

**Newburyport Waterfront Trust**  
City Council Chambers  
December 13, 2017  
Minutes

**1. Call to Order**

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

**2. Roll Call**

In attendance were Trustees Wilbur Shenk, Dan Mello, Matt Pieniazek and Steve Hines. Sean Bradley was absent. Grace Connolly and NRA members Leslie Eckholdt, Bob Uhlig, Andy Sidford and David St. Cyr were also in attendance.

**3. Minutes**

Wilbur Shenk moved to approve the minutes of the November 15, 2017 meeting as submitted. Dan Mello seconded the motion. The motion was unanimously approved.

**4. Treasurer's Report**

No Treasurer's report was given. Wilbur Shenk moved to approve the regular payments to the park manager, minute taker and landscaper and to Northeast Electrical in the amount of \$35.57 and the Home Depot in the amount of \$331. Matt Pieniazek seconded the motion. The motion was unanimously approved.

**5. Chair's Report**

None

**6. Waterfront Committee Report**

Steve Hines has been in communication with two of the fishing boat captains and they intend to submit their contracts and payments shortly. Captain Connors plans to attend an upcoming meeting to discuss the status of fishing in Newburyport. A question from Christ Charos on the amount of his electrical bill has been resolved.

**7. Parks Committee Report**

**Park Use Applications**

Wilbur Shenk moved to approve an application for a wedding on June 2. Matt Pieniazek seconded the motion. The motion was unanimously approved.

**Park Manager Report**

Edith Heyck reported all is in order.

**8. Joint Meeting with the NRA**

**A. Draft Letter of Intent**

A discussion took place on the five areas of concern the Trustees had with the draft letter of intent that the NRA had prepared:

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1) The final design of the park would be approved before any land would be conveyed. The Trustees would like the community to participate in the design process. Steve Hines said it would not be necessary for the NRA to approve of the park design before the conveyance because two members would serve on the expanded Trust. Wilbur Shenk commented the process would be slowed if the park design were to be completed before the land were conveyed.

The letter of intent indicated the conceptual plan of the park should be recorded, which the Trustees do not view as necessary. Grace Connolly said the recorded plan would not include the future design of the park. Carol Powers said it was intended a survey plan, not a plan for the design of the park, should be recorded to serve as a baseline plan. A survey was done by Everett Chandler but was not recorded because of certain promissory elements the NRA did not believe should be included. A plan showing the existing conditions should be recorded and the Chandler survey should provide the basis for this. Bob Uhlig requested the Waterfront Trust indicate it is in agreement with the framework of the design. The NRA would like the basic shape of the curved walkway to be accepted as a part of the park design. Andy Sidford said the NRA has produced a conceptual design that has been well received. It was planned for the design details to be finalized at a later date.

The Trustees and NRA members discussed the conveyance of the parcels that have been identified as D1 and D2 on the conceptual plan. The board of the Custom House Maritime Museum wishes to have access to water. Steve Hines said it would be preferable that the land to be conveyed to the Custom House end at the bike path, with an easement for its uses being conveyed to the Custom House. The NRA must discuss this with the board of the Custom House.

2) The draft letter of intent states the party to which the property is conveyed would assume the duties and obligations of the NRA. This is not acceptable to the Trust and is a legal issue that the groups' attorneys must resolve.

3) The NRA indicated in the draft letter of agreement that the expanded Trust should include one of the Settlers. It would not be possible for a Settlor to serve on the Trust.

4) The NRA indicated in the draft letter of agreement that it does not intend to transfer the ownership of the two parcels, E1 and E2, on which the Pop Up Park and restrooms are located until park support structures have been designed and funded. The Trustees wish to receive these two parcels at the same time as the remainder of the NRA property. Bob Uhlig said the development of a support structure would be a component that would be considered during the design process.

5) The dissolution of the NRA was discussed. Steve Hines said the Trust has not requested that the NRA be dissolved at the time of the land conveyance and therefore the issue does not need to be addressed.

Grace Connolly said the Waterfront Trust does not want to inherit environmental hazards and would wish to receive a completed remediation plan and satisfactory environmental assessment. Bob Uhlig said in the worst-case scenario an AUL would be imposed on the west lot similar to that in place on the east lot. The fill that would be added to elevate the grade would act as a cap and the soils would only be disturbed during construction.

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Steve Hines said he would like to move forward with a Memorandum of Understanding without pursuing the letter of intent. He distributed a draft set of principles designed to provide a basis for discussion on a MOU between the Waterfront Trust, the NRA, the City and the Custom House Maritime Museum. The principles include a list of the parties to the MOU and the revised Waterfront Trust, a description of the way in which the parcels would be distributed to the Maritime Museum, Trust and City. The Trustees would determine the final design of the park. The City has agreed to provide annual support to the Trust. The Trust would retain the revenue from parking, park use fees, the embayment, submerged tidelands and would enter into a revenue-sharing agreement with the City and Harbor Commission for the docks. Bob Uhlig asked for the framework plan the NRA has developed for the expanded park to be included in the MOU.

The existing Trust document would not be changed but rather amendments would be added. These would include:

- 1) the increase in the number of Trustees to seven, two of which would be NRA members.
- 2) the addition of the authority for the Trust to grant easements to utility companies.
- 3) the addition of the authority to grant easements, leases and licenses and to enter into use agreements with the City and non-profit organizations.
- 4) the addition of the authority for the Trust to enter into leases, licenses and use agreements with private entities for public and private events.

Grace Connolly said that as the City would be an essential party to the MOU, the document should not be prepared without City involvement. Mayor Holaday wishes to hold one more meeting with two members of each of the NRA and Waterfront Trust and then an open public meeting. Steve Hines will initiate the meeting with the mayor, which likely not to take place until January.

## **B. RFP for Design Services**

The Waterfront Trust will undertake the RFP after the land has been transferred.

## **C. Submerged Tidelands**

Carol Powers explained after it was decided the east and west lots would not be developed, the NRA sought to find other sources of income through which it might accomplish its goals. A reduction in the amount of parking would also make additional income sources necessary. The submerged tidelands could prove to be a source of significant income. The Waterfront Trust will make any decisions about the submerged tidelands after the land has been transferred. Wilbur Shenk said the Trust would be responsible for identifying sources of income. Steve Hines said he has discussed revenue sharing and the possible expansion of the docks with the Harbor Commission.

## **9. Adjournment**

Wilbur Shenk moved to adjourn the meeting at 8:15 p.m. Steve Hines seconded the motion. The motion was unanimously approved.