

Newburyport Waterfront Trust
June 3, 2013
Police Station Conference Room
Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Doug Locy, Jody Fraser, Joe Brown and Scott Sutherland.

3. Minutes

Joe Brown moved to approve the minutes of the May 6, 2013 meeting as amended. Scott Sutherland seconded the motion. The motion was unanimously approved.

4. Public Comment

Sandy Small, 25 Oak Street, handed out a report that was developed by the Citizens for an Open Waterfront for expanding the park without selling the land or allowing private development.

5. Treasurer's Report

Joe Brown distributed the financial report for May. He said he has received a bill from the Groundskeeper in the amount of \$595. He would like to hold off on paying the bill until he has received a quote for the whole package, which he estimates to be around \$1,200 or \$1,300. He is also holding a bill from Pearson's for mulch in the amount of \$600. Some of the mulch was used on property owned by the NRA and he would like the group to pay half of the bill. The NRA has not yet reimbursed the Trust for its half of the property boundary survey. The Trust is also to receive half of the \$250 monthly rent payment from Not Your Average Joes' for the dumpster that straddles the property line. Joe Brown will attempt to resolve the issues with the NRA before the next meeting.

Joe Brown moved to approve a payment to ND Landscape in the amount of \$1,000 for the spraying of the trees on either side of Market Landing Park for winter moths and to bill the NRA for the portion of the work for the trees on its land. Scott Sutherland seconded the motion. The motion was unanimously approved.

Joe Brown moved to approve a payment to DPS in the amount \$710 for snow removal for the winter of 2012-2013. Doug Locy seconded the motion. The motion was unanimously approved.

Joe Brown moved to authorize an expenditure not to exceed \$200 for a software protection program for the new website. Doug Locy seconded the motion. The motion was unanimously approved.

Scott Sutherland moved to approve a payment to ND Landscape in the amount of \$288.50 for the start up of the sprinkler system. Doug Locy seconded the motion. The motion was unanimously approved.

6. Bulkhead Repair Project

Geordie Vining said the central waterfront bulkhead must be repaired in order to retain its function. Most of it was constructed in 1977 and it is nearing the end of its service life. A grant in the amount of \$1.98 million was received from the Seaport Advisory Council but the cost of the project has now doubled and the work will be done in phases, with the first phase scheduled to take place this fall. At the May 6 meeting the Trustees voted to commit \$25,000 towards the repair of the bulkhead. Mr. Vining requested that the Trustees vote to confirm their support of the project.

As a part of the repair work new sheet piles will be driven in front of the existing ones and the area between the two will be filled with concrete. The submerged tidelands were conveyed to the NRA 44 years ago and were cut off from the remainder of its property by the creation of the Trust, which owns the boardwalk and the bulkhead. The newly filled space would be on NRA land. A possible interpretation of this change might be that the NRA would then own the bulkhead. Mr. Vining will request that the NRA transfer the strip of tidelands to the Trust.

Doug Locy moved to 1) confirm support for and approval of the Bulkhead Project, including retroactively authorizing past permit applications as well as any future permit applications (including the MEPA Environmental Notification Form, the Notice of Intent to the Conservation Commission, the Army Corps of Engineers permit, the Chapter 91 Minor Project Modification request or any other such requirement, the NHESP Massachusetts Endangered Species Act review, and any others) and authorizing the City to seek funding and manage all aspects of the project in consultation with the Trust's designated liaison; 2) authorize Scott Sutherland to speak, sign permit applications and act on behalf of the full Waterfront Trust regarding the Bulkhead Project and 3) accept the conveyance from the NRA of the strip of tidelands affected by the repair and replacement of the bulkhead and mooring pilings once the project is completed and to authorize an expenditure for any associated legal costs. Scott Sutherland seconded the motion.

Joe Brown said he would like the board to approve all votes for future applications and licenses. He is not in favor of a designee making decisions on behalf of the Trust. He asked to receive a copy of the MEPA approval. He said the bulkhead holds back ten acres of land, one third of which is polluted and two thirds of which have not yet been tested. He said he is concerned about FEMA issues and he would like a full Environmental Impact Report to be done for the entire parcel. Geordie Vining said the parcels with lead must be capped but the lead is not in the ground water. He said the work to repair the bulkhead is not connected to the redevelopment concerns and the

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Secretary of Environmental Affairs has stated the work would not create environmental issues. He said the City must move ahead while the grant money is available.

The motion was approved by a three to one vote with Joe Brown voting in opposition.

Geordie Vining said Dan May of the Harbor Commission wishes to restore the Nun Buoy in Waterfront Park. Scott Sutherland moved to allow the buoy to be repainted in the same colors. Joe Brown seconded the motion. The motion was unanimously approved.

7. Manager's Report

Charlie Nicoles submitted a written report that stated:

- the NRA and City are paying for the rocks to be taken off of the berm so it can be mowed.
- the walkway to the dumpster is in poor condition.
- there is space for ten new benches. The benches, however, would cost more than is collected from the plaque donations. A second option would be to add plaques to the existing benches. The Park Committee will look into the matter further.
- he would like the sponsors of large events be responsible for the cost to repair damage to the lawn.
- a quote was received in the amount of \$3,500 to repair the metal fence along Merrimac Street. Doug Locy moved to authorize the work to repair the fence. Scott Sutherland seconded the motion. The motion was unanimously approved.

8. Park Committee

Doug Locy said that due to an anticipated water shortage, the City is requesting that parks be watered on Mondays, Wednesdays and Fridays. The Trust lawn will be watered on Saturdays because it is mowed on Fridays. Each zone will be watered for 30 minutes.

It appears there are three water meters. One meter is for the restrooms and a second for the Harbormaster. The remainder of the water is on the Trust's meter. The Mayor would like to install a separate meter for the recreational boats. The issue will be discussed further at a later date.

9. Other Business

Signage

The sign for the entrance of Riverside Park has been completed. DPS has agreed to install it and was provided with a sketch showing the location. Si Morrill has said he has an idea regarding a-frame signs. Joe Brown asked to table the discussion until the next meeting in order that Mr. Morrill might be present.

Park Manager Position

Charlie Nicoles will be leaving his position at the end of the year. A job description has been written, which Jody Fraser will contract the Chamber of Commerce about posting.

Tour Boats

Scott Sutherland and Joe Brown met with the owners of the three tour boats. At the meeting they reviewed the signage that has been grandfathered. It was agreed that no a-frame or other board-type signs beyond the ones that have been grandfathered would be allowed. The owners are requesting that a sign be installed at the entry to the boardwalk near the east side of the embayment. The 3' by 1.5' sign would be in place while the boats are in operation, roughly between April 15 and October 15. The boat owners also wish to install a sign on the ticket booth. Joe Brown moved to accept the signage proposal on the condition it is allowable under the City ordinance. Jody Fraser seconded the motion. The motion was unanimously approved.

Riverside Park Parking

Doug Locy said steps should be taken to ensure there is adequate parking for the tour boats. The Ale House will impact the availability of parking and the parking for the whale-watching boat was lost with the change from the *Prince of Whales* to the *Captain's Lady*.

Bill Harris said the City should bear the responsibility of alleviating the parking demand on the waterfront. The Chapter 91 Citizens Committee has requested that a temporary parking shuttle be a requirement of the license for the Ale House. Doug Locy suggested that the cars belonging to whale-watching customers could be packed on the NRA land for a fee. The Trust could pay the City for the spaces lost. Scott Sutherland said he would approach Richard Jones about the idea.

Scott Sutherland distributed a conceptual plan showing the way in which the parking spaces in Riverside Park might be rearranged. He and Joe Brown met with David Murphy about extending the walkway past his building. Doug Locy will speak with Andy Port about applying for a grant for a parking engineer to analyze the current and proposed traffic flow.

Short-Term Parking

The Trustees voted at the May 5 meeting to add two short-term parking spaces for general public use on a trial basis for the summer. Scott Sutherland presented the proposal to the Mayor and Richard Jones, who were in favor of it. It was agreed the City would pay for and install signage. The proposal would be in effect until March 31, 2104, the end of the current parking agreement, and would not change the terms of the lease arrangement. One of the spaces is to be located near the island by the Murphy building and the second closer, but not adjacent, to the water. While some of the Trustees might wish one of the spaces to be closer to the ticket booth, the Mayor and Richard Jones were more interested in providing short term parking for the tenants, and the location of the second space was a compromise. The time limit for the spaces is to be 15 minutes. Doug Locy moved to accept the parking proposal for the remainder of the parking contract. Scott Sutherland seconded the motion. The motion was unanimously approved. Scott Sutherland will draft an amendment to the current parking agreement with the City that reflects the agreement for two 15 minutes parking spaces for approval by the City and the Trustees.

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Spending Plan

Joe Brown said the Trust is in good financial shape and the cash balance could be as high as \$188,000 at end of the year. He anticipates FY2014 expenses to be \$55,400 and income to be \$68,000. He made a list of special projects and their costs, which total \$88,500. These projects could be completed while maintaining a cash balance of approximately \$116,000. He said these figures could be used as spending guidelines for the upcoming year. He also said it should be adequate to have a reserve of one year's operating expenses.

Scott Sutherland moved to approve the FY2014 budget. Doug Locy seconded the motion. The motion was unanimously approved.

Transportation Dock

Scott Sutherland said the Trustees should develop objectives to bring to the Harbor Commission for discussion. As an alternative to the expansion of the Transportation Dock, the west side of the embayment might be used on a short-term basis by the commercial boats, which might otherwise be kept on moorings. Recreation boats might use the east side of the embayment on a temporary basis. Doug Locy said the embayment is to be used for recreational boats in the summer and fishing vessels are permitted to use it only in the off-season. Joe Brown said the three leases for the Transportation Dock are up this season, which could offer an opportunity to explore other concepts. He said he is satisfied with the way in which the Harbormaster manages the recreational boats, but a written agreement between the Trust and the Harbor Commission has never been developed. Doug Locy said the Harbor Commission might be agreeable to an extension of the Transportation Dock if it was given the ability to manage the docks. The entire bulkhead might be leased to the Harbor Commission with an agreement to ensure that a variety of boat types are using it.

10. Adjournment

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