

## **Newburyport Waterfront Trust**

July 23, 2014

Police Station Conference Room

Minutes

### **1. Call to Order**

Chair Doug Locy called a meeting of the Newburyport Waterfront Trust to order at 7:00 p.m.

### **2. Roll Call**

In attendance were Trustees Doug Locy, Si Morrill, Scott Sutherland and Joe Brown. Doug Locy announced that Jody Fraser has resigned from the Trust for personal reasons.

### **3. Minutes**

Joe Brown moved to approve the minutes of the June 25, 2014 meeting as submitted. Si Morrill seconded the motion. The motion was unanimously approved.

### **4. Park Use Applications**

#### **PAVO Walk for the Troops**

Frank Peluso said the Patriots for American Veterans would like to begin and end a two-mile walk on Saturday, October 4 in the park. The proceeds from the event would go to the national organization A Home for our Troops. The planned rain date of Sunday, October 5 would conflict with the Walk Against Domestic Violence. The rain date would be instead scheduled for Saturday, October 11. The event must end by 1:00 and clean up concluded by 2:00 on the rain date because a wedding is scheduled for 3:00 that afternoon.

Joe Brown moved to waive the customary fee for the event. Si Morrill seconded the motion. The motion was unanimously approved.

Doug Locy moved to approve the application. Scott Sutherland seconded the motion. The motion was unanimously approved.

Joe Brown commented that a children's group uses the park almost every day. He said the Trust should be informed about any group that uses the park, even if a fee were not to be charged, and the Montessori School has been asked to submit an application for a number of years but has failed to do so. He also said that FUEL does not use the large number of hours it has booked the park. Other groups that have wished to use the park during some of these hours have been turned away. Participants are not to warm up on the boardwalk but have been doing so in the area by the tour boats. Si Morrill will contact the group. Joe Brown added that Plum Island Kayak blocks the one-hour parking spaces and the turn around while its boats are being loaded and unload.

#### **Beautiful Banners**

Katherine Russell said she would like to install banners in the park and at other downtown locations to raise awareness about caring for natural resources. Decisions about the size of the banner, its material and the mounting hardware have not yet been made. The Trustees supported the banners in concept but had questions about the

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content, size and location. Joe Brown will work with Ms. Russell to refine the design and will report back at the next meeting.

**5. Treasurer's Report**

Income for the month of June totaled \$4,317 and expenses for the period totaled \$6,307. As of June 30 the account balance was \$201,654.

Joe Brown moved to approve the payment of the following invoices:

- from McCarthy Landscaping in the amount of \$950, which included \$250 for water treatment, \$550 for spraying for winter moths and \$150 for irrigation repairs.
- from the Greenskeeper in the amount of \$80 for maintenance for the month of June.
- from the Handyman, Inc. in the amount of \$240 for the removal and installation of signs.
- from the Handyman, Inc. in the amount of \$510 for boardwalk maintenance. The NRA shall be billed for \$240 for the portion of the work on its property.
- from Sonora DesignWorks in the amount of \$62.25 for web maintenance for the period between April 27 and July 15.

Si Morrill seconded the motion. The motion was unanimously approved.

**6. Legal Services**

Scott Sutherland moved to accept a proposal from Doug Bolick for the provision of legal services at an hourly rate of \$150. Si Morrill seconded the motion. The motion was unanimously approved.

Joe Brown moved to add a line item to the spending plan for legal services in the amount of \$6,000. Doug Locy seconded the motion. The motion was unanimously approved.

**7. Riverside Park Reconfiguration**

The Trustees agreed at the previous meeting to enter into a contract with DCI for the next phase of project with the condition that an estimate of the final cost is included. The contract will carry the project through the completion of the construction documents. The final conceptual plan is to be received by August 1. David Murphy will be asked if he wishes to contribute to the improvement of the walkway in front of his building. If not the walkway will be constructed of asphalt.

**8. Parking Committee Report**

Scott Sutherland reported that for the first quarter of the parking contract year, revenues from the kiosks in Riverside Park were up \$12,000 or 35% from last year. For the fiscal year, the City's profit from the parking system was down 27% from the previous year. The only lot in which meter revenue increased during the fiscal year was in Riverside Park, with an increase of 61% over the prior year.

**9. Firehouse Lease**

Si Morrill said he recently met with Peter Kelly and Louis Rubenfeld of the Firehouse. The two groups have not reached an agreement about rent: the Firehouse would like the

rent to be reduced and the Trust must receive fair market value. The Firehouse has proposed a base rent of \$3,575, with the current supplemental rent of \$1,390 being eliminated. The complicated formula for the supplemental rent would be replaced with a flat fee of \$500. The Firehouse also wishes to continue renting the land to the west of the building for \$400 to reserve its option to install a sculpture garden in this area in the future.

An analysis by Minco on behalf of the Trust determined the fair market value of the patio based on square footage to be between \$8,600 and \$9,000. A second calculation was done based on the number of outdoor seats. An annual rent of \$9,072 would be derived from 80 seats at \$113.40 per seat. The Trustees agreed the fair market value of rent for the patio would be \$9,000. Joe Brown pointed out the lease includes the rear stairwell, the balcony and the hedges around the patio, all of which he sees as having additional value.

The current lease includes a complicated formula under which profits made by the restaurant over a certain figure shall be shared with the Firehouse and in turn with the Trust. The Trustees agreed that this should be excluded from the renegotiated lease.

Bill Harris said the area to the west of the firehouse is one of the dedicated ways to the water to which the public must be allowed access. The Firehouse might be allowed to lease the area, but the Trust should have the ability to approve the way in which it would be used and public access may not be blocked. He added that the additional use of the restrooms by the large events on Trust property should be taken into consideration. Joe Brown said in his opinion the fee for large events should be increased and Firehouse compensated for the additional use of the restrooms.

The Trustees agreed that renting the patio directly to the restaurant would be desirable. The restaurant is in the position to pay fair market value for the space while the Firehouse is not. However, the Firehouse would not be in favor of this arrangement. Si Morrill will communicate to the Firehouse that Trust has fixed the fair market value of the patio rent at \$9,000 annually, the Trustees are not interested in continuing to lease the land to the west of the building for \$400 and the clause concerning the sharing of restaurant profits shall be eliminated from the lease.

#### **10. Park Committee Report**

Several trees in the park are dead or dying. Bob Uhlig would like to work jointly with Trust on the problem. Other items in need of attention are the overgrown vegetation on Somerby's Way and the exposed roots along the berm bordering the embayment. The Trustees discussed banning smoking in the park but decided enforcement would be difficult.

Si Morrill moved to approve an expenditure of \$4,600 for the planting of the former site of the dumpster. Doug Locy seconded the motion. The motion was approved by a three to one vote. Scott Sutherland said he would wish to review a plan for the area before approving the expenditure.

Doug Locy moved to extend the length of the meeting by one half hour. Scott Sutherland seconded the motion. The motion was unanimously approved.

#### **11. Dumpster Relocation**

The enclosure constructed for the dumpster in its new location is not large enough. Joe Brown moved to approve an expenditure of up to \$500 to extend the sides of the enclosure while maintaining a rectangular perimeter. Si Morrill seconded the motion. The motion was unanimously approved.

#### **12. Slacklining**

The activity has continued in the park. Lines are being tied to the Coast Guard buoy and wraps are not being used on the trees. Scott Sutherland moved to ban slacklining in the park and to install signs indicating the activity is prohibited. Joe Brown seconded the motion. He recommended that the NRA be advised to take the same action. The motion was unanimously approved.

#### **13. Waterfront Committee**

The chains on the commercial docks have damaged the epoxy coating on the pilings. The expense of remedying the situation and recoating the pilings perhaps should be the responsibility of the tour boat operators.

The commercial fishing boats that dock in the embayment during the winter have damaged two of the stanchions for the power receptacles and one is now inoperable. The Trustees must decide if the cost to replace the stanchions is their responsibility and if they should stipulate that the stanchions be moved to prevent such damage in the future. Scott Sutherland will obtain information on the cost of the stanchions from Paul Hogg for further discussion at the next meeting.

#### **14. Waterside Leasing Rights**

Doug Locy said the Declaration of Trust gives the control of the bulkhead to the Trust, which is to obtain full and fair market value for the leasing rights. The Harbor Commission believes it has been given certain rights by the City Ordinance. The City intends to seek legal opinion on the issue. Mr. Locy is preparing a letter to the Mayor stating the Trust is bound by the Declaration and requesting that the issue of leasing rights be resolved.

#### **15. Annual Report**

The amended document will be reviewed at the next meeting. The final report should be ready for distributed by September 1.

#### **16. Bench Plaques**

Plaques for two metal benches are being fabricated.

#### **17. Adjournment**

Si Morrill moved to adjourn the meeting at 9:45 p.m. Joe Brown seconded the motion. The motion was unanimously approved.