

**Newburyport Redevelopment Authority**  
City Hall Auditorium  
June 11, 2019  
Minutes

**1. Call to Order**

Chair Andy Sidford called a meeting of the Newburyport Redevelopment Authority to order at 7:07 p.m.

**2. Roll Call**

In attendance were members Leslie Eckholdt, Andy Sidford, David St. Cyr and Rich Person. Also in attendance was Attorney Kathleen O'Donnell.

**3. Treasurer's Report**

Leslie Eckholdt reported that on May 31 the balance in the money market account was \$442,817.13 and the balance in the checking account was \$9,625.82.

Andy Sidford moved to approve the payment of invoices from ESS in the amount of \$4,253.85; Atlantic Fence in the amount of \$3,100; the Waterfront Trust for the NRA's share of the park maintenance for April in the amount of \$1,043.82; Gretchen Joy for minute taking for the June 11 meeting in the amount of \$150; Tom and Gretchen Joy for planting the containers in the east and west lots in the amount of \$941.80; Tom and Gretchen Joy for the watering of the containers in the east and west lots and the Pop Up Park for nine weeks or other additional work as needed in the amount of \$270 and Kathleen O'Donnell in the amount of \$1,595 and to approve expenditures up to \$10,500 for the paving of the driveway to the dumpster and \$2,000 for planting pachysandra along Somerby's Way. David St. Cyr seconded the motion. The motion was unanimously approved.

**4. Dumpster and Recycling Enclosure**

David St. Cyr reported that the dumpster pad has been installed. Work has been delayed slightly because the drums that would be used to remove the excavated soil from the post holes must be on site before the fence installation begins. A revised RAM report must be submitted.

**5. Central Waterfront Parcel Disposition**

Andy Sidford said the framework plan the NRA developed for the expanded park was referenced in the preamble to the home rule petition. He would like a dated engineered plan showing the elements of the design to be delivered to the City. He said the primary concern of the NRA has been the implementation of an expanded park.

At the May 14 meeting the NRA delayed a vote to transfer the submerged tidelands to the Waterfront Trust in order to allow City Council to be a part of the discussion. Kathleen O'Donnell and Grace Connolly have worked together to develop a draft deed that would convey a 50% interest in the tidelands to the Waterfront Trust. The NRA would not be able to convey the remaining 50% interest to the City at this time because the City has not indicated a willingness to sign an acceptance. Attorney

O'Donnell said she sent the draft deed the Mayor and the City Solicitor. She commented the City Solicitor said he would review the document but has not done so.

In 2013, the bulkhead was repaired by adding sheet piles two feet in front of the existing bulkhead over NRA land. At the May 22, 2013, meeting the NRA voted to convey this two-foot strip to the Waterfront Trust, but this was never done. The conveyance of 50% of the submerged tidelands would be subject to an easement to the Trust for the right to manage and maintain this two-foot strip. The Trust would have the right, but not the obligation, to repair or replace the bulkhead and pilings. This easement would achieve the objectives of the 2013 NRA vote; the Trust would not be landlocked. It would restore the Trust in the position it was in before the bulkhead was expanded.

Rich Person asked what legal action the City could take against the conveyance. RJ Lyman, counsel for the City, said the City could void the transaction and seek the reimbursement of attorneys' fees, but he stressed the City is currently not contemplating this step. He said the City did not file suit to enjoin the NRA from conveying its property. He said the NRA should not take a position that would prompt an action by others to defend rights that would not advance the cause of the waterfront.

Planning Director Andy Port said the City is opposed to the conveyance of 50% of the tidelands. He said the sole ownership of the waterfront by one party would be preferable. He said the Mayor and City Council supported the home rule petition because the logical first step would be to transfer the NRA land to the City. The City has the expertise to construct a park and has access to funding not available to either the Waterfront Trust or the NRA. He said CPA funds could be used for the design of the park and it could be constructed through bonding. The park would be transferred to the Waterfront Trust once it has been built.

Andy Sidford said that the same logic had been used to argue for combining the NRA and Waterfront Trust. The NRA had been working towards uniting the management of the waterfront being under one organization. He said the report of the Ad Hoc Central Waterfront Committee did not state that the City would build and fund the park. Discussions by City Councilors indicate they are more interested in the way in which parking revenue would be distributed than the construction of the park. David St. Cyr said he is surprised the City's objections to the conveyance of the tidelands had not previously been voiced and pointed out City Councilors do not attend the NRA meetings. Kathleen O'Donnell said the NRA is contemplating the conveyance of its interest in the submerged tidelands only and not the remainder of its property.

The discussion was opened to comments from the public. Bill Harris said the City chose the home rule process, which does not allow for a public hearing. He said the petition does not include the protections that would prevent the Waterfront Trust from being landlocked. He urged the NRA members to convey 50% ownership of the tidelands to the Trust while they still have the authority to do so.

Pam Ketchum said the City is not to be trusted, especially after the artist shanties were placed on Waterfront Trust land without permission.

Steve Hines said the Waterfront Trust and Harbor Commission have a good working relationship and co-ownership would protect both parties.

Nickolas Metcalf said there would be buildings on the waterfront if not for the efforts of the COWs. He said the City does not own the land and would not have standing to sue.

Elizabeth Heath said she supports the conveyance of the submerged tidelands. She said the placement of the artist shanties on the waterfront proves the City would not be a good steward of the land and the NRA should deed all of its assets to the Waterfront Trust.

Sandy Small said the framework plan for the park design is mentioned in the preamble of the Home Rule petition, which is not binding. She said the City does not do a good job of maintaining its property. She pointed out that Andy Port said the City would transfer the land to the Trust after the park has been constructed but did not say the Trust would receive the parking revenue, which would be needed to maintain the park.

Andy Sidford moved to convey 50% of the ownership of the submerged tidelands to the Waterfront Trust subject to an easement for the bulkhead and pilings. Leslie Eckholdt seconded the motion. The motion was unanimously approved. David St. Cyr moved to authorize the chair to sign the deed. Rich Person seconded the motion. The motion was unanimously approved.

#### **6. Park Use Applications**

Bob Uhlig asked to borrow the Adirondack chairs from the berm for the Livable Street event to be held on June 24. Andy Sidford moved to deny the request. David St. Cyr seconded the motion. The motion was unanimously approved.

Andy Sidford moved to approve an application from the Yankee Homecoming Committee for the beer fest. David St. Cyr seconded the motion. The motion was unanimously approved.

#### **7. Minutes**

Leslie Eckholdt moved to approve the minutes of the May 14, 2019, meeting as submitted. David St. Cyr seconded the motion. The motion was unanimously approved.

#### **8. Adjournment**

Andy Sidford moved to adjourn the meeting at 8:30 p.m. David St. Cyr seconded the motion. The motion was unanimously approved.