



## Newburyport Waterfront Trust

### Report to the Mayor FY 2014

#### **Trust Mission**

As established in January 1991 under the Declaration of Public Trust it is the mission of the Newburyport Waterfront Trust to hold, manage, maintain and conserve in perpetuity the natural resources of the public lands entrusted to the Trust with the objectives of; providing reasonable public access to the Merrimack River; facilitating fishing, fowling and navigation, recreation and other public uses of the tidewaters, tidelands and boardwalk; preserving and conserving archaeological resources beneath Trust lands and protecting the natural, scenic, historic and esthetic qualities of the Newburyport central waterfront for the residents of the Newburyport, West Newbury and Newbury in particular and also for the general public.

#### **Trust Background**

The Newburyport Waterfront Trust (Trust) was established in January, 1991 under the Declaration of Public Trust. The Trust property is governed by five Trustees in accordance with this Declaration of Public Trust crafted in the wake of litigation between 1972 and 1980, resulting in a Stipulation that was substantially executed by creation of the Waterfront Trust after completion of land registration in the year 1988. The waterfront is a dynamic environment and like all things, its needs and the needs of its surrounding community change over time. For information regarding its formation, property description, and collaborations please refer to *Attachment I*.

#### **Current Trustees**

| <u>Name</u>       | <u>Position</u> | <u>Term</u>     | <u>Appointed</u> | <u>Expires</u> |
|-------------------|-----------------|-----------------|------------------|----------------|
| Douglas Locy      | Chair           | 1 <sup>st</sup> | 12-Apr-10        | 31-Dec-14      |
| Jody Fraser *     | Secretary       | 1 <sup>st</sup> | 14-Mar-11        | 31-Dec-15      |
| Scott Sutherland  | Vice Chair      | 1 <sup>st</sup> | 1 - Jan-12       | 31-Dec-16      |
| Joseph Brown      | Treasurer       | 2 <sup>nd</sup> | 1 - Jan-13       | 31-Dec-17      |
| Josiah Morrill ** |                 | 1 <sup>st</sup> | 1 - Jan-14       | 31-Dec-18      |

*\*Resigned 7/2014 – Steve Hines appointed FY2015*

*\*\*Resigned 8/2014 – Wilbur Shenk appointed FY2015*

#### **Trust Committee Assignments**

Parkside Committee: Josiah Morrill & Jody Fraser

Waterside Committee: Scott Sutherland & Joe Brown

## **Accomplishments**

Between January, 2013 and June, 2014 the Trustees, working in cooperation with other non-profit and City entities accomplished the following:

1. Property Survey – In June, 2012 the Trustees and members of the Newburyport Redevelopment Authority (NRA) had collaborated to have their abutting properties resurveyed in order to clearly define boundary lines, reset markers and help resolve outstanding issues between the parties. The property survey prepared by Design Consultants, Inc., dated January 29, 2014 and provided in *Attachment II* will be recorded pending approval and issuance of an agreement between the City, NRA and the Trust regarding future land conveyances and waterfront leases. These include conveyances of Ferry Wharf Way and its associated triangle of land at Water St, the remaining portion of Somerby's Way and the new as-built bulkhead extension. In addition, it includes a renewable lease arrangement with the City for their use of the bulkhead for transient boating operations.
2. Joint Landscape Maintenance Agreement – It was revealed in the joint property survey that 70% of Somerby's Way and about 20% of Market Landing Park was actually owned by the NRA of which land the Trust had always maintained. A Memorandum of Agreement between the Trust and the NRA was approved that provides for the Trustees to manage and maintain all landscaped NRA and Trust properties at the waterfront. And incurred expenses would be paid equitably between the Trust (73%) and the NRA (27%). This arrangement will be more cost effective, allow better oversight and improve the public benefit. On April 5, 2014 the Trust had awarded McCarty & Sons Landscaping, the lowest of seven bids received, with a 3-year landscape contract.
3. Dumpster Relocation – The property survey also revealed that half of Not Your Average Joe's restaurant dumpster and its fence enclosure, from which the NRA receives a monthly lease payment, actually resided on Trust land. The dumpster has been relocated to a more suitable site off the park berm and away from the public walkway.
4. New Waterfront Park Manager – The Park Manager oversees day-to-day operations, coordinates contractual landscaping services and provides for normal maintenance and repair. Trustees are pleased to have contracted with Ms. Edith Heyck to oversee operations as its park manager. She replaces Mr. Charles Nichols who held this part-time position for ten years until he had resigned in 2013.
5. Dock Bulkhead Collaboration – Its Declaration of Trust empowers Trustees to charge full and fair market value for the transitory use of its property. Accordingly, the Trust leases its Transportation Dock bulkhead to tour boat owners and oversees the operation for the benefit of the public who desire water access and enjoyment. The Trust continues to work in collaboration with the City's Harbor Master, the Harbor Commission and the Mayor to determine how to best develop a long term lease arrangement for the City's use of the recreational section of the bulkhead. Our common goal is to promote and implement best practices and to provide new boating opportunities at the waterfront.
6. Transportation Dock Leases: Three-year Transportation Dock lease agreements were approved with Capt. Charos & Sons for Captain's Lady III to provide whale watch tours

and Capt. Paul Aziz for the Yankee Clipper harbor tours. Capt. Jonathon VanCampen for the Ninth Wave sailing charters was approved for one-year. In the past the City had paid for all electrical power usage on the boardwalk. To reduce the City's cost burden and to conserve energy the Trust had contracted with the City's Electrician to add electrical meters to the Transportation Dock to individually meter and bill tour boat leasees for their power usage.

7. Winter Fishing Boat Leases: Consistent with one of its missions the Trust renewed leases for winter embayment docking to commercial fishing vessels home ported in Newburyport. They include Capt. Connors of the F/V Early Times Capt. Dean Holt of the F/V Katie May and Capt. Jim Ford of the F/V Lisa Ann II,
8. Riverside Parking Lease: The Trust and the City have agreed to a new one-year lease of Riverside Park whereby the City will manage and operate the parking lot and associated kiosk.
9. Riverside Park Improvement Plan – An agreement was consummated with Joseph Leone to add landscape and a public walkway at his expense on Trust property adjacent to his recently permitted Ale House restaurant. The Trust continues to work cooperatively with the City and the abutters to Riverside Park to make the park more inviting to the public and enhance the view corridor from Green and Merrimack Streets. This improvement project as shown in *Attachment III* will include new landscaping and a public walkway, a bull nose planting bed north of the center island, replacement of parking flood light wooden poles with underground wiring and period lighting, re-layout of parking and traffic flow, irrigation, and additional shrubs and sculptures. Concept plans and a preliminary engineering study have been approved and construction is expected to begin in 2015.
10. Trust Signage – A new sign welcoming visitors to Waterfront Park has been installed at the entrance of Riverside Park below Green Street. This sign, in addition to others installed throughout the park and along the boardwalk reflect the Waterfront Trust's revised blue logo. New directional signs have been installed the entrance to Market Landing Park from the east NRA parking lot directing the public to the tour boats and park.
11. Public and Commercial Park Use – In addition to Yankee Homecoming, Chamber events and weddings, the Trust's mission of encouraging public use of the waterfront was furthered by partnering with commercial organizations. Examples include several health and fitness organizations, the Montessori Schools, the High School and the Boat Camp that find the park ideal for their activities. Striking a proper arrangement with these groups can be challenging and depends on anticipated impacts to the Park. In prior years number participants at several events have exceeded the applicant's expectation and what Market Landing Park can readily accommodate resulting in damage landscape. Trustees will reevaluate their park event fee schedule and may impose refundable security deposits to pay for any damage that may result from future events.
12. Rebuilt Bulkhead & Pilings – Newburyport was awarded a \$1.98 million dollar grant by the Massachusetts Seaport Advisory Council in April of 2011 for Phase I of rebuilding the bulkhead and pilings at the waterfront. In addition to the Harbor Commission and the

NRA the waterfront Trust contributed an additional \$25,000 towards this project. Phase I was completed on-time in May, 2014.

13. On-going Maintenance – Besides general maintenance provided by the Park Manager and private contractors the Trustees appreciate the assistance provided by the City's Department of Public Services (DPS) and wish to build on that relationship going forward.

- (1) Because visitors enjoy walking the park and boardwalk, even in winter months, the Trust had provided for snow removal and ice melt through an agreement with the DPS.
- (2) Water usage for park irrigation was reduced in half last year through conservation and water saving lawn treatments.

### **Short-term Objectives & Routine Planning**

The Trustees handle routine matters through its deliberation at monthly public meetings and in concert with the Trust's park manager. The coordination and short-term planning matters include:

1. Increase the sophistication of gardens and intense landscaping in keeping with the Trust's financial resources.
2. Continue to work with the DPS on areas of mutual interests like water usage conservation, trash pickup and snow and ice removal.
3. Continue to collaborate with the Chamber and the Mayor's Office to enhance park venue for sponsored events with improved access and facilities.
4. Remove the Activity and Use Limitation (AUL) order that the NRA had inadvertently placed on a portion of Trust property because of a previously incorrect land survey. The NRA has agreed to amend this order to remove the AUL from all Trust property as soon as the new Property Survey is recorded.
5. Repair metal fence along Merrimac St
6. Continue to monitor and repair Boardwalk planking problems
7. Provide additional park benches along the Boardwalk and possibly chairs and tables along the park berms. Encourage memorial park bench plaque applications
8. Continue to work with the NRA on areas of mutual interest that provide a public benefit. Examples included the relocation of the restaurant dumpster and a mutual landscape maintenance contract.
9. Work with the City Harbor Master and Harbor Commission to determine and implement best practices for managing the waterfront docks. Develop a bulkhead lease agreement with the City that satisfies the provisions embodied within the Declaration of Public Trust and achieves the best public interest.
10. Continue to collaborate with the Firehouse, Custom House, Chamber of Commerce and other City entities on items of mutual interest to benefit the public.

11. Coordinate with the City and the NRA to formally complete the agreed upon land conveyances to the Trust, specifically Ferry Wharf Way, its abutting land on Water Street, Somerby's Way and the expanded bulkhead and new piling structures.
12. Work with the City and abutting property owners to complete the Riverside Park Improvement Project.

### **Long-term Goals & Planning**

In past years financial limitations have tempered the Trust's ability to pursue large capital projects. Today, proceeds from paid parking, tour boat revenues, events and park leases, has enabled the Trust to envision and plan for meaningful improvements to Trust properties by allocating funds in excess of its normal operating budget towards a five-year capital improvement plan. In addition, these funds may be used as a match for future grants and gifts.

Improvements under consideration include:

1. Integrate, as appropriate, additional NRA park land with the Waterfront Trust Park to create a seamless park, both in appearance and management for the public benefit. Collaborate with other City entities to provide additional public restroom facilities and to construct a rail-trail across both properties.
2. Work cooperatively with the Newburyport Maritime Society Board, the City of Newburyport, and the NRA with a shared interest in reopening the second Custom House Way (formally a registered public way) and providing a more direct access to the City Fishing Pier.
3. Work cooperatively with the Newburyport Maritime Society Board, the Newburyport Harbor Commission and other City entities with a shared interest to improve waterfront access, docking, and boating transit and public facilities that will enable routine visits by historic ships and ship replicas for the purpose of providing ship-based educational programs and to encourage a broader range of visitors.
4. Increase the vitality and the range of visitor offerings by a measured enhancement of attractions and partnerships with the Firehouse and other commercial ventures.
5. Work cooperatively with the Harbor Commission to provide additional public boating opportunities and new public docking facilities
6. In addition to supporting a Phase II Seaport Grant program to complete restoration of the remaining bulkhead and pilings, the Trust will continue to collaborate with the City to raise capital funds to meet projected expenses at Waterfront Park for the predictable deterioration of the Boardwalk support structure, Boardwalk planking and light fixtures, granite staging, steps and monuments and the irrigation system.
7. Repair or replace failing infrastructures like the Boardwalk, public ways, granite stage, and irrigation system as required in an expeditious manner.
8. Develop a tree replacement program and implement fertilizer and pruning programs.
9. Increase the Trust's financial resources by competing for grants and encouraging private and commercial donations.

10. With an expanded park explore adding food vendors, art exhibits, art shanties and other small ventures that will attract more visitors to the waterfront and increase Trust revenue.
11. Consider including sculpture and additional forms of art to areas of Trust property in addition to the existing sculpture park.
12. Engage professional landscape architects to provide a comprehensive landscape plan that will expand and enhance Waterfront Park with additional and appropriate landscaping.
13. Long-term Maintenance – The Trust’s primary mission is to maintain and enhance Waterfront Park, its boardwalk and associated facilities for the public benefit. That mission is funded from revenue generated by the Trust. These sources, however, will not sufficiently cover all capital needs over time to enhance the park or repair or replace infrastructure deterioration. The Seaport Grant will address Phase I of the bulkhead and pilings but other structural concerns within the park have been identified. Boardwalk planking continues to lift and separate, the main granite stage is slowly sinking, walkway bricks and cobblestone need to be re-leveled or replaced and the irrigation system is aging. Transportation dock expansion is desired and additional floats may be required,

### **Financial Summary**

Under the Declaration of Public Trust, approved and signed by the City of Newburyport, the Waterfront Trust, Friends of The Waterfront, the NRA and the Commonwealth of Massachusetts, the City of Newburyport had agreed under Article VII, Section 1, of this Declaration to pay all necessary and reasonable expenses including repairs, maintenance and landscaping of the Waterfront Park and Boardwalk. Over time the City had eliminated this line item funding obligation thereby requiring the Trust to generate its income through parking, tour boat docking, and Firehouse patio leasing arrangements; fees for park use applications and donations in accordance with its 501(C) 3 tax status from the public in addition to businesses that value the mission of the Trust. The Trust continues to appreciate the City’s Department of Public Works for such work as refuse removal, tree pruning, water & electrical service, and walkway repair on its property. Today the Trust finds itself fiscally sound while eliminating the tax burden to residents for ongoing maintenance and landscaping of Waterfront Park. The Trust, however, will continue to depend on City resources to assist in its five-year capital improvement plans.

The Declaration of Trust, as revised under Article V, Clause 8 requires the Trustees to obtain full and fair market value for any property to be leased. This has not been easy given the unique and encumbered nature of these locations. The Trust has lease agreements in with the Society for the Development of Arts and Humanities of Greater Newburyport for their restaurant’s use of patio lands adjacent to the Firehouse Civic Center, Tour Boat operators for use of the Transportation Dock, and the City of Newburyport for use the Riverside parking lot. A lease agreement with the City for its use of the bulkhead is still outstanding.

### **FY2014 Financials**

Cash position at July 1, 2013 ....\$185,360

Income \$77,265

Operating expenses \$48,378

Project expenditures \$29,508

Operating cash flow (\$620)

Investment Growth \$16,914

Cash position at June 30, 2014...\$201,654

### **FY2015 Income Projections**

The Trust's operating budget is based primarily on recurring sources of income. The following describes those sources and their basis. Total revenue from all sources for FY2014 was \$77,265. The budgeted income for FY2015 is estimated to be \$85,750. Details of the Trust's current net worth and projected income and expenses for FY2015 are included below:

1. Paid parking: \$32,000 - Under an agreement last executed on April 1, 2014 with the City of Newburyport and renewable on April 1<sup>st</sup> of every year, the City administers parking in Riverside Park and collects all parking fees and revenues from enforcement ticketing and in return they compensate the Trust for using Riverside Park as a municipal parking lot. This agreement also stipulates that the City is required to benchmark and report on parking fee structures in other communities and to expand the hours of paid parking for future agreements.
2. Tour Boat T-Dock fees: \$17,500 – In FY2015 the Trust will host the Captain's Lady III (a whale watch cruise), the M/V Yankee Clipper (a harbor tour and water taxi vessel), and the S/V Ninth Wave (a sailing catamaran cruise). The Trust charges \$85 per foot for the 2014 summer season and the vessels provide their own cooperative ticket kiosk and dockage. Electrical meters were installed in the spring of 2014 and Tour boat operators now pay for their electrical usage.
3. Firehouse patio lease: \$10,000 – The Trust owns the land upon which the Firehouse patio was built. A lease by the Trust to the Society for the Development of the Arts and Humanities (SDAH) allows that nonprofit to profitably sublease the patio to their tenant first-floor restaurant.
4. Market Landing Park Event Fees: \$9,950– Events organized by the Chamber, Yankee Homecoming, and others are charged a fee based on the number of attendees and the duration of the event. In addition, the setting and well kept grounds makes the Park a popular venue for weddings and physical outdoor activities. These fees are intended to support the additional grounds-keeping expenses associated with the impact of the event.
5. Donations: \$6,000 – Maintenance of the flowerbeds on the berms that were funded by the Institution for Savings and the Newburyport Five Cents Savings. Private donations in the amount of \$4,000 were received for bench plaque memorials. The Trust also appreciates the yearly donations received from Fred and Stephanie Huffnagle in the amount of \$1500 made to the Sexton/Rindler endowment for park improvements.

6. Reimbursements (NRA): \$10,000– In 2014 the Trust and the NRA entered into an agreement to share general landscape maintenance and park management expenses. The Trust and the NRA will pay 73% and 27% respectively of this year's landscape and park manager's contract based on an independent land survey of the total park area owned by each entity.
7. Fishing Boat Embayment Fees: \$2,250 – Newburyport's fishing fleet is encouraged to use the protected embayment area during the winter at a nominal fee. Presently three boats are docked.

### **FY2015 Operating Expense Projections**

Waterfront Trust operating expense items are listed below. Expenses such as the general landscape maintenance contract, Park Manager contract, note-takers expense, insurance and bookkeeping are predictable. Other costs such as new plantings, tree pruning & spraying, snow removal, infrastructure repairs, or new benches are less predictable but anticipated. Project expenses are generally one-time capital costs that include such items as new light fixtures, new fencing and walkways, Riverside Park Improvement Project and contributions to the bulkhead/pilings replacement project. Total expenses incurred in FY2014 were \$77,886. Total budgeted expenses for the year FY2015 is estimated at \$59,850. In addition budgeted expense for projects in FY2015 is \$135,800.

- a) Landscape Maintenance Contract: \$24,000 – In 2014 this contract was awarded to McCarthy & Son's Landscaping for \$23,400 with a 3-year renewal clause and includes both Trust and NRA properties. In 2013 this work was performed under contract with ND Landscaping for approximately \$18,000 but had included only Trust land.
- b) Park Manager Contract: \$10,000 - The Trust employs a Manager as an independent contractor to oversee routine maintenance and special event logistics. In FY2015 this contract will be increased from \$8,500 to \$10,000 to cover the added burden of overseeing NRA property.
- c) Potted Plants: \$1,200 – The Trust contracts with the Greenskeeper, as does the City to water and maintain potted and hanging plants along the Boardwalk and ways.
- d) Note Taker: \$2,000 – The Trust contracts a note taker to record and transcribe its meeting minutes.
- e) Financial Reporting: \$3,500 – The Trust uses Fritz De Guglielmo & Trenholm as its bookkeeper to maintain its financial records, issue & deposit checks and prepare its end-of-year State and Federal taxes.
- f) Insurance: \$1,300 – Beginning in 2014 Trustees purchased annual Directors & Officers Insurance premiums.
- g) General Maintenance: \$6,000 – The Handyman, a private contractor, is hired by the Trust for general repairs and minor upgrades. Such items include repairs to the brick & cobble walkways, lighting fixtures, fencing, park benches and boardwalk planking. Lifting or uneven boardwalk planking need on-going repair to reduce trip hazards.



- h) Landscaping: \$8,100 – Landscape expenses that are not recurring include new planting beds, tree spraying and fertilizing, water saving treatments and irrigation repairs.
- i) Snow & ice removal: \$1,500 – In 2012 the Trust entered into an agreement with the City DPS for annual snow and ice removal from its boardwalk and ways. This expense is seasonally dependent.
- j) Park Bench Plaques: \$500 – To cover material costs associated with bench plaque donations.
- k) Miscellaneous: \$1,000 – From year to year the Trust encounters unique expenses for items that will better manage or improve its property. Such items have included new signage, a property survey, and legal costs.

### **FY2015 Projects Cost Projections**

In 2013 the Trust developed a five-year project budget plan (*Attachment IV*) Major project expenses incurred in FY2014 included \$25,000 towards funding Phase I of the Bulkhead Repair Project, and \$3,000 for park bench restorations.

Project expenses in FY2015 will be dependent upon the capital improvements being executed as planned.

- l) Riverside Park Improvement Project: \$103,500 – In FY2015 the Trust has budgeted expenditures for the first phase of this project to include engineering, permitting, landscaping, lighting fixture procurement and installation. Anticipated completion is the fall of 2015.
- m) Park Benches: \$12,000 – Additional park benches will be ordered for installation along the boardwalk where visitors may relax and enjoy the view. The Trust will be reimbursed for this expenditure over time through public plaque donations.
- n) New Landscaping & Misc.: \$20,300 – Included for FY2015 is restoration of the berm west of the embayment and the berm upon which the old dumpster enclosure was removed east of the Firehouse. New boundary corner markers will be installed and irrigation heads replaced. The iron fence along Merrimack St. will be repaired and boardwalk planking and fasteners replaced as required.

### **Net Worth**

As of June 30, 2014 the cash balance of the Waterfront Trust was \$201,654

Land and equipment is valued at \$2,245,000. This excludes capitalization of the rebuilt bulkhead project.

**On behalf of the Newburyport Waterfront Trust**

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**Douglas A Locy - Chair**

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**Date**

### **Attachments:**

- I. Background Information
- II. Newburyport Waterfront Trust & Redevelopment Authority Survey
- III. Riverside Park Improvement Plan

# **Newburyport Waterfront Trust**

## **I. Background Information**

### **Background**

The area comprising Market Landing Park and the Waterfront/Boardwalk Promenade and adjacent public and private acreage was taken by eminent domain by the Newburyport Redevelopment Authority (NRA) as part of an urban renewal project in 1968. The site was first developed into a park over a several year period, beginning in the early 1970's. In January 1991, the Newburyport Waterfront Trust (the Trust) was established to hold, manage, maintain, conserve, and utilize these lands for the use and enjoyment of the citizens of Newburyport, Newbury, and West Newbury. The granted lands total approximately 4.4 acres and consist of Market Landing Park, Riverside Park, approximately 1,100 feet of riverfront boardwalk, Somerby's Landing, and the six (6) Ways to the Water (Somerby Landing Way within Riverside Park, Central Wharf Way, Railroad Avenue west of the Firehouse, Railroad Avenue east of the Firehouse, Ferry Wharf Way [administered by the NRA but obligated for transfer to the Waterfront Trust], and Custom House Way). These lands were granted to the Trust to be held in perpetuity allowing the public free access forever.

In accordance with the Declaration of Trust, there are five Trustees who are appointed by the Mayor of Newburyport with the approval of the City Council to a maximum of two, five-year terms. Under this Declaration, the Trustees have absolute control of the Trust property with the exception of restrictions placed on certain portions of the property, including the duty to keep the public ways and Boardwalk "open" for benefit of the general public. In agreeing to the Declaration, the City of Newburyport accepted responsibilities for the funding of the maintenance of the Trust lands, and to indemnify the Trustees of liability associated with the ownership and management of the Trust lands. Over the years and using income from leases, rentals, use permits, and donor gifts, the Trust has assumed the primary responsibility for park maintenance and contracts this work to a commercial landscape company. The City's Department of Public Services provides valuable supplemental services for Trust properties, including trash removal, tree work, and the plowing of Riverside Park. The Trust employs a part-time Park Manager to coordinate these maintenance activities and provide liaison between the Trustees, park users, the DPS, the landscaping contractor, and various volunteer groups who help from time to time.

By contrast, major improvements to the Park and its infrastructure have been supported by funds raised in collaboration with the City, the Planning Department in particular. Examples of this include a \$2.4 million dollar improvement (2002/2003) comprised of approximately \$1.3 million in city funds, \$800,000 in federal and state grants, and \$300,000 from local businesses and individuals for the refurbishment and extension of the Waterfront/Boardwalk Promenade, the improvements along Somerby's Way, repairs to the pilings along the Merrimack River bulkhead, and improvements to the infrastructure of the Park.

**Trust Property Description** (See Attachment II, Trust Land Map)

Market Landing Park is located between Merrimac Street and the water near Market Square. The Firehouse Center is located at the Southeast corner of the Park. Park circulation is paved with brick and lined with granite curbing. Lush green space is plentiful and flowerbeds abound. A black cast iron fence separates the street sidewalk and the Park. Earth mounds provide a buffer zone between the Park and adjacent parking lots. A granite railing and performance stage separate Market Landing Park from the Waterfront/Boardwalk Promenade.

The Promenade is a wooden wharf supported by steel caissons. The entire Promenade was rebuilt and completed in June, 2003 using robust Ipe decking. Railings on the waterside of the Promenade also serve as benches. Sturdy steel and wood benches line the landside of the wharf. The Promenade is straight, paralleling the river with the exception of an embayment that aligns with Market Landing Park.

Riverside Park is the western-most portion of the Trust's properties. It was originally dedicated in 1889 as city park land consisting of a ball field and recreational space, but in 1948 the City turned it into a parking lot to accommodate downtown parking needs. It was rededicated as a park when the Waterfront Trust was created in 1991 with parking allowed as a "permitted use." Today it's primarily a paved parking lot providing 64 spaces with some trees and greenery. It also serves as an optional entrance to two abutting parking lots and further entrance to the nearby boat yards and marine facilities. Since the 1990's the Trustees to have articulated the goal of giving Riverside Park a more park-like appearance. Plantings along Somerby Landing Way were added in 2003 with additional plantings and improved signage for the Park currently under consideration.

In the summer, the Trust allows the Harbormaster Department to place floating docks along the east end face of the Waterfront/Boardwalk Promenade for public docking. Additional floating docking and a public dingy dock are seasonally located in the embayment.

The Trust hosts public charter boats along the Promenade to the west of the embayment, informally known as a Transportation Docking area. These vessels operate in the summer and include a whale-watch boat, a harbor cruise, and a sailing catamaran. These vessels operate on a regularly scheduled basis for whale watches and harbor cruises as well as for special-event charters. These three tour-boat operations collectively are responsible for their own floats and ramps and their seasonal installation and removal. In the winter, the Trust hosts a small fleet of commercial fishing vessels in the embayment, as it offers welcome protection from river ice.

The Park and the Promenade are well maintained and provide an attractive draw to Newburyport's waterfront and nearby downtown area. A well-managed program of tree maintenance and pruning keeps the Park attractive and visible while providing shade. The Waterfront Promenade experiences heavy tourist traffic in the summer months. Market Landing Park is used as an access way to the Promenade and is also home to summer concerts and special events. It is also frequently used as a wedding venue.

## **Collaborations**

The Trust furthers its purpose by collaborating with and hosting activities that encourage and facilitate the connection of the public to its property and to the Merrimack River. An example of this is the three aforementioned tour boat operations and includes the placement of a cooperative ticket kiosk to facilitate their operation.

The Trust also hosts the Somerby's Landing Sculpture Park, an area at the waterside portion of Riverside Park and the western end of the Waterfront/Boardwalk Promenade. A cluster of sculptures has been established; some relatively permanent, others that rotate on an annual basis.

The Trust works closely with the Greater Newburyport Chamber of Commerce & Industry in the planning and hosting of numerous summertime events. This typically includes an early-season spring festival, occasional evening events throughout the summer, a large Riverfront concert, and a fall harvest festival. The Trust is also exploring options to identify nearby businesses on signposts that are consistent with the rededication of Riverside Park as a park.

Market Landing Park was improved and expanded in the early 1970's and again in the early 1990's with federal, state, and City funds, along with local donations. It is the traditional location for the concerts and events associated with Yankee Homecoming, a major city-wide, week-long summer celebration. These activities bring many visitors to the downtown and waterfront and make a significant impact to the grounds. Careful coordination with Yankee Homecoming organizers ensures that cleanup and repairs after each event are done in a timely way and the condition of the Park is not compromised.

The Trust and the Newburyport Redevelopment Authority (NRA) have shared interests in the functioning of the waterfront. The NRA property is effectively surrounded by the Trust's property and the two groups share extensive borders. There is a planning process in place to transition the NRA land, presently two gravel parking lots accommodating approximately 400 cars, to a higher purpose. The timing and ultimate mix of activities remains unclear; however it is essential that the Trust work closely with the NRA to ensure that the Trust property remains freely accessible to the general public.

In 2007, the Trust and the NRA implemented a collaborative paid parking program that generated revenue on weekends and during Yankee Homecoming. This program involved a fee collection subcontractor and resulted in approximately \$7,000 per year in revenue for the Trust for the two years the arrangement was in effect. More importantly, the collaboration offered the Trust a better sense of the revenue that could be generated by charging for its spaces in Riverside Park.

In 2009, the Trust implemented the first pay-and-display parking program within the City. This required the installation of a payment machine, signage, and a credit-card servicing arrangement. Installed in October 2009, the program grossed over \$37,000 in receipts during the first year of operation. This revenue came in spite of free weekday parking in the neighboring NRA lot and with the absence of any enforcement. Not only did this program prove highly profitable, it facilitated the short-term use of Trust parking spaces by the public rather than their historical all-day use by the employees of nearby businesses. The success of the Trust's paid parking plan may have helped motivate the City to implement a consolidated parking plan for the downtown and waterfront. This plan was finalized in the spring of 2011 and the Trust had entered into a

lease agreement that allows the City to administer paid parking in Riverside Park as a municipal lot in return for an annual fee agreed to by both parties.