

**Newburyport Waterfront Trust**  
Police Station Conference Room  
September 19, 2018  
Minutes

**1. Call to Order**

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

**2. Roll Call**

In attendance were Trustees Wilbur Shenk, Sean Bradley, Steve Hines and Matt Pieniasek. Dan Mello was absent. Also in attendance were Attorney Grace Connolly and Park Manager Edith Heyck.

**3. Minutes**

Matt Pieniasek moved to approve the minutes of the August 15, 2018, meeting as submitted. Sean Bradley seconded the motion. The motion was unanimously approved.

**4. Treasurer's Report**

The cash balance on August 31 was \$240,199, up \$20,067 from the previous month. Receipts totaled \$27,706 and included \$17,500 from the City for parking revenue for the quarter ending June 30; a \$3,683 reimbursement from the NRA; \$3,500 for Yankee Homecoming; \$400 from the Chamber of Commerce for the movie series; \$400 from the Mayor Gaydon Morrill Foundation; \$2,216 from the Firehouse for the monthly lease and \$8 in interest.

Expenses for the month totaled \$7,654 and included \$2,349 for monthly park maintenance; \$1,666 for the park manager, intern and minute taker; \$1,655 for the Handyman for boardwalk and lamp repair; \$367.22 for the Amazon account; \$527 for Comak Brothers Landscaping for irrigation system maintenance; \$109 for Home Depot for plants and hoses; \$200 for Seacoast Lock for work on the electrical boxes; and \$788 for TRC for the Phase 1 Assessment.

Wilbur Shenk moved to approve payments to Home Depot in the amount of \$135.84 for hoses, to Comak Brothers Landscaping in the amount of \$126 for irrigation system maintenance; to the intern in the amount of \$36; to the Handyman in the amount of \$227.50 for the installation of a bench plaque and to the Commonwealth in the amount of \$70 for the non-profit corporation filing fee. Matt Pieniasek seconded the motion. The motion was unanimously approved.

Wilbur Shenk moved to submit an invoice to the NRA in the amount of \$1,024. Matt Pieniasek seconded the motion. The motion was unanimously approved.

Outstanding payments are due from the Firehouse in the amount of \$2,216; the NRA in the amount of \$1,024 and the *Ninth Wave* and *Yankee Clipper* in the combined amount of \$106 for electrical services.

### **5. Budget**

The Trustees reviewed the draft budget. The income is projected at \$136,152, a slight increase over the past year. Expenses are expected to be \$154,954, resulting in a projected negative cash flow of \$18,802. The Trust should obtain information on the actual amount of parking revenue received before renewing its contract with the City.

### **6. Chair's Report**

Steve Hines reported the Riverfest went well, with no arrests or major problems. He would like to recommend to the Chamber of Commerce that the event be held the Saturday after Labor Day because the holiday weekend is a busy one in the city as it is. He would also like to suggest the performers that are booked be not quite as popular as at this year's event in order that the crowd not be larger than the park and city could handle.

### **7. Newburyport Redevelopment Authority Land Transfer**

The transfer of a rectangular piece of registered land from the NRA to the WFT is in progress. It was found the originally transfer had been done incorrectly. When the deed is received, it will be recorded along with the Trustees' appointments and acceptances.

### **8. Survey**

Everett Chandler is working to prepare a recordable plan that would be used for conveyance purposes. A draft should be available shortly. He also has prepared an existing conditions plan, which would not be recorded.

### **9. Draft Phase 1 Assessment**

TRC has issued its draft Phase 1 Assessment. Two recognized environment conditions were cited. The report indicated that no further investigation would be warranted for the soils on the west lot that have been impacted by arsenic, lead and petroleum. The lead contamination on the east lot has been controlled, but the coal pockets there are of concern to TRC, especially for the expected use of the land as a park, and further investigation might be warranted. This would involve additional soil borings, which would require NRA permission. Grace Connolly will contact TRC for clarification on the recommended next steps.

Under Article 6 of the Trust document, the City agreed to maintain the Trust's land and indemnify the Trustees. This pertains to the land the Trust currently owns. Before accepting the NRA land, the Trust should obtain a written document that indicates the indemnification would apply to the newly acquired land as well. It is expected the City would partner with the Trust on park maintenance, soil remediation and indemnification, but a written agreement does not yet exist. Both the Mayor and City Council must approve such an agreement.

### **10. Revenue Sharing with Harbor Commission**

Sean Bradley and Wilbur Shenk met with Andrew Casson, chair of the Harbor Commission, to discuss the future operation of the docks and revenue sharing. The Harbor Commission has consulted with the City Solicitor and is concerned that joint ownership with the Trust would violate the grant agreement for the Harbormaster's

facility and might hinder the its ability to obtain future grants for the docks. The Harbor Commission also questioned if it would be required to put the leases for the tour boats out to bid. If this were found to be the case, the Trust would maintain control of the leases. Steve Hines and Sean Bradley will attend the October 3 Harbor Commission meeting to continue the discussion about a system for sharing revenue. Grace Connolly will discuss the ownership of the submerged tidelands with Kathleen O'Donnell. Attorney O'Donnell no longer believes it would be necessary for the ownership to be jointly shared between the Trust and the City to avoid the RFP process. The City could possibly have objections to the submerged tidelands being solely owned by the Trust.

#### **11. Parks Committee Report**

The park did not suffer any damage during the Riverfest.

#### **12. Park Use Applications**

An application was received for the Rhythm and Roots Festival, which is held in July. This year the Trust received a check in the amount of \$400 after the event. The Parks Department requested that landscaping services be donated next year in lieu of a fee. Tree pruning would be especially useful to the Trust. Wilbur Shenk moved to approve the application for the Rhythm and Roots Festival and to waive the fee with the expectation the Parks Department would provide landscaping services to the Trust at a future date. Sean Bradley seconded the motion. The motion was unanimously approved.

Wilbur Shenk moved to approve an application for a September 13, 2019, wedding. Matt Pieniazek seconded the motion. The motion was unanimously approved.

#### **13. Park Manager Report**

Edith Heyck submitted a written report to the Trustees. She noted the restrooms will close on November 1 and she is working with Morrill Electric to replaces the electrical boxes on the stage.

#### **14. Public Comment**

Bill Harris, 56 Lime Street, said the Riverfest provides good public relations for the city and attracts new visitors. He also said HUD could provide help with obtaining EPA funding and the park should not be designed before it is known how the contaminants are to be addressed.

#### **15. Adjournment**

The meeting was adjourned at 9:00 p.m.