

Newburyport Waterfront Trust
May 18, 2016
Police Station Conference Room
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, George Ellison, Wilbur Shenk, Joe Brown and Steve Hines.

3. Minutes

Joe Brown moved to approve the minutes of the April 30, 2016 meeting. George Ellison seconded the motion. The motion was approved with Joe Brown abstaining.

4. Treasurer's Report

Scott Sutherland said the cash account balance at the end of April was \$193,890. Year to date income has been approximately \$73,000, while operating expenses have totaled \$66,000. He predicts the Trust will end the fiscal year with a slightly negative cash flow and will begin the next year with an account balance of \$193,000. He distributed a draft budget for FY2017 and requested comments be submitted for discussion at the next meeting. Joe Brown suggested more be budgeted for legal fees.

George Ellison moved to approve a payment to McCarthy Landscaping in the amount of \$2,924.50; to the Handyman in the amount of \$300; to Wilkinson Septic in the amount of \$325 and to the NRA in the amount of \$450.84 for a balance held by National Grid. Wilbur Shenk seconded the motion. The motion was unanimously approved.

Joe Brown asked that a second bill be sent for the whale watch boat and the *Yankee Clipper* along with a request for proof of insurance.

5. Trustee Term Review

The term of one Trustee should expire each December 31. The terms of two Trustees are currently set to expire in 2018 and all but one would expire on December 1 rather than 31. The proposal to rectify the situation will be on the agenda for the May 31 City Council meeting.

6. Ongoing NRA Issues

Scott Sutherland met with Tom Salemi, who indicated the NRA would be interested in working to develop a park plan. He seemed to have a preference for NRA property being transferred to the Trust rather than the City when the group dissolves. He asked if the Trust would be able to accept land with fewer restrictions, such as allowing the use of parking permits and some active areas. The first step in the long process would be for the NRA, the Trust, the City and the Friends of the Newburyport Waterfront to begin meeting to discuss how the Trust documents might be amended.

Newburyport Waterfront Trust
May 18, 2016

At the April 20, 2016 meeting the Trustees voted to hire an attorney to determine if the NRA transferred the right to lease the submerged tidelands to the Trust through the amendment to the Declaration of Public Trust. The Trustees discussed at length whether this would be a prudent use of its funds given the Trust might ultimately receive the NRA property. The Trustees wish for the AUL to be removed from their property and for the two feet between the bulkhead and the boardwalk to be transferred. The Trust and NRA should be able to resolve these issues without the assistance of an attorney. It appears that an attorney would be necessary to resolve the issue of the leasing rights to the submerged tidelands. The NRA insists on having the language about these leasing rights removed from the survey before it is recorded. The Friends have suggested they would take legal action if the language were to be removed. Until the survey is recorded the NRA would not be able to remove the AUL or transfer the two feet to the Trust.

George Ellison moved that the Trust be willing to accept additional land if offered provided there is adequate revenue to support it and all environmental liabilities have been eliminated and that the Trust would facilitate the formation of a group that includes two members each from the Trust, the NRA, the City and the Friends of the Newburyport Waterfront to develop a list of the ways in which the Declaration of Public Trust might be revised. Joe Brown seconded the motion. The motion was unanimously approved. Scott Sutherland and George Ellison would represent the Trust.

Scott Sutherland moved to delay the hiring of an attorney to investigate the issue of the leasing rights to the submerged tidelands. Wilbur Shenk seconded the motion. The motion was approved by a four to one vote with Joe Brown voting against it.

7. Waterfront Committee

Steve Hines met with Dave Zinck to discuss the repositioning of the electrical boxes. Two of the boxes were damaged when vandals untied fishing vessels docked in the embayment. The City welder will extend the pipes in order to protect the boxes but in the long run the best solution might be to move the boxes. The light fixture with a missing glass panel will be repaired.

The contracts for the four summer tour boats will expire on September 30. The committee recommended the negotiation of new contracts with the four current vendors with a slight rate increase, the elimination of the section in each lease indicating the type of tour that might be provided and the addition of a provision for a possible change to the leasing authority.

Joe Brown moved to negotiate new leases with the four current vendors for a term of three years. George Ellison seconded the motion. The motion was unanimously approved.

8. Park Use Applications

Wilbur Shenk moved to approve an application from the Parks Department for a fundraising concert on July 2 for a fee of \$800. Joe Brown seconded the motion. The motion was unanimously approved.

Wilbur Shenk moved to approve an application from the Salvation Army for the use of the stage on July 27 without a fee. George Ellison seconded the motion. The motion was unanimously approved.

Newburyport Waterfront Trust
May 18, 2016

Wilbur Shenk moved to approve the application for the Riverfront Music Festival on September 3 with the previously approved fee of \$3,575. George Ellison seconded the motion. The motion was unanimously approved. The fee has not yet been received and an invoice will be sent.

9. Park Manager's Report

Edith Heyck submitted a project list. She reported:

- she will be interviewing irrigation specialists to review the system. She will create a map of the heads and zones. The water will be turned on Monday, May 23 and the back flow valve will be blown out at that time.
- the Horticultural Society is interested in revitalizing the area along the side of the Firehouse by the stage door.
- she has received a proposal from the Handyman for the painting of 42 benches at a cost of \$66 per bench. It would be desirable for one third of the benches to be painted each year.
- the public restrooms have been opened for the season.

10. Joint Conservation Commission Application with the NRA

Bob Uhlig revised the plan for a pop-up park in the west lot with the number of bocce courts reduced from two to one. The Trustees would like the area to be raised to the level of the embayment. This is likely to result in a more complicated Conservation Commission application process. Wilbur Shenk will discuss the issue with the Conservation Administrator. Joe Brown said he is opposed to a piecemeal development of the park. He and Steve Hines object to the addition of a bocce court. Scott Sutherland pointed out the court would be on NRA land.

Wilbur Shenk moved that, without comment on the bocce court, the Trust support the submittal of the Conservation Commission application as a joint project with the objective of raising the elevation of the land by the embayment three feet and if this is not possible at this time to add plant materials at the level of the parking lot. George Ellison seconded the motion. The motion was approved by a three to two vote with Joe Brown and Steve Hines voting against it.

11. Joint Somerby's Way Improvements with NRA

Three quotes were sought for materials, labor and irrigation to improve six areas along Somerby's Way. To date only one quote in the amount of \$21,000 has been received. The work would not be done until the fall.

12. Parking Reports

Parking revenue for April in the Trust lot was up 13% compared to the prior year. For the past three years the flat rate the Trust has received has equaled approximately 56% of the income from parking and violations. The projected revenue for the next fiscal year is \$90,000 with an additional \$15,000 from violations. If the Trust were to receive \$70,000 from the City, this would be equivalent to two-thirds of the income and would double the amount of the current contract. The cost to the City for the management of the lots would not change, but the income would increase from \$22,000 to \$35,000. The City would

Newburyport Waterfront Trust
May 18, 2016

have the ability to further increase its income by issuing more tickets. Joe Brown would like the Trust to renegotiate the amount it will receive for the last six weeks of the current fiscal year, the time in which the new rates will be in effect, as specifically allowed by the current parking agreement with the City.

13. Adjournment

George Ellison moved to adjourn the meeting at 9:06 p.m. Joe Brown seconded the motion. The motion was unanimously approved.