

## Meeting Minutes Committee on Ad Hoc for Market Landing Park

June 5 2023

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### Meeting Recording:

Zoom meeting link:

[https://us02web.zoom.us/rec/share/nMHyMG9J\\_OEApvkPKd4MIWbj51FVZRUEHAMV/Gee9a7rAeVwFsHlhCGRzACKAug-VQ.DX5SfD0JCT9T9YLE](https://us02web.zoom.us/rec/share/nMHyMG9J_OEApvkPKd4MIWbj51FVZRUEHAMV/Gee9a7rAeVwFsHlhCGRzACKAug-VQ.DX5SfD0JCT9T9YLE)

#### Members

Cllr. Heather Shand, Chair  
Cllr. Jim McCauley, Ward 5  
Cllr. Connie Preston, At-Large  
Cllr. Sharif Zeid, Ward 1  
Cllr. Ed Cameron, At-Large (joined at 7:03)

#### Other Participants

Mike Sullivan (WFT)  
Richard Jones, City Clerk  
Andy Port, Planning Director

Meeting started at 7:00

### Agenda

Discussion of the Waterfront Trust Documents and the NRA dissolution

Director Port speaks on the key documents (posted to the city website)

- Stipulation of the settlement (convey and protest, not much detail on how the maintenance is completed) point of reference in 1987. Working with those engineering plans today.
- WFT being established in 1991.
- Declaration of public trust and amendments. No specificity
- 2017 council document, trust document established
- Settlers are party to the trust documents.
- 1992 amendment, docks and moorings are added, formal addition to waterside addition. Not part of the original stipulation. Added firehouse patio to the least.
- 1993 amendment, not much added here.
- 2017 council had a draft report, 2018 voted on in May.
  - o Framework for going forward for the park.
  - o City maintains parking and works with WFT on
  - o Submerged lands are included. NRA dissolution, masterplan is referenced
  - o Reference WFT organization, settlers removed from the party, #'s increased to 7, harbor commissioner ex officio member
  - o Homerule petition to the legislature for NRA dissolution, "city should try to build out the park"
- Saskai design
- City Council order approving final plan.

Mike Sullivan (WFT) speaks to Wilbur Shenk and Matt Perniak involvement

- Progress made on funding to the parking
- No progress on settlers
- Was simplistic
- No need to make things complex.
- City and WFT responsibility to maintain the park.

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- Whatever happens with the new park, make sure the park is funded appropriately. Need to work on findings ways to work on revenue together
- Settlers piece is “third rail”

Cllr. Shand – Want to have a way to fund and mechanism to operate the park. Doesn’t see a lot of value in trying to change the trust documents. Mr. Sullivan agrees.

Cllr Preston – What’s the settlers role?

Clerk Jones speaks to the history of the settlers. Settlers had “standing”, speaks to Bill Harris and his role. It was all about the “ways” preservation.

Cllr. Zeid – Settlers are “to the original lawsuit”, there are named successors.

Cllr.McCauley – Settlers had a role, acted like an ombudsman to the negotiations. Keeping the waterfront open. Reality is, most or all objectives have been accomplished through the approved plan. Agrees with drawing the line on documents, new WFT will incorporate the old and new, responsible for this scope, funding to be determined. Create a governance model, vague enough yet strict enough to have guidance to maintain.

Cllr. Shand – Where are the successors listed? McCauley – Bill Wolf is their attorney, should be listed in Essex County Deeds.

Cllr Zeid – We’re talking about a new land transaction. Now is the time to clean it up. Settlers were keeping watch on the WFT and the city. The settlers are not a public organization. Unsupportable that has a hook that includes a non-public entity involved. If we’re really going to transfer land to the Trust then we need to transfer it to a fully public organization. We need to write this document for good and bad times. Refers to submerged tidelands transition.

Dirt. Port – the priority is making sure the park is enjoyed by the public, then the land transfer should be second. Should have high level agreement on things that are non-negotiable.

Cllr. Preston – 2017 report was just a report.

Cllr. McCauley – we’re not disagreeing on the approach to this. Don’t want to fix old documents. Wants to draw a line. Pull information from the past and create a new document going forward, with a defined negotiated role for the settlers. From a city standpoint, in exchange for...A+ park experience, passive park experience, parking. In turn, trust needs to know the revenue pot. Where are the checks and balances. Paid parking saved the open waterfront. It’s a revenue stream that gave them the funding to operate. Wasn’t trying to say redo documents, wants to restructure going forward with three remaining parties.

Clerk Jones- don’t want to rewrite the trust. Don’t have Parks, NRA...need an agreement on operations. City, WFT are what are left...agree on equitable solution. What do we want?

Mike Sullivan (WFT) – enjoyed reading through it all. As a resident, seen how it’s gone through the years. Crystal clear city has the fiscal responsibility for the waterfront. Settlers were a backstop to the

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volunteers, can't be held hostage to a political event. Let's keep the document simple. What happens when folks retire, wants the documents to be good for 50-100 years.

Cllr. Zeid – everything about waterfront is always messy. Clearest thing to do is rewrite trust documents. Let's say we don't do that. New document should have 1) no settlers involvement (doesn't want a non-public entity part of the redo, 2) city has financial responsibility- what does that mean? Ethan told us how much \$ we get from parking. ~300k

- 75% is parking from east and west lot plus 100% from Riverside lot (whatever that is) goes to sustain the park
- any events \$

this needs to be what the city can do...a good year can be A+ a bad year...might not be. Parking clerk gets a % for running the parking lot. Riverside lot is ~90k a year.

Mike Sullivan (WFT) – If the city was to run it, the WFT was not around, what would the city need to run it?

Cllr. Zeid – shouldn't answer, compare ratios, 26 parks for 400k. WFT spends circles around the city. Would be guessing, shouldn't say. Homerule said give revenue from the parking to support the park.

Mike Sullivan (WFT) – the city gets an asset with the volunteer efforts to date. Have a manager, garden clubs, sweat equity.

Cllr Zeid – controversy over recent times. Parks Manager is a part time position. Should it be a full time position. Adding a new position, huge conversation. Should the parks division be responsible to mow the lawn? Should be a rate for riverside, with a rate for escalation...then the money off the waterfront, and it has to be what it has to be. Need to talk capital...what happens in 10 years when things break?

Dir. Port – agrees with Zeid, shouldn't be an order of magnitude 300-400K . fiscal management perspective, some benefit to stable parks division...rotation of volunteers might not be around forever, .how can it be officially done....what can the city do...what can the parks department do ...what can WFT do? New DPS director W Amaralt.

Cllr McCauley – Coalesced discussion around funding and money...first thing is money but let's put it aside, let's talk about the operation, let's not kid ourselves that the parks in the outer wards are C+ at best. Bartlett Mall is looking for someone to maintain a facility for their water pumps. Putting that aside, do we want the WFT to expand the scope they're doing today or does the city want to take it over and assume all those responsibilities. WTF is the entity that expands and takes that ownership. There would be opportunities for the WFT to ask/pay the city to do some of the landscaping as part of operational efficiencies. DPS needs to go through being able to cross charge between departments. Schools/parks/etc. Puts pressure on bids that WFT gets along the way. Competition is good. Point to make, operationally, who is going to run this? Whether we like it or we don't...how to run it, how to we fund it..evolution from WFT documents...here's a new document that supercedes the old documents...this is how the park is run...5 members, 7 members, scope...3-4 lines...funding is another mechanism.

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Clerk Jones – Sweat equity is what the WFT runs the park. If the city were running it, would volunteers support it? WFT has good trust with volunteers. City has always maintained parking lots. To give that responsibility to the WFT would be wrong.

Cllr Cameron – what happens if we need more money? Does event revenue come into play?

Mike Sullivan (WFT) - Event revenue is minor but adds up. Riverfest is the one that has some \$ to it. People want to be in an A+ park. WFT don't have a responsibility that it's there to generate revenue. It's there to share under the guidelines. Passive park that is not meant to be a revenue generator.

Cllr. Zeid – backup...on the topic of the money. Just want to say there is only a few places to get money, the Riverside lot, the east and west lot and the submerged tidelands. That's it. Don't see city giving money from general fund to support park. The number is just that. The only gray area is who's keeping the ticket revenue...parking efforts...Point in rebuttal to Andy...finite pot of money...how much does the WFT hold in reserve to support capital needs over time. As far as governance...WFT is specialized parks commission. Did the same with fees...cc and parks department worked together. Thinks about trust in the same way. Gets concerned about the settlers. Could be dustups over appointments. If they're permitting bad events that's bad. Here's the #, the WFT acts as a parks commission...had a few more members.

Cllr. McCauley – what about capital maintenance that goes along with the embayment? If you get too far along then you try to make it self-sustaining and that's not going to work...then you get into discussion about who's responsible

Cllr. Zeid – understood...interest is meaningful...not going to see general fund to WFT.

Mike Sullivan (WFT) – agree. Andy's point earlier, if there are economies to working with the city...the parks should be open to that as well. Can't expect the trust to be responsible for big capital items. That's a commonwealth issue. A+ maintenance. It's amazing how stretched thin the parks commission is. Try to down to hours, rather than responsibility. Thinks parks is underwater. If that's different, we have a responsibility to look at that.

Cllr. Shand – what we've heard, we need to address the settlers in some way shape or form. Understood. Need something documented, this is a public entity and there needs to be a way to state that. To councilor McCauley's point, craft any kind of change to the documents needs to be outline for the steps next time. Governance and the trust documents. Need to start figuring out what the operations would be. Let's line out what needs to be updated.

- Change to the trust documents
  - o Define the role of the settlers
- Makeup of the Waterfront trust
  - o Mayor appointments, rotating settler?
  - o Expand to 7
- Parking money
  - o Put the numbers out there, here's how much the city is able to support on an on-going basis.
  - o WFT has the goodwill of the volunteers. Don't want to mess with that

Need DPS over the next few years, to get into their operations go.

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What are the three things to the trust documents we'd want to do  
Recommendation to the board

- Make it 7?

Mike Sullivan (WFT) – Trustees would like to make it 7.

Cllr. Zeid – trend on other things is it goes smaller. PB goes from 9-7..this whole document worked together. 4 come from the mayor, 3 from council. Toss up on #'s. 7 is fine. Bill Harris wants the crossover with the harbor commission. X officio. Should have an actual relationship with the harbor commission.

Mike Sullivan (WFT) – co respect with the WFT and the harbor commission. We want them to be successful. Cooperative neighbors.

Cllr Shand – want a harbor commissioner on their board?

Mike Sullivan (WFT) – needs to understand the commissions goals. Need alternates...Way the trust is set up...need to revolve...rolls off difficult to truly manage.

Cllr. Shand - Look at 5 and two alternates

Mike Sullivan (WFT) – good with 5, maybe 2 alternates...point is to keep a good rotation. Hard to do.

Discussion over how council does appointments, documents are meant for good and bad times.

Group agrees 5 with 2 alternates.

Cllr. Zeid – fee setting with the trust...different governance structure

Mike Sullivan (WFT) – market rate fee setting

Cllr. McCauley – doesn't have to be mutually exclusive. Recommendation can be market rate. Any increase in fees...look at other communities.

Clerk Jones – transferring parking lot to the trust, who sets the rates. We set the rate here because the city is a rate setting entity. Set it within the city and approve it at the WFT board meeting. Doesn't like the council appointing three members as it goes in the face of the charter.

Mike Sullivan (WFT) – the charter is the mayor, practical matters, the WFT is looking for like minded people who have the same desire and give those names to the mayor to appoint.

Cllr. Preston – time on tree commission, they were always recommending people to the commission

Cllr Zeid – agree it's very common, some board wanted to do their own approvals. Flies in the face of the charter. 5 and 2 is good. Trust can always bring forward folks to the mayor. Recent history, brought someone else to the mayor and he chose someone else. Will see how the system works.

Cllr Shand – 5 and 2 (two alternates), mike to do research on the harbor commission on his own. Ex-officio

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Cllr Preston – impractical for cc to do appointments.

Cllr McCauley – came from time where mayor appointed people she wanted...moving forward want balance. Harbor commission...you're together but also competing. Have ex officio as preferred and not be on the committee.

Mike Sullivan (WFT) – how do they (harbor commission) operate?

Cllr. McCauley – they are an enterprise fund...they operate off their fees.

Cllr Zeid – If harbor commission falls down on money, it comes back to council to fund. They don't work for us...but we're a back stop.

Mike Sullivan (WFT) – don't see a benefit to harbor commission...50% ownership in the tidelands.

Cllr Zeid – ex officio is a good option. Good balance.

Desire to find a place for the settlers, don't make it a third rail...way to put them in as a rotating alternates, just a recommendation, next meeting, Mike to do more info on harbor commission...let's start thinking about governance piece and the operations...

Dir Port – don't have a preference to the money...the order of magnitude...it's more

Cllr McCauley – talk about this as DPS not just parks, as they could be a world or resources.

Clerk Jones – DPS is lighting, striping of the parks at this time so not just parks mowing.

Mike Sullivan (WFT) – good work relationship with DPS.

Committee agrees on the following

- 5 members and 2 alternates, all mayor appointments. Need to work on 5 year rotations
- Mike Sullivan to look at how the harbor commission is set up and consider how having one of them as an ex officio member of the trust would work
- Next meeting will continue discussion of governance.
- August meeting will include DPS (Amerault and Hennessey)

Meeting adjourned at 8:30