

Newburyport Waterfront Trust
Police Station Conference Room
March 21, 2018
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 Wilbur Shenk, Dan Mello, Matt Pieniazek, Steve Hines and Sean Bradley. Grace Connolly was also in attendance.

3. Minutes

Wilbur Shenk moved to approve the minutes of the February 14, 2018, meeting as submitted. Sean Bradley seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

The cash balance on February 28 was \$221,207, \$1,092 higher than the previous month. Receipts for the month totaled \$1,507 and included \$1,500 for the bank beds and \$7 in interest. Expenses for the month totaled \$1,794 and included \$1,594 for the park manager and minute taker and \$200 for the use of the Firehouse restrooms.

Checks totaling \$4,227 have been deposited to date in March from the NRA for park maintenance and the Firehouse. Invoices for the *Captain's Lady* lease and the *Ninth Wave* and *Yankee Clipper* electrical services are outstanding.

Sean Bradley moved to approve the payment of expenses incurred in March in the amount of \$1,848 for the park manager, minute taker, portable toilet rental and website security services. Dan Mello seconded the motion. The motion was unanimously approved.

5. Chair's Report

Steve Hines reported on the meeting with the NRA and Mayor Holaday on March 14. On a positive note the mayor agreed to partner with the Trust for the Phase 1 environmental assessment. The Trustees were disappointed, however, the NRA members voted to transfer parcels D1 and D2 to the Custom House Maritime Museum. NRA attorney Carol Powers recommended D1 be conveyed to the CHMM in its entirety, rather than transferring the waterside portion of the parcel to the Trust. In addition to her concern about the length of the land court process, she believes dividing the parcel, as a whole would make the conveyance as secure as possible against a lawsuit. She also recommended an easement be immediately granted to the Waterfront Trust for the waterside portion of the parcel. The Trust wishes to own the boardwalk and bulkhead and has indicated an unwillingness to assume responsibility for the maintenance of property it does not hold. Carol Powers and CHMM attorney Lisa Mead worked on an agreement through which the WFT would buy back the waterside portion of D1 for the sum of \$1. Neither the Trustees nor their counsel were included in this discussion. The

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Trustees would want this to be included as a part of the initial land transfer agreement between the NRA and CHMM, not a later agreement between the CHMM and the WFT. Included in the NRA vote to transfer D2 was the stipulation the land would revert to the Trust if the CHMM wished to divest itself of the parcel and plans for the land could not be undertaken until the expanded park has been designed. It was noted the NRA has not asked the CHMM how it intends to fund the maintenance of this parcel.

Bob Uhlig has asked the Trust for a financial pro forma and a timeline for a park design and the revisions to the Trust document. Wilbur Shenk has prepared an action plan. He said there are six outstanding items to be resolved before the MOU is signed. He suggested the Trustees meet with Everett Chandler to ensure the survey includes all of the elements of concern to the Trust. The Trust amendments, survey and Phase 1 environmental assessment do not need to be completed before the MOU is signed. Grace Connolly was instructed to continue drafting the MOU and amendments to the Trust document. The final design of the expanded park will not be included in the MOU. While input of the Trustees and public would be necessary, the Trustees are in favor of the NRA issuing the RPFs for the design after the MOU has been signed.

A discussion took place on banning dogs in the park and on the boardwalk. Their waste causes odors and presents a health issue. Suggestions included keeping dogs off the grass in July and August, pressure washing the boardwalk and creating a defined dog area. A smoking ban was also discussed. No consensus was reached and the issue will be revisited at a future meeting.

6. Parks Committee Report

Park Use Applications

Fuel has requested its annual contract be renewed. The Parks Committee will review the request and propose an increased fee.

Park Manager Report

Edith Heyck submitted a written report. She complimented the landscape contractor on the work done to clear the boardwalk of debris washed up during recent storms. She received a quote in the amount of \$1,700 from the Handyman, Inc. for the repair of planks on the boardwalk. Steve Hines will contact the DPS about performing the work.

7. Public Comment

Rob Germinara, 2 Ashland Street, cautioned the WFT against taking any actions during the upcoming days in anticipation of the terms of two NRA members not being renewed.

8. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:35 p.m. Dan Mello seconded the motion. The motion was unanimously approved.