

Newburyport Redevelopment Authority
Newburyport Police Department Conference Room
January 18, 2012
Minutes

1. Call to Order

A regular meeting of the Newburyport Redevelopment Authority was called to order at 7:05 p.m. by Chair James Shanley.

2. Roll Call

In attendance were members James Shanley, Patty Dorfman, Tim Brennan and Adam Guild. Also in attendance was Carol Powers.

3. Public Comment

None

4. Update on the Status of Not Your Average Joe's

A check was received from Not Your Average Joe's for rent for the dumpster. The restaurant is interested having lighting installed near the dumpster at its own expense. The location of the proposed lighting has not yet been determined. Adam Guild said the parking advisory committee plans to meet next week. The group will discuss the creation of short-term parking spaces in the east lot. It has not yet been decided if the spaces would be designated for the restaurant or would be for general use. James Shanley said the short-term spaces should expire with the parking agreement and he is not in favor of designating spaces for particular entities.

5. Fueling at the Fish Pier

Cliff Goudey, co-chair of the Waterfront Trust, said the NRA would not be impacted by any agreement for the sale of fuel at the Fish Pier. Two boats have been fueling at the Transportation Dock. The Waterfront Trust recently voted to allow only the *Prince of Whales* to continue to buy fuel at this location. The second boat, which is owned by Jim Ford, would have to obtain fuel at the Fish Pier, although there currently is no agreement with the Fire Chief to allow this. Mr. Goudey said he would like the NRA to confirm that the use of the west lot by the fuel truck is acceptable. The hose runs over the berm and boardwalk to the boat. Carol Powers asked about insurance. Mr. Goudey said the Waterfront Trust requires that the boats be insured and Massachusetts' law requires that the vendor must be insured, although he does not know if Chief Cutter verifies this. He said there are minimal risks associated with the fueling. Carol Powers said one risk would be a spill, which would not be minimal. She said she would like to receive confirmation that the appropriate insurance is in place. James Shanley said the NRA would be agreeable to allowing the fuel truck to use the west lot as long as the paperwork regarding insurance is received.

6. Parking Report

Adam Guild said the parking report is positive, with revenues between May 27 and December 31 totaling \$63,981. Parkers continue use the lots in the month of January.

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Tim Brennan said if the figures between Memorial Day and Columbus Day from the past two years were to be compared, they would show the NRA lost money this past season. He thinks the rate should be higher than \$.50 per hour and the fee should be charged past 6:00 p.m. Adam Guild said that while the NRA earned more in past summers, it previously did not take in any income after Columbus Day and the total revenue is now higher. Tim Brennan agreed that the current system is more beneficial to the NRA.

7. Treasurer's Report

James Shanley reported that the balance in the Money Market account is \$129, 681.54 and the balance in the checking account is close to \$8,0000, as \$4,000 was transferred to the account to cover the bills that were approved at the last meeting.

Patty Dorfman moved to approve a payment to Weston and Sampson in the amount of \$5,977.70 for work through November 5. Adam Guild seconded the motion. The motion was unanimously approved.

Patty Dorfman moved to approve a payment \$150 for minute taking for the January 18 meeting. Adam Guild seconded the motion. The motion was unanimously approved.

Tim Brennan moved to approve a payment of \$1,326 for general liability insurance. Patty Dorfman seconded the motion. The motion was unanimously approved.

An invoice was received from DEP for \$4,000, the annual payment for the periods ending July 7, 2011 and July 7, 2012. A payment of \$2,000 was made in December 2010 but it is not known if this was a late payment for 2010 or an advance payment for the period ending July 7, 2011. No payment was made in December 2011. Carol Powers will contact DEP about the bill and ask when it might be expected to end. The discussion was tabled until the next meeting.

8. Communications

A letter was received from DHCD stating the NRA must file an annual report.

Tim Brennan said he received a letter from Mayor Holaday indicating she wishes to replace him with "an applicant that will be more compatible with the City's vision" for the waterfront. He said the Mayor did not speak with him before making this decision and questioned how she has determined that his vision is not compatible. He said his views are in line with the other members of the board. He said he is disappointed by the decision as he has served on the board for over five years and is now just beginning to see progress. He is willing to remain as treasurer until his replacement has been appointed.

9. Status Report on Mass Development

James Shanley said he received the revised draft MOA from Mass Development and forwarded it to NRA members. There were substantial additions made to the first draft based on comments submitted by Carol Powers. James Shanley said the first draft stated the agreement would be between the City and Mass Development, with the NRA

providing the funding, which was not acceptable. The first paragraph was amended to indicate that the NRA would be the lead contact for the City. A paragraph was added about publicity to prevent Mass Development from issuing press releases. The scope of work has not yet been received. Until it has been received the agreement is not complete and should not be signed.

Carol Powers said she had requested an escrow account be created for the funds contributed by the NRA and Mass Development from which bills would be paid. She said the past agreements with Mass Development had been handled in this manner. Adam Guild and James Shanley said Mass Development should handle the accounting. Patty Dorfman said the City has indicated it would like to invest funds in the process and asked if this should be a part of the agreement. James Shanley said this would slow the process because the City Council would need to approve the transfer of funds. The draft agreement was sent to Andy Port for review.

Carol Powers read the “where as” phrases of the document for the benefit of the public. She summarized by saying the work is the preliminary step to a redevelopment plan. The MOA states all parties must agree before the process may move beyond the preliminary planning stage. Tim Brennan said he would like this to be rephrased: it is not legally correct to state to the NRA could not move forward with the plan if the City objects. Patty Dorfman said she is comfortable with the language and it is a requirement of Mass Development funding. Carol Powers said the agreement is terminable at will.

Bill Harris said he would like the submerged lands, to which the NRA has title, to be referenced in the description of project area and for Mass Development to be informed that the waterside of the property must be considered. He said there should be a time line for the environmental impact review with milestones for public comment in order that the process moves along in a timely manner. He also would like a no-build alternative to be included.

The next step will be to review the scope of work. A time line for the process should be a part of the scope.

10. New Business

James Shanley said an application was submitted for the use of the lawn behind the Custom House for a wedding on July 28. He instructed the applicant to contact the Maritime Society, which would book the event and send proof of insurance to the NRA.

11. Upcoming Meetings

The next meeting of the NRA is scheduled for February 1 at the Newburyport Public Library. Subsequent meetings have been scheduled for February 15 and February 29 at the same location.

12. Adjournment

Tim moved to adjourn the meeting at 8:45. Patty Dorfman seconded the motion. The motion was unanimously approved.