

Newburyport Waterfront Trust
Police Station Conference Room
September 20, 2017
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 Trustees Wilbur Shenk, Steve Hines, Sean Bradley and Dan Mello.

3. Minutes

Wilbur Shenk moved to approve the minutes of the August 23, 2017 meeting. Sean Bradley seconded the motion. The motion was unanimously approved.

4. Treasurer's Report

Payments totally \$24,000 were received in August for the Firehouse lease, the tour boats, the sale of a bench and the NRA's share of the berm project. Operating expenses and repair work on the boardwalk totaled \$4,700, creating a net cash flow of \$19,243. The account balance on August 31 was \$186,792. A payment of \$17,500 from the City for the parking contract is still outstanding.

Wilbur Shenk moved to approve payments totaling \$5,681.80 for the reoccurring expenses for the park manager, landscape contractor and minute taker, as well as \$49 for the Greenskeeper, \$585 for the Handyman and \$795 for the Firehouse restrooms. Sean Bradley seconded the motion. The motion was unanimously approved.

5. Election of Officers

Wilbur Shenk moved to elect Sean Bradley as treasurer. Dan Mello seconded the motion. The motion was unanimously approved. Sean Bradley moved to elect Wilbur Shenk as vice chair. Dan Mello seconded the motion. The motion was unanimously approved.

6. Chairman's Report

Attorney Grace Connolly attended the meeting to discuss the client fee agreement she submitted to the Trust. She was asked to work Carol Powers to prepare a letter of agreement with the NRA for the transfer of the ownership of its property and the timeline and conditions under which this would occur. She will begin the work after the most recent version of the draft agreement has been received from the NRA. Currently certain provisions in the document are not acceptable to the Trustees. If a document were to be produced that is agreeable to both parties she would then work on the revisions to the Trust document. Attorney Connolly will also obtain a certified list of the appointments of past and present Trustees from the City Clerk and record this at the Registry of Deeds. Wilbur Shenk moved to engage Grace Connolly as the attorney for the Waterfront Trust according to the scope of representation as outlined and with the amendment that

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payments will be made in 60 rather than 30 days. Dan Mello seconded the motion. The motion was unanimously approved.

The Trustees discussed a presentation made by Attorney Jamie Madeja at a joint meeting of the NRA and Waterfront Trust on September 13. The NRA engaged her to provide a legal opinion on the rights and responsibilities of the Authority with respect to the submerged tidelands, the constraints on the conveyance of the submerged tidelands and the potential sources of revenue from the submerged tidelands. She concluded the NRA has the authority to transfer the tidelands and she advised the members to obtain information on the fair market value of the submerged tidelands, which could be done through the RFP process. Steve Hines and Wilbur Shenk attended the meeting. They were not in favor of proposals being sought because this would delay the transfer of the NRA property to the Trust. They were also concerned a private party could bid and be awarded the rights to the water. The topic of holding joint NRA and Waterfront Trust meetings each month was discussed. The Trustees wish to continue with separate meetings at this time and will attend NRA meetings when possible. Bill Harris said an attempt to determine the value of the tidelands could trigger the interest of HUD, which could add barriers to them being transferred to the Trust. Issuing an RFP could result in a suit by a private party, such as occurred years ago when the construction of a hotel on NRA land was considered.

7. Waterfront Committee Report

Payment has been received for the *Ninth Wave* but the signed contract has not yet been returned.

8. Parks Committee Report

Park Use Applications

No new applications have been received. The Jeanne Geiger Crisis Center Annual Walk Against Domestic Violence will take place on October 1.

Park Manager Report

Edith Heyck submitted a written report. She said the Riverfest was well organized and did not attract as large of a crowd this year. She will be reviewing the SLS contract shortly and has been satisfied with the performance of the company. The lawn is to be aerated and over-seeded. The grass is growing well on the newly elevated berm adjacent to the west lot and the fence has been removed. Boulders were removed and a new light was installed on the pole to discourage continued vandalism of the electrical boxes. The light impacts the sensor that controls the lights in the parking lot and the sensor must be relocated. It would not be possible to move the electrical boxes because they are needed for events but they will be made more secure.

9. Public Comment

Andrew Casson, chair of the Harbor Commission, said his group has established a good working relationship with the Waterfront Trust and shares the same goals. The members

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wish for the Harbor Commission to be an active participant in the plans for the waterfront.

10. Adjournment

Wilbur Shenk moved to adjourn the meeting at 8:00 p.m. Dan Mello seconded the motion. The motion was unanimously approved. The next meeting of the Waterfront Trust will take place on October 25.