

**Newburyport Waterfront Trust**  
Police Station Conference Room  
October 19, 2016  
Minutes

**1. Call to Order**

Chair Scott Sutherland called a regular meeting of the Newburyport Waterfront Trust to order at 7:00 p.m.

**2. Roll Call**

In attendance were Trustees Scott Sutherland, Wilbur Shenk, Steve Hines and George Ellison. Joe Brown was absent.

**3. Minutes**

Wilbur Shenk moved to approve the minutes of the September 7, 2016 meeting. Steve Hines seconded the motion. The motion was unanimously approved.

**4. Treasurer's Report**

George Ellison moved to approve the payment of the following bills:

- McCarthy Landscaping in the amount of \$250 for water saving,
- Riverfront Landscaping in the amount of \$1,540 for planting black pines,
- Alloy Casting in the amount of \$7,235 for light poles for Riverside Park,
- McCarthy Landscaping in the amount of \$440 for sodding,
- The Handyman, Inc. in the amount of \$585.00 for repairs to the boardwalk,
- Choo Whyte in the amount of \$1,852.31 for plant materials for the rhododendron garden,
- The Handyman, Inc. in the amount of \$1,230.00 for the assembly and installation of three benches,
- The Home Depot in the amount of \$111.76 for mums,
- Roz Manley in the amount of \$1,092 for bookkeeping services,
- Seacoast Lock and Safe in the amount of \$175 for the electrical cabinet locks,
- McCarthy Landscaping in the amount of \$300 for sprinkler adjustment,
- The Greenskeeper in the amount of \$90 for maintenance for September,
- Heyck Design Studios in the amount of \$107.58 for a sign,
- Edith Heyck in the amount of \$68.86 for planting,
- International Bronze in the amount of \$154.00 for a bench plaque,
- Edith Heyck in the amount of \$28.74 for lunch for Women in Transition

Steve Hines seconded the motion. The motion was unanimously approved.

Income for October totaled \$24,790.87, which included \$2,375 for the *Ninth Wave*, \$1,370.87 from the NRA, \$17,500 from the City for parking, \$3,000 for a bench plaque and \$545 from park applications. For the month of September income totaled \$2,600 while expenses were \$12,000, resulting in a negative cash flow of \$9,400. Year-to-date expenses have been \$9,000 greater than the income for the period. The cash balance is \$198,000.

#### **5. Riverside Park Parking Lot Update**

Work is progressing on schedule. The light poles have been removed and the location of the islands has been marked. The granite curbing will be installed shortly.

#### **6. Report on Mayor's Meeting**

George Ellison reported on the September 27 meeting, which he said was a successful one. He and Scott Sutherland represented the Trust. Andy Sidford and Bob Uhlig attended for the NRA. The discussion focused on the outline of the park and there is a general agreement on its management. It is likely one large park would be under the control of the Trust, which would expand from five to seven members. The focus of the discussion will now shift to revenue sharing. The next meeting is scheduled for November 22. The Harbor Commission will be invited to attend that meeting. Mayor Holaday would like most issues to be resolved by April.

Bill Harris will meet shortly with Carol Powers about the revisions to the Trust document. He will also meet with the Waterways Division about the Chapter 91 license that would be needed across the entire waterside. Everett Chandler should be completing the survey shortly.

#### **7. Request from Firehouse Center for the Arts**

Peter Kelly requested the Trustees extend the lease for the patio by 2.5 years. The current five-year lease will be at its halfway point in January. Negotiations are in progress for a new restaurant taking over the lease from Not Your Average Joe's. An extended lease would provide the security the restaurant would require before signing a long-term lease and extensively renovating both patios.

The Trustees discussed the timing of the request with respect to discussions with the City about the future of the waterfront and revenue sharing. George Ellison expressed concern about extending the lease at this time, saying it would cause the Trust to lose leverage in the negotiations. Scott Sutherland was of the opposite opinion and said it is important to the City to have a viable restaurant in this location. Wilbur Shenk said the Trust is in a good position with the City that he would not want to jeopardize.

Bill Harris said the City would make its position on waterside revenue sharing known at the November 22 meeting. He recommended no action be taken on the lease extension until after that time. He said he would like the Firehouse Board to recognize the Trust's need for a diversity of income. There might be an opportunity to lower the amount of the lease of the patio if waterside income were obtained. Peter Kelly said a delay would interfere with the opportunity to obtain a new tenant. He agreed to support the Trust in confirming its right to waterside income. Scott Sutherland recommended the Trust extend the lease provided the new tenant signs the agreement within 30 days.

Steve Hines moved to approve the extension of lease with the Firehouse for an additional 2.5 years from January 1, 2017 with the condition a new tenant signs a lease or MOU by November 20. George Ellison seconded the motion. The motion was unanimously approved. *(Note: This vote was rescinded at the November 17 meeting and a new motion was approved.)*

### **8. Firehouse Roofing Project**

The work to replace the roof on the Firehouse has begun. The removal of the old roof is proceeding smoothly.

### **9. Parking Report**

Parking revenue totaled \$10,630 in July, \$11,793 in August and \$7,204 in September, all significant increases over the income for the past year despite the loss of 20% of the parking spaces.

### **10. Waterfront Committee Report**

Steve Hines met with the tour boat operators in September. Issues discussed included parking, signage and trash removal. The leases have now all expired.

Three of the operators attended the meeting to discuss the signage issue. Bill Taplan would like to place brochures and signage on the ticket booth, but he does not sell tickets and therefore does not contribute to the cost of operating the booth. Paul Aziz of the *Yankee Clipper* said Mr. Taplan is a competitor and the addition of his business has changed how the other three boats operate. He believes Mr. Taplan should offset a part of the cost of the booth if he wishes to place advertisements on it. Jonathan Van Kamp of the *Ninth Wave* said the rules that apply to the operators have changed over the years as the Trustees have changed.

The Trust does not manage the ticket booth. Chris Charos owns the ticket booth but does not wish to make a decision about the signage. Scott Sutherland asked the four operators to work together to provide a proposal for the November meeting. If they are not successful in reaching an agreement, the Trust will add a policy on signage to the lease.

Steve Hines moved to extend the leases for the three winter fishing boats for one year at the rate of \$750 with no changes to the terms. George Ellison seconded the motion. The motion was unanimously approved. The work to protect the electrical boxes will be done before the fishing boats enter the embayment for the winter.

### **11. Park Use Applications**

Wilbur Shenk moved to approve an application for an October 2017 wedding. Scott Sutherland seconded the motion. The motion was unanimously approved.

### **12. Parks Committee Report**

Edith Heyck submitted a written report. A request for quotes for landscaping services has gone out. The bidders must attend a mandatory pre-bid meeting. A portable restroom has been placed in the west lot on NRA land. A second might be added.

### **13. Berm Project with NRA**

Two quotes were received for the berm project. While the prices for both were very close, Wilbur Shenk recommended contracting with Bayberry Nurseries because the quote provided was for a larger scope of work. The granite blocks would be rearranged to create a wall perpendicular to the embayment that extends 15 feet towards the parking

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lot in order to hold back the fill. The City's Conservation Administrator advised that fill should not be added in the fall due to the likelihood of erosion.

Wilbur Shenk moved to accept the bid of \$29,596 from Bayberry Nurseries with work to begin in the spring on the basis the NRA will share the cost of the work provided its total does not exceed \$30,000. George Ellison seconded the motion. The motion was unanimously approved.

**14. Adjournment**

Wilbur Shenk moved to adjourn the meeting at 8:36 p.m. Steve Hines seconded the motion. The motion was unanimously approved.