

Newburyport Redevelopment Authority
City Council Chambers
March 12, 2019
Minutes

1. Call to Order

Chair Bob Uhlig called a meeting of the Newburyport Redevelopment Authority to order at 7:00 p.m.

2. Roll Call

In attendance were members Bob Uhlig, Leslie Eckholdt, Andy Sidford and David St. Cyr.

3. Public Comment

In response to a question from Jim McCauley, 27 Storeybrooke Avenue, Leslie Eckholdt gave an update on DPS plans to modify the work that had been done on Ferry Wharf Way in the fall of 2017. A concrete sidewalk bordered with stones had been constructed to accelerate the flow of water away from Market Square. DPS plans to replace the stones with brick that follows the pattern established at Market Place Landing. Mr. McCauley said he is concerned that the water will flood the parking lot. Leslie Eckholdt responded that the change has benefitted the tenants because the buildings along the way no longer flood.

Bill Harris, 56 Lime Street, said that when the deed for Lot C, which is located behind 25 Water Street, is transferred to the City, it should be specified that the City has a duty to maintain the public passage between the boardwalk and the fish pier. Also, the Maritime Society should be granted an easement of passage across this land to provide access from the Custom House to the river. He said the Settlers would take whatever steps necessary to ensure the NRA transfers the public ways with the obligated protections.

4. Updates

a) Dumpster and Recycling Enclosure

David St. Cyr reported that soil must be removed from the east lot in order for the asphalt entryway to the dumpster to be installed. The soil in this area has not yet been tested. In addition, the posts for the enclosure will extend more than two feet below the surface and the soil must be removed from the site and disposed of properly. ESS submitted a quote for \$6,500 for the disposal of the soil, but the regulatory filings for DEP and the EPA could bring the total cost of the work to \$23,000. The administrative work would be completed by the end of March and the work on the enclosure could be done in the middle of April. Artistic Landscapes would stake the location of the enclosure at the cost of \$125. Signage will be installed to prohibit parking in the area when it is to be staked. Leslie Eckholdt asked that documentation on the hourly work billed by ESS be provided.

b) City and NRA Parking Agreement

Bob Uhlig signed an extension of the parking agreement with the City. The City has ordered replacement parking kiosks and is responsible for their cost.

c) Tree Pruning

The Waterfront Trust received a quote in the amount of \$9,000 from Cicoria Tree Service for tree pruning along Somerby's Way. Andy Sidford moved to contribute \$1,800 to the cost for the pruning of the trees that are on NRA property. David St. Cyr seconded the motion. The motion was unanimously approved.

Bob Uhlig said the Bradford pear trees along Merrimac Street are overgrown and a safety hazard. He obtained a quote for the pruning of the trees in the amount of \$5,400. Leslie Eckholdt and Andy Sidford said the work should be the responsibility of the City.

5. Central Waterfront Parcel Disposition

a) Transfer of Property to City on River Side of 25 Water Street

Kathleen O'Donnell reported that she has prepared the draft deed for Lot C, the parcel behind the Custom House that is to be sold to the City. The deed would transfer the title to the City through the Conservation Commission for open space and recreational purposes, pursuant to Chapter 40, Section 8(c). The land would then be permanently protected as open space under Article 97 and a change in use would require a two-thirds vote of both City Council and the legislature. She has also filed a petition with the Land Court for a new certificate of title after taking. Lot C is registered land and the certificate of title is still in the name of the party from which it was taken. The NRA would not be able to sell the parcel until the certificate of title is in its name.

The deeds for the transfer of two parcels of registered land from the NRA to the Waterfront Trust have been signed and recorded in the Land Court.

b) Transfer of Submerged Tidelands to City and Waterfront Trust

The next step in the process would be the disposition of the tidelands, which would be sold jointly to the Waterfront Trust and the City. Attorney O'Donnell asked if the NRA members would wish to place any conditions or provisions on the sale of the tidelands. Andy Sidford said he is concerned about the Trust having adequate funds to maintain an expanded park and the tidelands are a potential source of revenue for the park. When the amount of parking on the waterfront is reduced, revenue from the tidelands will take on a greater importance. Leslie Eckholdt agreed that a condition should be placed on the deed because the purpose of transferring ownership of the tidelands to the Trust is to provide financial support for the park. Attorney O'Donnell will consult with the City's council about the possibility of including a condition in the deed that a percentage of the revenue from the tidelands would be dedicated to the maintenance of the park. She will ask also if all revenue, whether collected by the Waterfront Trust or the Harbor Commission, could be placed in a separate fund and then a negotiated percentage given to the Harbor Commission.

Currently the Trust receives income from the tour boats that dock upriver of the embayment. The docks in this area are owned and maintained by the owners of the tour boats. The Harbor Commission receives the income from the transient boats that use the docks downstream of the embayment. The Harbormaster maintains these docks and those in the embayment. The Trust receives the income from the fishing boats that use the embayment in the winter and the Harbor Commission receives the income from the transient boats that use the embayment in the summer. The Trust owns the embayment

and is working to negotiate a mutually acceptable monetary agreement with the Harbor Commission to receive a portion of the income from the summer boats in the embayment. The Trust has asked the Harbor Commission to track this revenue during the upcoming boating season. The Trust receives approximately \$26,000 annually from the tour boats, which would not be sufficient to maintain an expanded park. The Harbor Commission and Trust could work together to increase revenues by encouraging more maritime activity.

c) RFP for Design of Expanded Waterfront Park and Reduced Parking Areas

The NRA is working to issue an RFP for design services for an expanded park. One concern of the NRA is that the Waterfront Trust has both the funds and the willingness to move forward with the development of the park once the land has been transferred. The NRA is proposing to pay for the design of the park and would want a commitment that the park would be built. Kathleen O'Donnell said one way to accomplish this might be through the creation of a new urban renewal plan. The original urban renewal plan has expired. The new urban renewal plan would include the park design that results from the RFP process and would legally require that the property be transferred in conformity with urban renewal plan. She will consult with DHCD about the process.

A discussion took place about the timing of the reduction in the number of parking spaces on the waterfront. Some City Councilors expect that 100 spaces would be removed as soon as the parking garage is open. The NRA members would want the revenue from the waterfront lots to be maximized until the park is built. They did not commit to a specific timetable for reducing the amount of parking on the waterfront. No action will be taken to remove parking spaces from the waterfront at this time.

6. NRA Business

a) Treasurer's Report

Leslie Eckholdt reported that on February 28 the balance in the money market account was \$418,025.66 and the balance in the checking account was \$8,306.19. Andy Sidford moved to approve payments to Gretchen Joy for minute taking for the March 12 meeting, Artistic Landscapes in the amount of \$845.00, Halvorson Design in the amount of \$288.75, the Waterfront Trust for the landscape maintenance contract for February and March in the amount of \$2,048.26 and Kathleen O'Donnell for legal services in the amount of \$3,724. David St. Cyr seconded the motion. The motion was unanimously approved. David St. Cyr moved to approve a 10% increase in the pay of the minute taker. Andy Sidford seconded the motion. The motion was unanimously approved.

b) Minutes

Andy Sidford moved to approve the minutes of the January 8, 2019, meeting. David St. Cyr seconded the motion. The motion was approved.

7. Adjournment

Andy Sidford moved to adjourn the meeting at 8:40 p.m. David St. Cyr seconded the motion. The motion was unanimously approved. The next meeting of the NRA will be scheduled for Tuesday, April 9, 2019.