

**Newburyport Waterfront Trust**  
City Council Chambers  
February 14, 2018  
Minutes

**1. Call to Order**

Chair Steve Hines called a meeting of the Newburyport Waterfront Trust to order at 7:01 p.m.

**2. Roll Call**

In attendance were Wilbur Shenk, Dan Mello, Matt Pieniazek and Steve Hines. Sean Bradley was absent. Also in attendance were Attorney Grace Connolly, NRA members Bob Uhlig, Marian Levy, Leslie Eckholdt and David St. Cyr and Attorney Carol Powers.

**3. Minutes**

Wilbur Shenk moved to approve the minutes of the January 17, 2018, meeting as submitted. Dan Mello seconded the motion. The motion was unanimously approved.

**4. Treasurer's Report**

The cash balance on January 31 was \$220,115, up \$19,059 from the previous month. Receipts totaled \$24,284, primarily from the City for the parking contract. Checks were also received for the bank beds and electricity for the *Captain's Lady*. Disbursements for the month totaled \$5,125 and included the regular monthly expenses for the landscaping contract, park manager and minute taker, along with bookkeeping fees and insurance premiums.

Matt Pieniazek moved to approve the payment of obligations totaling \$2,393.75 for the landscaping contract, park manager, minute taker, and portable toilet rental. Dan Mello seconded the motion. The motion was unanimously approved.

**5. Chair's Report**

None

**6. Social Media**

Dan Mello has created an Instagram account for the Newburyport Waterfront Trust.

**7. Waterfront Committee Report**

None

**8. Parks Committee Report**

**Park Use Applications**

No new applications have been received.

**Park Manager Report**

Edith Heyck submitted a written report. Due to the time of year there is not much activity in the park.

**9. Combined Waterfront Trust and Newburyport Redevelopment Authority**

**Business**

**Update on MOU**

Grace Connolly and Carol Powers have been working together to prepare the MOU. While progress has been made, some issues remain to be resolved. The NRA provided written comments on the draft principles for discussion the Trust had previously prepared, and the Trust responded in turn. An agreement on these fundamental principles should be reached before work on the MOU proceeds. One of the items remaining to be resolved is the transfer of the land, specifically parcels D1 and D2. The Trust would like to own the portion of these parcels that extends from the road to the water. Grace Connolly said a single contiguous ownership would be desirable from a park development and management perspective. She said this would make the most sense for the long-term viability of the management of the land.

Attorney Connolly also spoke about the need for the Trust to be an innocent party in the transfer of the land and qualified for exemption under CERCLA and MGL Chapter 21E. In order to accomplish this, a Phase 1 assessment must be completed within 180 days of the proposed transfer of the property. She has learned from Christine Lombard at the EPA that funding is available for Phase 1 and Phase 2 assessments. The Trust would partner with the City to apply to obtain the services at no cost of the licensed site professionals under contract with the EPA.

The AUL that is in place on a portion of the property restricts it from being used for recreational purposes. Bob Uhlig said the plan has been to develop the park above the existing conditions. In situations such as these it is not considered feasible for the soil to be removed. Instead, the procedure commonly followed is that the site is made safe by the addition of two feet of clean fill, as was done at Perkins Playground. He asked if the Trust is in agreement with the expectation that this is the procedure that would be followed. He added it is expected that below-grade contaminants exist in an urban waterfront and more testing is likely to result in the need for more clean up. The NRA would be reluctant to allow Trust access to its property to conduct further excavation, which could potentially result in a liability for additional clean up.

Wilbur Sherk asked if it would be possible to bypass the Phase 1 and 2 assessments by hiring a LSP to review the studies and work done to date and obtain approval to cap the site in order to avoid further digging. Grace Connolly reiterated the only way for the Trust to obtain protected land status would be for a Phase 1 assessment to be completed and this would be the prudent way to proceed. Depending on the outcome and goals, the Phase 2 assessment may or may not be necessary. The park might be designed in such a way that parking is planned for any contaminated areas. An access agreement would be necessary for the Phase 1 assessment. Bob Uhlig said the NRA would provide all of the documents pertaining to the work that has been done to date, but would not allow physical digging on its property. Steve Hines will consult with the City and inform the NRA about the direction in which the Trust decides to proceed.

**Update on Trust Amendment**

None

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**Public Update for Mayor and City Council**

Mayor Holaday has scheduled an open meeting for Wednesday, March 14.

**10. Adjournment**

The meeting was adjourned at 9:21 p.m.