

Newburyport Redevelopment Authority
City Hall Auditorium
May 22, 2013
Minutes

1. Call to Order

A regular meeting of the Newburyport Redevelopment Authority was called to order at 7:10 p.m. by Chair Tom Salemi.

2. Roll Call

In attendance were members Tom Salemi, Patty Dorfman and Adam Guild. Carol Powers was also in attendance.

3. Reading of Mission Statement

Patty Dorman read the mission statement.

4. Minutes

The approval of the minutes of the February 28, 2013 meeting was tabled.

Adam Guild moved to approve the minutes of the April 24, 2013 meeting as amended. Tom Salemi seconded the motion. The motion unanimously approved.

5. RFP Status Report

Legal Items and Regulatory Items

Carol Powers said she had nothing new to report. She has been working with Andy Port on the RFP but planning and zoning issues would not be considered until a design for the waterfront is more complete.

Construction, Environmental & Geotech Items

Adam Guild said he has requested that Mass Development reimburse the NRA for the planned borings in the east and west lots. The work will not take place until notification has been received that Mass Development agrees to fund it.

6. Treasurer's Report

Adam Guild said the balance in the checking account is \$4,579.80 and the balance in the money market account is \$181,660.77. He said a check dated May 1 in the amount of \$250 was received from Not Your Average Joe's for dumpster rent.

Adam Guild moved to approve a payment to National Grid in the amount of \$211.58. Patty Dorfman seconded the motion. The motion was unanimously approved.

Adam Guild moved to approve a payment for minute taking for the May 22 meeting in the amount of \$150. Patty Dorfman seconded the motion. The motion was unanimously approved.

7. Waterfront Trust / NRA Boundary Survey

The NRA must vote to convey a triangular section of land on Ferry Wharf Way in order for Everett Chandler to add the information to the survey and complete it. Carol Powers said she must be able to review the final plan. The triangular section should be designed as a part of Ferry Wharf Way. Tom Salemi moved to accept the plan contingent upon review and approval by Carol Powers and the inclusion of a notation that the triangle is to be conveyed at the time that Ferry Wharf Way is conveyed. Adam Guild seconded the motion. The motion was unanimously approved.

8. Custom House Preservation Restriction.

A preservation restriction must be placed on the Custom House in order for grant money for repairs to be received. Greg Colling said he had a final meeting with MHC and the project is complete. Carol Powers said MHC has agreed that a subordination agreement could be placed on the first preservation restriction. A second issue is that the ground lease is for the footprint of the building while the restriction applies to two additional parcels. She said she does not want to property that is to be a part of the RFP to be restricted. She negotiated with MHC to have preservation restriction apply to the lot with the building and extend for an additional 70 feet but one of the lots will be unrestricted. MHC will have review and approval rights on the land behind the Custom House. No action could be taken there without a rigorous public review. Adam Guild moved to approve the revised preservation restriction upon receipt and review. Patty Dorfman seconded the motion. The motion was unanimously approved.

9. Bulkhead Repair

Geordie Vining said the bulkhead must be repaired in order to retain its function. Most of it was constructed in 1977 and it is nearing the end of its service life. The intention of project is to keep the system functioning as it is currently. The stakeholders began meeting about the project last year, when funding project became available. James Shanley decided at that time not to be a member of the steering committee. The committee hired Bourne Consulting Engineering, who conducted a survey and prepared cost estimates and alternatives.

A grant in the amount of \$1.98 million was received but the cost of the project has now doubled and the work will be done in phases, with the first phase scheduled to take place this fall. The Waterfront Trust and Harbor Commission both voted to commit \$25,000 to the project. The State issued a positive MEPA certificate, indicating the work represents a standard approach to bulkhead repair and there will be no change to the existing conditions.

The submerged tidelands were conveyed to the NRA 44 years ago and were cut off from the remainder of its property by the creation of the Waterfront Trust, which owns the boardwalk and the bulkhead. As a part of the repair work new sheet piles will be driven in front of the existing ones and the area between the two will be filled with concrete. The newly filled space would be on NRA land. A possible interpretation of the change might be that the NRA would then own the bulkhead.

Mr. Vining requested that the NRA vote to confirm its support of the project and to name a member to be a part of the steering committee. He also asked that the NRA financially support the project. An additional \$100,000 to \$200,000 is needed for the first phase of the project. Additional grant sources are being sought and funding is better leveraged when stakeholders make their own financial contribution. Finally Mr. Vining asked that the NRA vote to convey the strip of tidelands that would be impacted by the work to the Waterfront Trust and to bear the associated costs of the transfer. Carol Powers said she would not recommend conveying the entire submerged lands but she would not object to the strip being conveyed as long as the impacted section is clearly defined at the Registry of Deeds. She added that Bill Harris had not correctly summarized her position on the issue in a recent letter. She also said she recommends the NRA be indemnified because the City is requesting to be allowed to handle all of the permitting.

Tom Salemi moved to confirm support for and approval of the bulkhead project upon indemnification and to approve retroactively past permit applications as well as any future permit applications and to authorize the City to seek funding and manage all aspects of the project. Adam Guild seconded the motion. The motion was unanimously approved.

Adam Guild moved to convey to the Waterfront Trust the narrow strip of tidelands affected by the repair and replacement of the bulkhead and mooring pilings upon the completion of the project. Patty Dorfman seconded the motion. The motion was unanimously approved.

Patty Dorfman moved to authorize Tom Salemi to represent the NRA on the steering committee. Adam Guild seconded the motion. The motion was unanimously approved.

Adam Guild said the NRA would financially be able to contribute to the cost of the bulkhead repair. Patty Dorfman moved to financially support the project in the amount of \$25,000. The NRA will not transfer the funds until a later date. Adam Guild seconded the motion. The motion was unanimously approved.

Bill Harris said in his opinion the project essentially results in the construction of a new bulkhead. The cost of the repairs will be greater than that of the original construction. He said the water currently flows as if there were no barrier and the new impermeable boundary would change the hydrology under the soils, where there are heavy metals. He said more should be understood about underground sources of water and the project should be assessed for impacts. He added that as a third phase of the work he would like silt to be removed from the embayment. Geordie Vining responded that according to the Harbormaster the dredging would be a low priority and the fishing boats are able to operate without impediment. Permits have been received to remove ledge at the Fish Pier but funding has not been available. He said he does not believe the project would change the rate of flow. He said the work is necessary to the long-term maintenance of the boardwalk.

10. New Business

Tom Salemi said the City has assumed responsibility for the removal of trash from the parking lots but the NRA must maintain the plant materials. He has requested a proposal

Newburyport Redevelopment Authority
May 22, 2013

from ND Landscaping for the work but it has not yet been received. Patty Dorfman moved to authorize the landscaping work upon receipt of the proposal. Adam Guild seconded the motion. The motion was unanimously approved.

11. Upcoming Meetings

On Saturday, June 29 at 9:00 a.m. Don Powers of Union Studio will present the amended waterfront concept plan at the Firehouse Center for the Arts. The presentation will be followed by an on-site depiction of the size and scale of the proposed design. A regular business meeting and presentation of an alternative waterfront concept by the Citizen's for an Open Waterfront will take place at June 19 at 7:00 p.m. at the Newburyport Public Library. A regular business meeting will be scheduled for July 17 at 7:00 p.m.

12. Public Comment

Sandy Small, 25 Oak Street, asked why the NRA refused to accept the borings that had previously been done by Roger Foster. Adam Guild responded that the borings had not been offered. He said the additional borings are being taken to test soil composition especially in the areas where buildings or underground parking might be located.

Elizabeth Heath, 25 Oak Street, requested under the Freedom of Information Act to receive the financial records from the inception of the NRA to the present. Patty Dorfman said the information is a part of the public record and Ms. Heath should be able to conduct the research. Carol Powers said she would work with Ms. Heath to reconstruct the City records. She said the legal records were not completely conveyed and might not be accessible.

Walt Mott, 4 Turkey Hill Road, said he is a part of the Greater Newburyport Public Forum and he has been approached by members of The Citizen's for an Open Waterfront about holding a forum to neutrally present both sides of the issue of the waterfront development. He said he does not think there has been enough opportunity for the presentation of issues and questions at the regular meetings of either group.

13. Adjournment

Patty Dorfman moved to adjourn the meeting at 9:40 p.m. Adam Guild seconded the motion. The motion was unanimously approved.