were well received. Fred Hufnagel thought that they couldn't charge for parking. No one seemed to know why. Mr. Harris has written to the Waterfront Trust encouraging them to charge for parking. He believes there is no restriction against it. Standard Parking may be consulted for scenarios next year. They could suggest pay and display, or any other idea. Mr. Taintor handed out pamphlets on Pay and Display meters in Portsmouth. They will discuss that at a future meeting. Mr. Fowler said that they have solar powered meters also. Mr. Taintor said that this is just a pilot program in Portsmouth. Mr. Norton said that the Waterfront Trust said they often find themselves in a bind with maintenance issues. They competitively selected a bidder to do the maintenance in the past. They are interested in expanding the RFP to include weeding, etc. A full walk around the border would be a good idea to get a feel for what belongs to whom and who will be maintaining it. Mr. Norton felt that both groups would save some money joining together. Mr. Norton said that they also discussed waterfront planning. They will welcome ideas and give feedback if there are any issues.

Unemployment Letter – Mr. Brennan followed up. Division of Unemployment suggested that the NRA fill out a form to suspend the requirement of filling out the report. They claim that forms were filed in the past, at least in 2006. He said he would look through the archives to determine why they need to file. A \$25 per quarter fee is charged. Must send check for \$50 along with form to suspend filing requirement. They claimed that the fee is never waived. May not have to pay the fee but will still have to pay the penalty. Mr. Norton will ask Carol Powers if she is aware of anything. He will issue check and fill out the form to send in.

Mr. Norton had a letter addressed to the Chamber from an unknown stating that Newburyport is greedy for charging for parking.

### **Treasurer's Report**

Mr. Brennan submitted a YTD summary. Income is \$63,121.63, expenses are \$9,166.80. Current balance is \$73,482.15. Mr. Brennan said that he could not reconcile the figures that should have been paid in August by about \$200. Mr. Norton said there was an error previously that had been corrected already by Standard. Mr. Norton was unsure if they have deducted the curb stops, they said they haven't yet. Mr. Norton gave Mr. Brennan a new spreadsheet from Standard's accounting department. Repairs and maintenance had been charged on this version. \$3732 was approved in the minutes to reconfigure spaces and install curb stops but \$3921 was charged. Mr. Norton will follow up. Will also inquire about the \$16 wire transfer fee that is being charged. Mr. Taintor figured that they are taking approximately \$4 per weekend and crediting it back to the NRA. Mr. Taintor figured the parking revenue from September will be near the next Cecil Group bill. Mr. Taintor motioned, Ms. Dorfman seconded.

Mr. Norton said that he has not had the opportunity to walk the property with the City Electrician to determine what is owned by the NRA. The electric bills seem to be consistent, going up in the winter darker hours.

Mr. Norton noted that the RFP and contract with Standard Parking is to charge through Labor Day and to come back for festivals. Nothing preventing NRA from charging whenever they desire. In past years, Mr. Norton thought it may not have been economical to work after Labor Day. Mr. Brennan noted that there was still a demand and felt the NRA could still charge.

**DEP Notice of Non-Compliance:**

After last month's meeting, Carol sent Nat the notice with August 30<sup>th</sup> deadline date of first deliverable. She said that the dates are not hard and fast and subject to having a LSP review. Mr. Norton said that he spoke with an LSP and he said not to sign it. He was told that it should not be signed until the record can be reviewed and a realistic time to address it could be determined. 4/08 date of phase 2. Even though it's not a big deal, the LSP said that the date was unrealistic. Mr. Norton said that he put in a phone call and email into Carol Powers to see if any of the DEP information has been received yet. Lead is the issue at the site. At the advice of the LSP, Mr. Norton will make a request through their website to pick up records. He should have an LSP hired by next month or so.

Mr. Norton spoke with attorneys Richard Jones and Mark Griffin. Gave both an overview of types of things they would be dealing with, although not in depth. An LSP seems to know a lot more about the situation than an attorney in this matter. Mr. Norton spoke with Rich Jones about representing the NRA. He checked with the Ethics Commission and was told it was not a problem. Mr. Jones does not practice law at the moment outside the City. If he agreed to do it, it would be the only legal work he would be doing. Mr. Fowler said he asked Nancy Colbert also and she didn't believe there would be any conflict. Mr. Jones was a former City Solicitor and former NRA member. Mr. Norton also spoke with Mark Griffin. Has a small in town practice. Focuses on land use, real estate, civil litigation. Background seems appropriate for type of counsel NRA needs. Mr. Norton will also request Carol to write a letter recommendation that the NRA move on to another attorney. Mr. Fowler suggested having her assist the NRA on choosing another attorney.

Mr. Taintor noticed that the Cecil Group invoice #1 had not yet been paid. Will void check and reissue with total bill amount. Have already been approved.

**Parking Lot:**

Winter storage – idea was that Standard will remove the barriers and the DPW will store them. If they plowed perpendicular to the barriers, they could allow them to remain. Put jersey barriers at the end. Ms. Dorfman thought it was a bad idea. At some point Standard will have to move them. They have agreed already to pay the labor.

**Waterfront Park Planning:**

Mr. Taintor said that many emails were received from the Cecil Group too late for the public forum so it wasn't held. He had asked to have the info by the 4<sup>th</sup>. He said that he was quite frustrated and not quite happy with the quality of the work at that time. He felt they were not

prepared enough to hold a public forum. The meeting was still noted on the door in City Hall so some people still showed up.

Mr. Taintor said that there wasn't any major difference between the two schemes proposed. About 5 spaces total. Issues with the layout of the spaces. One preserves the Somerby's Landing pathway and one doesn't. The one that doesn't, doesn't provide any more spaces and rips out nice landscaping and mature trees. Seems that there are significant concerns with this plan. Cost of moving, no additional green space. The SE corner is not laid out very efficiently. Mr. Taintor thought that one could get more spaces here without reducing the green area. He thought that the NRA shall lay out a basic parking plan and show what it would look like on the west lot from Exhibit A and east lot on exhibit B. It gives the basic parameters of open space. He suggested looking at different components that will be included in the park instead of two entirely different plans. He suggested thinking of it as a package of parts to have a presentation that will engage residents. The Cecil Group has also given NRA their notes from the stakeholder meetings but they have not been organized. Mr. Taintor suggested putting it all together and tallying to see how broad the interest is. Can use that to show what some have been asking for. Mr. Taintor said he was disappointed that it was too much lecturing by the consultants and not enough input from the stakeholders. He recommend looking at general level of parking spaces and seeing if it makes sense. If it does, it can determine what type of park is needed. Mr. Fowler said that the number of parking spaces will be the biggest issue. He questioned if anything economical has been considered. He said that the NRA needs to know what type of income is needed to maintain the park and they need a clear understanding what is needed to support the park. Ms. Dorfman showed that in scenario B they used Waterfront Trust parking. Mr. Norton said that it was based on both parcels being combined. That plan will tear out an existing functional way, which was one of the top reasons it is not a good option. There is a limit of connections between park and NRA property. The plan may violate agreement and nothing is gained in terms of parking or green space. Another thing to be straightened out is whose parking is where. Mr. Norton suggested a Power Point presentation showing different features in different locations based on a basic parking layout. The need to provide access to private parking for condos showing that it is separate from the NRA property. Almost painting lines on what can be done taking into consideration the constraints. Mr. Norton said they have some preliminary figures. Can figure cost, maintenance cost, and income. Ms. Dorfman felt that everyone is going to have different desires. The stakeholder meetings will be more efficient. They have to know constraints, amount of revenue needed, number of spaces that will get there. Mr. Norton didn't want to link what the NRA could afford with a number of parking spaces. Mr. Fowler thought it was dangerous that the public would want to tell us what to do without even considering any financial impacts. Ms. Dorfman envisioned the forum similar to the stakeholders meeting. She felt that a lot of ideas were presented. Mr. Fowler was bothered that something could be going on behind the scenes that he wasn't aware of. Ms. Dorfman said that she would like the opportunity for the public to say what it is they desire.

Mr. Joseph Brown was concerned that the stakeholders meeting, public meeting, then package was being pulled together already. He said he was angry that the stakeholders have the ears of the officials and not the citizens. Mr. Brown said that the NRA shouldn't even make draft plans without having a public meeting. He also said that the advertising has been horrendous. He said that the NRA can't go to a public meeting with the plans already without being accused of

having a rigged deck. All you have to do is have a public meeting. He said that the NRA should listen what citizens have to say before they are put on paper. And it should also be prior to the election. He said that rumor is that plan is being deep sixed before the election. If the NRA doesn't want lawsuits and confrontation, citizens should have the opportunity to speak prior to plans being made. Mr. Brown submitted a letter to the NRA meant for the Daily News but the Daily News refused to print the letter. He said the NRA shouldn't sit in a closed session at 9pm b/c he's the only one that will listen at this hour and the NRA needs to ensure people that their mind isn't made up yet.

Mr. Norton said that it has always been the intent to structure the process in a way to get the input that is desired. Mr. Taintor said that the second public meeting was to present two concept plans. Mr. Taintor said that all meetings are public, even if they are workshops. All are published. The intent was not to dialog with the public and they were not trying to design ahead of time. They were simply getting a concept and materials in order to present to the public. Meeting is still going to be held. Purpose is to get ideas from the public. Mr. Norton assured him that they aren't designing a park then rolling it out to the public. They were trying to figure out how to present to the public. Ms. Dorfman said that Mayor presented a starting point. Most meetings were spent arguing that this is simply a starting point of discussion based on input given through these meetings. Mr. Brennan said he had no problem deciding on features for starting points. Mr. Taintor said that the contract with the Cecil Group states that they should have two concept plans by now. That was to be basis of discussion of the meeting. He said there was too much to do at this point and suggested that they may want to start with baseline and throw out ideas visually and discuss the types of elements wanted in the park. Mr. Taintor said that the NRA needs to have something in order to get people talking and it was their responsibility to make decisions. There will always be more data to collect. That has been the excuse.

Ms. Dorfman said that the NRA is responsible for facilitating a public forum. She said that the plans that were developed adhered to what was requested in the contract. Ms. Dorfman suggested a public forum without the Cecil Group present. She suggested showing a diagram of the property controlled by the NRA, then asking the public for priorities. Mr. Fowler said they'd look like fools if a public forum wasn't held. Mr. Norton said he felt that the consensus building would occur down the road and that they need ideas first. Ms. Dorfman said there would be no opportunity to get public opinion if the next public meeting was with Cecil. Mr. Norton suggested Cecil review the process that has occurred already. Mr. Taintor suggested providing a list, and asking for additions using categories such as "needs," "wants," "luxury items," and "not appropriate." Then they could explain why the gray and green are portrayed. Mr. Brennan said that they should present a possible parking layout within the gray area, state that the plan is a draft, state how many spaces there are, and talk about the constraints (access to Fish Pier and private spaces), etc. Mr. Norton suggested that they hand out 11x17 plans of the gray-green base map and a summary of the constraints, green-gray acreage distribution, other factors, so that people have an easy reference to look at during the meeting. Mr. Fowler suggested considering issues such as delivery to Not Your Average Joe's. Mr. Brennan said if everything goes smoothly they can take input then attempt to fit the majority of requests in. They can then come up with many layouts based on the base plan. Mr. Norton suggested a base plan based on constraints. One visual, several 11" x 17", ask audience to vote, choose bigger items, see what

the consensus is. A regular meeting was scheduled for 10/24/07, regular business at 5, public meeting at 6. Mr. Norton also suggested having the forum at the Firehouse. Ms. Dorfman said she would look into reserving it.

**Communication with public:** Many didn't know the meeting was cancelled on 9/11/07. Mr. Norton said he was looking into getting an article in the paper stating the progress that the NRA has made. Such things to be included would be the chronology describing costs, where the money will come from (grants), process, timeline, etc.

Mr. Norton and Mr. Taintor agreed to speak with Cecil about postponing their work until a future date. Mr. Norton preferred Dave O'Connor attend the forum just to listen. He wanted the NRA to be seen as the meeting holders, not the Cecil Group. Mr. Taintor felt they could do without him if he wasn't going to speak. Mr. Brown felt that if the Cecil Group was in attendance for the stakeholders meeting they should be there to listen to the public. The NRA already approved \$5,000 for a contingency.

Mr. Fowler asked to get a copy of anything submitted to the news in writing just so members are aware of it if citizens start calling. He also wondered if there was any way to bond from the garage money and thought maybe it might be worth pursuing.

10:06