

Newburyport Waterfront Trust
October 7, 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, Joe Brown, Si Morrill and Scott Sutherland.

3. Minutes

Joe Brown moved to approve the revised minutes of the September 9, 2013 meeting. Si Morrill seconded the motion. The motion was unanimously approved.

4. Survey Update

Scott Sutherland asked about the status of the land survey. Doug Locy said the survey has yet to be finalized, as changes requested by Carol Powers are being incorporated. He visited the site with James Shanley to discuss the proposed new location of the dumpster, which should be included on the survey, and he requested a quote from Port Fence for the cost of relocating the dumpster enclosure.

5. Park Use Applications

Rebecca Stafford, a volunteer from the Greyhound Rescue Society, asked about holding an event to provide exposure for the group on the weekend of October 26. The group has not yet submitted a written application. A wedding is scheduled for the afternoon of October 26. Joe Brown moved to approve the application subject to the details being finalized by the Park Committee. Si Morrill seconded the motion. The motion was unanimously approved. The fee would be waived for the non-profit organization.

Joe Brown moved to accept an application for a wedding planned for August 16, 2014 on the condition it does not conflict with other park uses. Doug Locy seconded the motion. The motion was unanimously approved.

6. Treasurer's Report

Joe Brown reported that in the first three months of the new fiscal year the Trust received income in the amount of \$24,285 and incurred expenses in the amount of \$44,770. The expenses included the \$25,000 transferred to the City for the bulkhead repair work. The balance in the account is \$164,885. Accounts receivable for the month of October will include a payment from the SDAH in the amount of \$1,100 and from the City for parking in the amount of \$7,500.

Joe Brown moved to approve the payment of a bill from Charlie Nichols for mums in amount of \$48.86 and a payment to the Commonwealth of Massachusetts for the Form PC filing fee in the amount of \$35.00. Si Morrill seconded the motion. The motion was unanimously approved.

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Doug Locy said the Plexiglas in some of the light poles is in need of replacement. Si Morrill moved to approve an estimate in the amount of \$1,280 from the Handyman, Inc. for repair of the light poles. Scott Sutherland seconded the motion. The motion was unanimously approved.

7. Park Committee Report

Si Morrill said the contract with ND Landscape is set to expire at the end of the year. He and Jody Fraser met with a representative of the company to develop a contract that will be put out to bid. They will meet again and report on the status of the bid package at the November meeting. He also said the contract for the Park Manager position was revised and the list of items for which the manager is to be responsible was amended. Joe Brown moved to approve the revised document and authorize it being signed by the Chair. Scott Sutherland seconded the motion. The motion was unanimously approved.

Joe Brown said additional planks on the boardwalk by the Harbormaster's shack are lifting. He believes the planks in question are on Trust property. Charlie Nichols said he would arrange the repair of the planks with the Handyman, Inc. immediately because they present a safety hazard.

The Park Committee is working to have the backflow preventer insulated for the winter. Charlie Nichols said the meter is sensitive and perhaps should be removed.

8. Boundary Survey

Joe Brown said he has been unable to locate some of the boundary pins. He suggested that the pins be replaced with granite markers in 11 locations. He will obtain an opinion from Everett Chandler on the best way to mark the boundaries, along with an estimate for the cost for the work, and will report at the November meeting.

9. Winter Leases

Scott Sutherland said the winter lease was sent to Captain Holt for the *Katie May* but has not yet been returned. He requested approval for that lease and to execute winter leases for other potential candidates with the condition the form and price is consistent. Joe Brown moved to approve the revised format for all winter leases for the upcoming season. Doug Locy seconded the motion. The motion was unanimously approved.

Joe Brown reported that Jim Ford plans to sell the *Lisa Ann II*. The *Lisa Ann III* is being stored at the Windward Yacht Club. He intends to tie up a vessel until approximately January 1, as he does each year, but he does not yet know which one it will be. Robert Germinara was informed that his lease would not be renewed because his boat was not actively used.

10. Slacklining

Doug Locy said some species of trees are more susceptible to damage from the slacklining than others. The group using the trees has left trash behind, has damaged the grass and has refused to move to the other side of the park. He has spoken with Mayor Holaday, Tom Howard and the Department of Youth Services about the issue. He said it does not appear that a liability would be presented for the Trust unless a charge was made for the activity or it was advertised. He recommended the Trust wrap the trees on the west side of the park and cover the roots with dirt to accommodate the participants. Si Morrill said the Park Committee is working with the group

to reach an agreement but the Trustees should consider whether or not they wish to bear the expense of providing an area for slacklining. Charlie Nichols commented that the park is intended to be a passive one and not a playground. Doug Locy suggested the committee ask Andrea Egmont or Lisë Reid if the activity might be accommodated in another location.

11. Review of Park Use Application Procedure

Joe Brown said the crowd at the Riverfest has been larger than is allowed by Trust rules. He asked that the Trustees make a commitment to review the issue before next spring. He also said a donation was to be made to the Trust for concessions made for the auto show. Doug Locy agreed to look into the matter. Scott Sutherland said the applications submitted by the Chamber of Commerce for large events have been very general.

12. Parking Committee Report

Scott Sutherland sent a report of the parking committee out by email. The report included information on a pay-by-phone program and paving on Inn Street and in the Green Street lot. He said the committee is considering an increase in rates and ways in which signage might be made less confusing. He would to ask a traffic engineer for a consulting proposal that might be discussed at the November meeting. Tom Howard has indicated he would prefer on-way traffic in Riverside Park, which would create an opportunity for a stacking lane.

Scott Sutherland proposed the 15-minute parking spaces be eliminated. He recommended that four one-hour spaces be located near the waterfront and four on-hour spaces be located in front of the Murphy building. He said the distribution of the 15-minute spaces is confusing and Richard Jones has indicated to him that spaces with limits shorter than one hour are difficult to enforce. Joe Brown said he disagrees with the proposal, as the one-hour spaces would result in a loss of revenue. He added that fines should be increased, hours should be extended and market rates should be obtained for parking.

Doug Locy moved to authorize Scott Sutherland to obtain quotes for engaging a traffic engineer to evaluate traffic flow and parking on Trust property. Si Morrill seconded the motion. The motion was unanimously approved.

Doug Locy moved to authorize Joe Brown to draft a letter to the City to be approved at the November meeting that addresses the changes the Trust would like made to the parking agreement that would go into effect in April, such as market rate parking and extended hours. Si Morrill seconded the motion. The motion was unanimously approved.

Doug Locy moved to provide eight one-hour spaces in two blocks of four and to eliminate the 15-minute spaces. Si Morrill seconded the motion. The motion was approved by a three to one vote with Joe Brown voting in opposition.

13. T-Dock and Pleasure Dock 2014 Lease Agreements

Scott Sutherland said he sent the draft lease agreement to the Trustees by email for review. The \$100 per-foot charge would be effective for three years. A charge based on usage would be made for water and electricity. The lease with George Charos would be expanded to include charter fishing and ocean cruises. Doug Locy moved that the leases, rates and uses set forth be approved. Joe Brown seconded the motion. The motion was unanimously approved.

14. Harbor Commission Subcommittee Meeting

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Scott Sutherland said at the July subcommittee meeting it was agreed that Trust would submit a proposal that would define the relationship between the two parties. Under the proposal the eastern docks would be leased to the Harbor Commission for \$1 while the Trust would retain control over the tour boats. The Trust is asking the Harbormaster to provide docking and a ramp if another user were to be found for the west side of the embayment. Short-term use by recreational boaters would be accommodated on the east side of the embayment. Joe Brown moved to forward the document to the Harbormaster and the Harbor Commission and to set up a meeting for its discussion. Si Morrill seconded the motion. The motion was unanimously approved.

15. Insurance

Doug Locy said the City has indicated the Trust should obtain Directors and Officers Liability Insurance on its own. He is in the process of obtaining quotes.

16. Bench Plaques

Si Morrill said two plaques are on order. A plaque honoring Charlie Nichols will be placed on Railroad Avenue.

17. Seaport Grants

Scott Sutherland provided an update via email. He noted that Army Corp approval has subsequently been received.

18. Discussion of Proposed Art Shanties

Doug Locy said the Trust land lies within a proposed cultural district. He said local artists must have a way to display their wares. He proposed that this might be accomplished through the addition of art shanties on the berm along Custom House Way, which is primarily on NRA property. Si Morrill said this would be a commercial activity and would not be allowed under the declaration. Bill Harris pointed out the Trust does not have the authority to lease the land that is being held in trust as open space and for recreational use by the public.

19. Adjournment

Si Morrill moved to adjourn the meeting at 9:40 p.m. Doug Locy seconded the motion. The motion was unanimously approved.