

**Newburyport Redevelopment Authority**  
City Council Chambers  
December 10, 2014  
Minutes

**1. Call to Order**

Chair Tom Salemi called a regular meeting of the Newburyport Redevelopment Authority to order at 7:05 p.m.

**2. Roll Call**

In attendance were members Tom Salemi, Leslie Eckholdt, Andy Sidford and Bob Uhlig. Carol Powers was also in attendance.

**3. Minutes**

The approval of the minutes of the November 12, 2014 meeting was tabled.

**4. Tree Maintenance**

Bob Uhlig said the Waterfront Trust agreed to contribute \$8,000 toward the \$13,000 needed for tree pruning and removal. Andy Sidford moved to accept the tree care proposal for Waterfront Park from Cicora Tree Service. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

**5. Parking Agreement**

Bob Uhlig said the revised parking lot layout did not receive any criticism when it was distributed at the most recent meeting of the Parking Advisory Committee. While the parking area would be reduced, the change would result in a net gain of spaces. The next step would be to seek approval for the plan from the Fire Chief and Police Marshall. The work would be coordinated with the DPS to take place when the lot is repaired in the spring.

**6. Lighting Plan**

Tom Salemi said he authorized Lumen Studio to prepare a lighting plan for the two parking lots in order to move the project ahead more quickly. The lack of adequate lighting presents a safety concern. Currently only one light is working in the west lot and there are no lights in the east lot. It appears the NRA has been paying for the lights on both its property and the Waterfront Trust property.

Bob Uhlig reviewed the Waterfront Trust's plan for its property along with the plans provided by Lumen Studio. Seven pedestrian lights would be located along the walkway by the Ale House and the Brown's Wharf building. Two two-head lights would be installed near the Black Cow and two single lights would be added near Merrimac Street. Two more would be placed along Somerby's Way. It was recommended that four double lights be added in the west lot and seven single-light poles be installed in the east lot along with seven double-light poles.

There are several issues to be considered with regards to lighting. The NRA must provide lights for safety, especially as a fee is being charged for parking. An increase in

parking fees could either be justified by, or create the expectation of, improving conditions. The lighting in the west lot has come into focus because of the Waterfront Trust's plans for Riverside Park. However, the lack of lighting in the east lot might make that area a priority. The lighting for the west lot would cost \$55,000. Fixtures for both lots would cost \$106,000 and the figure would rise to \$215,000 with installation. The NRA would not wish to commit to such an expense because a long-term plan for the property has not yet been determined. The installation of underground wiring might disrupt contaminated soils. This could be avoided by the use of solar fixtures, which would be beneficial because they could be moved according to the future plans for the property, but are more expensive.

The NRA might wish to provide the minimum amount of lighting that would be required for safety in the short-term while long-term plans for the property are being considered. Lumen Studios will be invited to attend the January 14, 2015 meeting.

Tom Salemi moved to approve a payment to Lumen Studios for the work that has been done to date. Leslie Eckholdt seconded the motion. The motion was unanimously approved.

#### **7. Site Furniture**

The discussion about the furniture will be on hold until decisions have been made about lighting and the layout of the west lot.

#### **8. Parking Agreement**

The parking agreement between the NRA and the City is set to expire on December 31. The NRA must decide if it wishes to renegotiate the contract or extend it with the existing terms. The NRA and Waterfront Trust both have discussed increasing the fees and/or extending the hours to fund improvements to their properties. The agreement between the Trust and the City will expire at the end of April 2015. Extending the NRA agreement for four months would allow the two groups to negotiate with the City at the same time.

Leslie Eckholdt moved to renew the parking agreement with the City as it is currently written for four months. Andy Sidford seconded the motion. The motion was unanimously approved.

#### **9. Park Use Application**

A food truck was parked in the west lot on December 5 for the first Invitation Night, as had been discussed at the November 12 meeting. The evening was not as successful as had been hoped because there was not much foot traffic in the lot. The truck will be parked in the east lot for the second Invitation Night on December 12.

#### **10. Directors and Officers Liability Insurance**

The insurance policy will expire at the end of January. Tom Salemi moved to renew the Directors and Officers Liability Insurance policy for the amount of \$2,348. Bob Uhlig seconded the motion. The motion was unanimously approved.

### **11. Secretary's Report**

Leslie Eckholdt distributed the schedule for meetings in 2015 and will post it on the website. The November meeting would fall on Veterans' Day and should be rescheduled.

The NRA does not have a tax ID number and has used the City's number when needed. A number might be obtained but would result in the need to file annual tax reports. Carol Powers will discuss the issue with Richard Jones.

A brief discussion took place on the use of private funds for public parks in many cities.

The City has not yet received a response about the brownfields grant for which it had applied. An application for a second grant that is similar to the pending one is to be submitted.

### **12. Treasurer's Report**

Adam Guild was not present to give the Treasurer's report. A check was received from Not Your Average Joe's in the amount of \$250 for dumpster area rent for the month of November. A report on the account balances and the approval of invoices were tabled to the January 14, 2015 meeting.

### **13. Council's Report**

Carol Powers said she spoke with two attorneys who might be able to represent the NRA in the matter of leasing rights to the submerged tidelands. She said the next step would be for a meeting between the City, the NRA and the Waterfront Trust to take place for a discussion on the ownership of the submerged tidelands. The purpose of a meeting would be to agree on a fee structure that would include the NRA. She would require the approval of the board to set up or attend such a meeting. She added the hiring of an attorney might not be necessary if the groups would be able to work together. An attorney would be able to counsel the NRA on alternatives if cooperation between groups proves not to be possible.

Ms. Powers went on to say that the docks are on, and boats pass over, NRA property. Until this point the NRA has worked in a cooperative mode and has not set boundaries and or demanded its rights. Now it appears there will be no buildings on the waterfront and the NRA must find funds elsewhere. The NRA wishes to maximize its revenue to support an expansion of the park.

An attorney would work on the leasing rights to the submerged tidelands, not the contractual issues surrounding the revision of the Declaration of Public Trust. Without a legal opinion to indicate the contrary, the City and Waterfront Trust have no rights to the submerged tidelands. Ms. Powers will provide a legal opinion stating the revision to Declaration of Public Trust was not a conveyancing document. It did not contain any metes and bounds that described any land to be conveyed. The members did not wish to attempt to schedule a meeting with the City and Waterfront Trust during the holiday season or before receiving the legal opinion.

The revised lease with Not your Average Joe's for the dumpster area has been signed.

**14. Property Maintenance Report**

Leslie Eckholdt said all of the parking kiosks are working except one. The boat that had been placed among the floats in the east lot has been removed. One major pothole has been repaired. She contacted Tony Furnari about doing further work, especially in the west lot, but has not yet received a response. The dumpster area is clean and has been locked. She requested that National Grid repair the lights that are not working.

**15. Public Comment**

Peter Fitzsimmons, 7 Arlington Street, asked if the NRA had intended to convey the strip of submerged tidelands to a developer. Tom Salemi responded that with regards to the Union Studio plan, only the footprints of the structures were to have been conveyed. The submerged tidelands would have been passed to the City.

**16. Upcoming Meetings**

The next meeting of the NRA will take place on January 14, 2015.

**17. Adjournment**

The meeting was adjourned at 9:10 p.m.