

Newburyport Waterfront Trust
October 3, 2011
Police Station Conference Room
Minutes

1. Call to Order

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

2. Roll Call

In attendance were members Cliff Goudey, Joseph Brown, Catherine Russell, Joyce Enderle and Doug Locy and Manager Charlie Nichols.

3. Request for Additional Agenda Items

The following items were added to the agenda: the *Lisa Ann II*, the Firehouse bricks, the status of the ticket booth reorientation, and a WFT WiFi hotspot.

4. Minutes

Joe Brown moved to approve the minutes of the September 12 meeting as amended. Doug Locy seconded the motion. The motion was unanimously approved.

5. Request to Tie the *Lisa Ann II* to the Pilings to the West of the Embayment

Jim Ford said he would like to tie up his boat, the *Lisa Ann II*, to the bulkhead pilings to the west of the embayment until January 1. He said he added bumpers to the side of the boat that would be against the pilings to prevent them from being damaged. He said if he were to tie up in the embayment, it would be on the side of the boat where there are no bumpers. He said ledge prevents him from tying up on one side of the embayment and on the opposite side, other boats would be prevented from leaving the embayment on days he does not fish. Doug Locy said the Harbor Commission has concerns about boats tying to the pilings. Cliff Goudey said that while he understands there would be a concern about tying to the pilings on the east side of the embayment, the concern does not apply to the west side. The west side is protected from currents by the Karp property. In either case, it is Trust property and the Trust has the authority to make the decision; the Trust decides where the boats might go. Jim Ford said the fishing boats attract visitors to the waterfront. He said his boat is frequently photographed and he is asked many questions. Cliff Goudey said due to funding restrictions the embayment is used by pleasure boat in season, but the use of the west side of the bulkhead for fishing boats in the off-season is not a concern. Joe Brown said he researched the issue and found that in 1988 the City and the Harbor Commission agreed on a set of rules for the boardwalk. The original construction of the boardwalk was done with Bureau of Recreation funds. A compromise was made allowing commercial fishing boats to use the embayment between October 15 and April 15. The commercial fishing boats are not to be tied up outside of the embayment at any time. The State awarded \$800,000 for upgrades to the boardwalk based on this agreement. The Fish Pier was constructed with commercial fishing funds

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and cannot be used by recreational boats. Bill Harris said the Federal Land and Water Conservation Fund was the source of most of the money and the primary use for recreational boats and public access. He said originally there were to be no commercial fishing boats in the embayment but an exception was made because there are no demands by recreational boats to use it in the winter. Cliff Goudey said he and Geordie Vining explained the use of the facilities to State officials and there was no issue. Pleasure boats do not demand the use of the area outside of the embayment in the off-season. He said the fishing boats are a valuable asset and he is afraid they would be driven away. Joe Brown said the cover letter for the winter leases states boats would not be allowed to tie up outside of the embayment. Cliff Goudey said this should not have been done without consulting the other Trustees. Joe Brown said the lease is identical to the ones that have been used in the past, which were for the embayment and not the area outside of it. Cliff Goudey said it has been understood for years that Jim Ford's boat cannot use the embayment.

Andrew Casson spoke on behalf of the Harbor Commission. He said the Commission is concerned that the *Lisa Ann II* ties up with its stern up river, allowing water and ice pressure to be exerted on the boat's flat transom. He asked if Jim Ford might tie his boat to a float, as this would buffer the pilings from the banging of the boat. Cliff Goudey said the Harbor Commission should understand that this is WFT property and the Harbor Commission has no interest in the bulkhead on the west side of the embayment. He said the bumpers on the boat solve the problem. He said a float would transfer the load to the mid point of the pilings, which might not be supported. He also said the use of a float would push the boat into the stronger currents and potentially expose it to ice flows. He said the boat is correctly oriented because the bow faces into the winter winds, which come from the Northeast. Andrew Casson said the Harbor Commission has an interest in anything that pertains to the waterfront and it is concerned that if the pilings were to be damaged, the boats that use the west side of the bulkhead, such as the *Ninth Wave*, would have to be accommodated on the east side. He said the Harbor Commission is opposed to any boat tying to the pilings. Bill Harris said the City would be looking for more funding for the park in the next few years and it should be in good standing with the State. However, a short-term solution is needed for Jim Ford, who would only tie up to the pilings until January 1. He recommended that, because Jim Ford has insurance, the problem be solved at a later date. He said it is important to keep the fishing boats in the City, as tourists love them. Cliff Goudey said Jim Ford is conscientious and would not allow his boat to be damaged, which would happen if the boat banged against the pilings in a storm. Cliff Goudey moved to allow the *Lisa Ann II* to tie to the bulkhead pilings on the western side of the area outside of the embayment because it does not conflict with pleasure boats and there is no other place for the boat. Joyce Enderle seconded the motion. Doug Locy suggested the motion include the provision that the boat might only tie up there until January 1. Cliff Goudey said he does not want a time constraint to be added and Doug withdrew his recommendation. Bill Harris said he believes it is acceptable for the boat to tie to the pilings as this has been done in the past and there is no alternative. Joe Brown suggested that the Harbormaster leave his new docks in the water until January 1 and allow all three fishing boats to use them. Andrew Casson said Paul Hogg would be opposed to this on the grounds that a

storm might damage the docks. He said the Harbormaster is not opposed to the *Lisa Ann II* remaining on the Transportation Dock through January 1, but he does not speak for the Harbor Commission. Joe Brown distributed a package of materials that dated to late 1988 and early 1989 and included the agreement between the Newburyport Harbor Commission, Mayors Peter Matthews and Lisa Mead and the Mass. Department of Natural Resources that allowed the commercial fishing fleet to use the embayment area, with the exclusion of the face of the bulkhead, between October 15 and April 15 each year. The agreement made the City again eligible for funding for the 1990 improvements to Waterfront Park. The motion was approved with Joe Brown voting in opposition.

6. Manager's Report

Charlie Nichols reported:

- for the past few weeks a yoga class has been taking place on the stage each morning. The group has not filed an application and he will speak with the organizer. A previously approved yoga class has been taking place on Fridays, the day the park is mowed in preparation for the weekend. The mowing has been confined to an area away from the group while the class is taking place, but the group has objected to the mowing being done at all during that time. In the future the Trust should consider not permitting the use of the park on Friday mornings.
- the invoices for the maintenance of the bank bed vary from year to year. He brings the invoices to the bank and a check is issued.
- he spent \$575 to repair damage done to the park during Yankee Homecoming. He would like to have the authority to authorize such repairs before obtaining Trust approval in order that the work might be done immediately. Doug Locy moved to approve an expenditure of up to \$600 for the immediate repair of the park after Yankee Homecoming or other events. Joyce Enderle seconded the motion. The motion was unanimously approved.
- there is a section of the sidewalk in the park where the pattern of brick changes. This is to indicate the presence of an electrical box underneath.
- he installed orange duct tape to mark the planks on the boardwalk that are higher than the others after a woman fell. The Handyman, Inc. worked on the planks and tightened two light poles. Joe Brown moved to pay Charlie Nichols \$80 for tape, staples and a stapler, the Handyman, Inc. \$492 for the work on the lights and the planks and to pay \$35 for the non-profit corporation annual report. Doug Locy seconded the motion. The motion was unanimously approved.
- the broken irrigation head was not caused by the truck that delivered the movie screen. The truck was responsible for cracking a head, but it is functional and does not need to be repaired.
- there is a white fishing boat in the embayment. Joe Brown said the Harbormaster told him the captain planned to submit an application for the winter.
- he has cleaned the bank bed and transplanted some of the Hosta to the areas near the kiosk and behind the Firehouse.
- alternate plans might be necessary for snow removal on the boardwalk. It is not known if the DPS will obtain the equipment that would have allowed it to do the work.
- he wished to distribute copies of his job description.

- he informed the DPS the dead trees must be removed from the park before winter.
- restaurant employees have been discarding cigarette butts and plastic gloves on Railroad Avenue and around the shed, making the main entrance to the park unattractive. Doug Locy said he spoke with Pete Kelly, who said he would resolve the issue.

7. Treasurer's Report

Doug Locy reviewed the estimated account activity for the month of September and the fiscal year to date. He noted a loss in the Fidelity account and wondered if the Trust has too much stock. Joe Brown recommended that the funds remain in that account. He said that since the time of the report, he has received checks from Atlantic Fuel and the Fuel Exercise Group. The latter check was mailed last spring but not cashed. The Trust covered the stop payment fee. He also said that while the Firehouse is up to date, the Bike Pedaler was to pay \$50 by September 15 and \$350 is outstanding from Captain Holt for last winter.

8. Applications for Park Use

Doug Locy said he received an application for a wine tasting from Sean Cody and informed him that alcohol is not allowed in the park.

9. Annual Report

Doug Locy said he incorporated Trustees' comments into the draft annual report. Cliff Goudey said he knows of only five ways to the water and he does not think six should be identified because it is provocative. Bill Harris said six ways were conveyed in 1991 and access was to be provided on both sides of the Firehouse. He said the land should be surveyed before the NRA goes out of business as some NRA land is being managed as a part of the park. Cliff Goudey questioned the assertion that Riverside Park should be made more park-like and he said he does not like the wording about City funds in the section on the sources of revenue. Joe Brown said the current budget approved by the City Council did not include any funds for the Trust. He said he would object to the deletion of the information because it is factually correct: the City did not fund the Trust in FY2012. Bill Harris said the statement should be deleted because the City has a duty to provide maintenance and the Trust should be included in the budget. It was agreed that the statement would be deleted. Doug Locy said he added the comment that the Trust should work cooperatively with the Maritime Society, the City and the Harbor Commission to obtain resources to make the channel deeper. Cliff Goudey said such a specific statement should not be included. He said he thinks the Trust might wish to contribute to the RFP for the development of the waterfront in order that it might be seen as an equal player. Bill Harris suggested the Trustees hold a joint meeting with the NRA. Joe Brown moved to approve the annual report with the changes discussed. Doug Locy seconded the motion. The motion was unanimously approved.

10. Old Business

• Parking

Cliff Goudey will look into the continuing charges that are being made for the old parking meter.

- **Brown's Wharf Signage**

Signs similar to the ones at the Tannery are a possibility for Brown's Wharf. There are fewer businesses at Brown's Wharf than at the Tannery, which would allow the signs to be larger.

- **T-Dock and Fishing Boat Leases**

Doug Locy said he posted the lease for the T-Dock on the Yahoo site. Joe Brown said the fishing boat leases are for the embayment area and he used the document from two years ago as a basis for the new leases. He said before the boats go into the embayment the leases should be signed, past due payments made and proof of insurance provided.

- **Ticket Booth Reorientation**

Joe Brown said Trustees voted at the June meeting that the ticket booth would be reoriented and electrified by October 15. Cliff Goudey said he would speak with George Hilton. He said the boat operators did not have any input on the matter and might be invited to attend the next meeting if they are opposed to the change. Joe Brown said the Trustees have already voted on the issue and the operators should have been given notice of the change.

11. New Business

- **Firehouse Bricks**

Joe Brown said bricks have been falling from the Firehouse and Railroad Avenue has been closed. Charlie Nichols said he thinks Murphy Construction was hired but he does not know why the work has not yet been started. The Trust was not notified that the scaffolding was being installed.

- **WFT WiFi Hotspot**

Bill Harris asked if he and Walt Thompson might look into grants for creating a WFT WiFi hotspot behind the Firehouse. The home page might include advertising, boat schedules and special events. The site might help to reduce signage. He asked if they might present the Trustees with a summary of options. Cliff Goudey said this might not be a priority, as the Trust does not have a web page.

12. Upcoming Meetings

Doug Locy asked about the availability of the Trustees during the winter months. Joe Brown will miss the November meeting and the December meeting will be Joyce Enderle's last. Charlie Nichols said he would be away during February and March. The next meeting of the Waterfront Trust will take place on Monday, November 7.

13. Adjournment

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