

Newburyport Redevelopment Authority
Newburyport Public Library
August 22, 2012
Minutes

1. Call to Order

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

2. Roll Call

In attendance were members James Shanley, Patty Dorfman, Adam Guild (arrived 7:15), John Morris, and Tom Salemi. In attendance was also a guest, Carol Powers, Attorney for the Newburyport Redevelopment Authority.

3. Reading of the mission statement

Patty Dorfman read the mission statement.

4. Minutes

Chair Shanley voted to approve the amended minutes of the August 8, 2012 meeting. Patty Dorfman seconded the motion. The motion was unanimously approved.

5. Treasurer's Report

Adam Guild said the balance in the checking account is \$3168.92 and the balance in the money market account is \$169,081.89.

Adam Guild reported on five invoices to be paid.

Adam Guild moved to approve payment of \$4700.00 for Barry Abramson. Chair Shanley seconded the motion. The motion was unanimously approved. This invoice, dated 8/9/2012, was for work that took place from 7/27/2012 - 8/8/2012. The invoice included a full breakdown of 23.5 hours of work. John Morris asked if they were satisfied with the work. Chair Shanley indicated they were very satisfied.

Adam Guild moved to approve payment of \$150.00 for Jennifer Lamarre. Patty Dorfman seconded the motion. The motion was unanimously approved. This invoice was dated 8/8/2012 and covered the work resulting in the minutes from the August 8, 2012 meeting of the Newburyport Redevelopment Authority.

Adam Guild moved to approve payment of \$150.00 for Jennifer Lamarre. Patty Dorfman seconded the motion. The motion was unanimously approved. This invoice was dated 8/22/2012 and covered the work resulting in the minutes from the August 22, 2012 meeting of the Newburyport Redevelopment Authority.

Adam Guild moved to approve payment of \$990.00 for Union Studio. Tom Salemi seconded the motion. The motion was unanimously approved. This invoice was dated

8/6/2012 and covered the travel and time for Donald Powers, Union Studio, to attend and speak at the Greater Newburyport Chamber of Commerce Breakfast.

Adam Guild moved to approve payment of \$2200.00 for Florey Denhard, Title Examiner. John Morris seconded the motion. The motion was unanimously approved. This invoice was dated 6/7/2012 and the resulting report will be used as part of the good will disclosure that will be provided along with the Title Report. Attorney Gail Powers initiated discussion about this invoice and the work that was accomplished. The Title Examiner worked for 40 hours at the rate of \$50.00 per hour. The invoice also included the cost for copies. The report was saved on a flash drive that was provided to Patty Dorfman at the meeting. Attorney Powers indicated that the work was good and reasonable. John Morris asked about whether it came in at the target budget. Mr. Shanley said it came in under budget. Attorney Powers indicated that if anyone has questions after going through the document, she feels comfortable asking Florey Denhard to "fill in the blanks." Adam Guild asked the purpose of the information provided in the report and whether it will help with the RFP. Attorney Powers explained what was in the document by reviewing the Table of Contents. This information will be provided to Mass. Development as part of the Title Report.

6. John Fitzgerald, Department of Housing and Community Development

John Fitzgerald, Urban Development Coordinator for the Massachusetts Department of Housing & Community Development addressed the NRA and the members from the public who were present. His role, at the Mass. Dept. of Housing & Community Development, is to provide technical assistance to local Redevelopment Authorities. He provided copies of the sections from MGL Chapter 121B that deal with the powers of Redevelopment Authorities (copies provided to members of the Newburyport Redevelopment Authority as well as to the public). He indicated that he liked the fact that the mission statement is read at every Newburyport Redevelopment Authority Meeting. He indicated that reading the mission statement is totally consistent with the statute. A Redevelopment Authority is also known as an Urban Renewal Authority. The Redevelopment Authority is supposed to turn its attention to those areas that are substandard, decadent, or blighted. He indicated that a Redevelopment Authority should not be working on areas where rich people live.

Mr. Fitzgerald said that a Redevelopment Authority could act as a development entity. They can act as a private developer. They can own property and rent property. The difference is that they are a quasi-public authority. They operate at arm's length from the city. The City does, however, appoint members. The Redevelopment Authority in Newburyport owns the property containing the large parking lot.

Mr. Fitzgerald discussed Urban Renewal Plans. Urban renewal has a long and controversial history. At this point in time, urban renewal is going well. Redevelopment Authorities do have the power to acquire by eminent domain if the Redevelopment Authority has an Urban Renewal Plan. The Redevelopment Authority in Newburyport cannot take property by eminent domain. There were some questions about the powers of a Redevelopment Authority and Mr. Fitzgerald reviewed the main points.

Mr. Fitzgerald discussed the dissolution of a Redevelopment Authority. He strongly recommended that a Redevelopment Authority not dissolve. In order to dissolve, a Redevelopment Authority would first have to vote by majority that this is what they wanted to do. Next, the Mayor and the City Council would have to approve the vote. Finally, the Massachusetts Department of Housing and Community Development would have to approve the dissolution. After approval by the Massachusetts Department of Housing and Community Development, if no one sues within three years and if there are no outstanding bills, then the Redevelopment Authority can dissolve. Mr. Fitzgerald's recommendation was that if there is no legitimate business for a redevelopment authority, it should go dormant (not dissolve). If everyone resigns but 2 people, you can't take votes, but the Redevelopment Authority will still exist. Chair Shanley asked about what to do if the group is finishing their work and the land they have been responsible for is disposed of, how do they go dormant? Do they stop meetings? Mr. Fitzgerald gave Holyoke, Massachusetts as an example. He said it is easier to go dormant and restart than to recreate the organization. To recreate an organization requires a couple of votes from City Council, then people would have to be appointed. Mr. Salemi asked if members resign, do they have to be reappointed. Mr. Fitzgerald indicated that the Mayor could decline to appoint someone. Ms. Dorfman said that there appeared to be an advantage to leaving a dormant tool in the toolbox in case it was needed. Mr. Fitzgerald agreed with her analogy. Mr. Guild indicated that they are not planning on dissolving. Attorney Powers said that the Redevelopment Authority has tried to dissolve a few times in the past, but City Council would not accept the dissolution. John Morris asked how long ago that was. Attorney Powers answered that it was about 12 years ago. Mr. Salemi asked when the last time a Redevelopment Authority was created in Massachusetts. Mr. Fitzgerald responded that in the last decade, around 2005, Carver created one because the town had land they needed to dispose of. In 2005 or 2006, Plainville created one. In 2007 or 2008, Dalton created a Redevelopment Authority because property in town needed redevelopment. Redevelopment Authorities have more freedom to buy and sell than a City would have.

Attorney Powers asked if and Redevelopment Authorities were actively involved with brownfield cleanup. Mr. Fitzgerald said that yes, a lot are, including Fitchburg, Attleboro, and Somerville. Chair Shanley indicated that as a Redevelopment Authority, the group has tremendous independence. Mr. Fitzgerald agreed saying that the Redevelopment Authority is an independent entity and not the City. The City cannot be sued for what the Redevelopment Authority does. Mr. Salemi asked about brownfields and Newburyport. Attorney Powers indicated that there was work/discussion a few years ago concerning the area around the entrance to the City.

Mr. Fitzgerald indicated that, in some communities, the City turns land over to the Redevelopment Authority. The Redevelopment Authority can force development beyond zoning regulations. They can set more stringent guidelines.

Questions and comments from the Public included the following:

A question was asked about the insurance held by the Redevelopment Authority to use if

there was a lawsuit. Chair Shanley indicated that there is insurance. Attorney Powers indicated that the Redevelopment Authority had to get a mortgage to pursue the suit against Roger Foster. A member of the public asked whether the process was complete. Attorney Powers indicated that the process is complete and all monies have been paid back. Another comment from the public was, given the previous suit, why are we thinking about getting involved with another developer? Why do we think the property should be sold? It would be so much more profitable if the City maintained the property. Chair Shanley indicated that the Redevelopment Authority believes that limited development would be better for downtown. When questioned about whether parking will be part of the new proposal, Chair Shanley replied that it has never been the mission of the Redevelopment Authority to provide parking. Joanne Purinton, from Newbury Massachusetts, introduced herself. She believes it is a mistake to think this land is Newburyport. This is a National Heritage site. She indicated that everyone should go to Newport and look at what has happened there. Chair Shanley indicated that we are not trying to do what Newport did. Tom Salemi indicated that he wasn't sure why these conclusions are being drawn. Ms. Purinton said that she went to an initial meeting where she understood there would be tall buildings. The response was that the Newburyport Redevelopment Authority will not be making decisions on building height: the project will have to go through the Zoning process.

7. Parking Study by John Burke, update

Chair Shanley indicated that Mr. Burke is still doing the analysis and it is on target for a 9/12/2012 completion. He was hopeful that they would actually have something by the 9/5/2012 meeting.

8. Mass Development, update

There will be a presentation at 7 p.m. on 9/12/2012 at the Firehouse. Tom Salemi indicated that he is collecting email addresses to get the word out. Adam Guild asked if they wanted to take out an ad in the *Newburyport Daily News* to let everyone know. John Morris said that it is something they should definitely think about. Chair Shanley said that this is an important endeavor and thinks an ad would be a good way to inform people. Tom Salemi said someone should write a letter inviting people to attend. He also brought up the question of how information gets to the people who can't attend the meeting. It is important to think about how the public will get access to the information that was presented at the meeting. Chair Stanley authorized Tom Salemi to look into this. John Morris seconded the motion that Mr. Salemi should follow up. Attorney Powers indicated that she has ties to a local college that may provide Mr. Salemi with resources. There was discussion about the fact that videotaping the event was not so much the issue as editing the video to make it accessible and easy to view for those who could not attend. Adam Guild said the video should be posted and linked to the blog. Tom Salemi discussed the issues he had had with putting a previous video on *You Tube*. Adam Guild indicated that the video would be critical. He asked when they thought that an ad should be placed. Chair Shanley indicated that the ad should be placed a few days before the event. Adam Guild asked if Tom Salemi's intent was to use *Constant Contact* as a reminder to "save the date". Mr. Salemi said that it was. He would give notice a few times before the event. He indicated that there are currently 250 people on the email list.

Chair Shanley asked about putting a link on the City web site and indicated that Diane Eppa, Planning and Development Office, was the person to contact. Patty Dorfman asked what they would do if there is a surplus of attendees on the 9/12/2012. What is the contingency plan for handling more people? Chair Shanley said the Firehouse holds 200+ people and said that he would talk to the Firehouse about contingency plans if more people came than could be accommodated.

8. New Business □

No additional items were discussed in the New Business portion of the agenda.

9. Public Comment □

Mary Carrier, 4 Rawson Hill Rd, Newburyport, MA

Ms. Carrier asked about the height of the buildings. Chair Shanley said the height is to-be-determined, but mentioned the 4-story regulation in Newburyport. He said the goal is not to block views. Tom Salemi asked Ms. Carrier about the carnival she wrote about on *Facebook*. Ms. Carrier indicated the carnival was a 2-day, fund-raising event with rides. Residents complained so they could not have it during subsequent years. Ms. Carrier went on to say that a big trend on the waterfront is to have open space with monolithic eateries. She does not want the Newburyport Redevelopment Authority to get involved with a private developer. Tom Salemi said that the intention would be to increase the vibrancy of Newburyport. Adam Guild indicated that it is the NRA's intent to put criteria in front of the developer that the developer will need to conform to. They have great people on the team such as Barry Abramson and Donald Powers. Mr. Guild wanted to reassure Ms. Carrier that there are controls in place. Ms. Carrier responded saying that the waterfront is a valuable piece of property and it would be really nice if it belonged to the City. She went on to say that it is scary when you don't have control, as a City would, over something as precious as the waterfront. She said that we have to be careful. Patty Dorfman indicated that every scenario has shown a minimum of a 40% increase in public park space over what exists now. Every scenario considered integrates waterfront views. The scenarios responsibly increase park space and waterfront views. Chair Shanley said the Newburyport Redevelopment Authority would NOT accept proposals without making sure all the details are included. Ms. Carrier expressed concern about the City losing control.

Dyke Hendrickson, Reporter, Newburyport Daily News

Mr. Hendrickson asked about the presentation on 9/12/2012 at the Firehouse and who would be giving the presentation. Chair Shanley responded that Union Studio would do the presentation, but Massachusetts Development will be present.

Laurel Allgrove, Newburyport, MA

Ms. Allgrove said that people do not want to see buildings at all. Chair Shanley indicated that not all people agree with that. Adam Guild said that there are 2 sides: some of the public is in opposition and some of the public is in favor. Everyone has an opinion. It is the NRA's job to find common ground.

Elizabeth Heath

Ms. Heath said that if the NRA is looking for a common ground how about improving the parking lots? She indicated that she doesn't think that the common ground is a building. Chair Shanley said that a small amount of development is needed and will improve the downtown.

Joanne Purinton, Newbury, Massachusetts

Ms. Purinton indicated that landscaped parking is what we all want. This parking area would be multi-use and could be used for functions and events. She said there would always be a battle and this battle will always be adversarial. This is a historic site and is the heart and soul of Newburyport.

10. Adjournment ☐

Adam Guild moved to adjourn the meeting at 8:30 p.m. Tom Salemi seconded the ☐motion. The motion was unanimously approved.