

PORT OF NEWPORT
MINUTES
January 24, 2012
WORK SESSION

I. CALL TO ORDER

Commission President JoAnn Barton brought the Work Session of the Port of Newport Board of Commissioners to order on Tuesday, January 24, 2012 at 12:00 p.m. in the Port Conference Room, the same being within the boundaries of the Port District.

Commissioners Present: JoAnn Barton, President; David Jincks, Vice-President; Walter Chuck, Secretary; Don Mathews, Treasurer; Dean Fleck, Assistant Secretary-Treasurer.

Port of Newport Management and Staff: Don Mann, General Manager; Patti Britton, Finance Director; Pete Dale, Project Manager; Maureen Keeler, Special Projects Manager; Barb Martin, Accounts Receivable.

Others: Frank Berg, Day CPM; Yale Fogarty, ILWU Local 53; Lee Fries, CM/GC Selection Committee; Peter Gintner, Port legal counsel; Lonn Johnston, lawyer, Macpherson, Gintner & Diaz; Sara Skamsar, Foulweather Trawl.

II. WORK SESSION ITEMS

A. Terminal Renovation Project.

Frank Berg, project manager for Day CPM, provided an update on the terminal renovation project. He said a request for a 30-day, in water work extension had been submitted. Written support for the request was received from Oregon Department of Fish & Wildlife (ODFW) and National Marine Fisheries Service (NMFS) and Berg did not anticipate any problems with the extension being granted. He described the work that would be done in the next in-water work period, including removal of the old wooden dock, installation of the dolphin, and modifications to the ro-ro dock. Berg presented a series of photographs showing the removal of the cofferdam and portions of the fishing dock, excavation dredging, and piles of scrap iron from the ships that would be sold. He said the pilings from the cofferdam were being cleaned and coated and re-driven at the bow of the Hennebique. The agreement to date with the CM/GC Natt McDougall Company (NMC) stood at \$15,229,069. The total construction budget was \$15,578,680, with a balance of \$324,607 remaining. Berg reviewed the upcoming amendments and discussed funding options for the work that remains to be done on the project. Commissioners Barton and Jincks expressed concern about a contingency plan in case those funding options don't come through. A discussion followed about prioritizing future items, such as seismic requirements, in the project's design.

B. Ordinance, Section III—Vessel Safekeeping, Seafood Sales, Fish Processing, Structures and Storage.

Port legal counsel Pete Gintner and attorney Lonn Johnston had prepared a presentation using visual aids projected onto a screen that showed proposed changes to the Port's Ordinance No. 1 – 1991. The screen showed what was called the "facilities code" with highlighted areas of the sections currently under review. In response to the last work session, Johnston said some of the conditions defining "seaworthiness" or dangerous or hazardous vessels had been changed, allowing the Port more flexibility to deal with unforeseen circumstances.

Gintner led a discussion about a section of the draft ordinance that defines "abandoned" vessels and "safekeeping activities", and the methods by which the Port can serve notice prior to seizing or removing a vessel. Under the current ordinance, notice is provided to the operator at least fifteen days prior to the Port engaging in "safekeeping activities" related to a particular vessel. Johnston said that timeline might be reduced to ten days. A discussion followed about financial responsibility and insurance requirements for vessel owners and operators, and the Port's liability while a vessel is in its possession. Gintner pointed out that requiring insurance on moored vessels would reduce risk to the Port, and as an "additional insured" the Port would receive notice if the insurance coverage is dropped.

Johnston said the sections covering storage would be specific to the commercial marina, sport marina, and terminal, since requirements vary at each site. General Manager Don Mann said dock box dimensions would be determined and incorporated to the ordinance section for the South Beach Marina.

The new code would still allow product to be sold from the fishing boats, but buying stations would shift to a lease agreement if the vessel buying the product does not leave the dock. It was the

consensus of the commission that it is not the Port's venue to inspect or control quality of product that is sold from the boats. Commissioner Barton asked if the professional fish filleters that have been working at South Beach would be required to have a license, and a discussion followed about the possibility of adding a new fish cleaning station and designating one for the professional filleters, which would reduce conflict between the filleters and the general public over the fish cleaning stations.

Regarding enforcement of tickets or courtesy citations, the General Manager pointed out that an agreement was never finalized between the Port and the City or County to "take it to the next step". He said the board could set that policy and incorporate it into the new ordinance if they so chose. Commissioners Mathews and Jincks discussed the need for additional signage regarding crabbing or fishing from wharves, docks, or piers, and restrictions on any of those activities on Port property after dark.

The February work session will cover sections 6 and 7 of the draft ordinance. The commission estimated that it would be June or July before the draft was ready for the public hearing process.

III. PUBLIC COMMENT

Referring to the draft ordinance, Sara Skamser, Foulweather Trawl, asked under what circumstances the Port would "inspect" a vessel. Gintner answered that now the ability to do that is triggered by finding the vessel in a dangerous condition. Skamser added that she felt the Port giving a ten day notice before "safekeeping activities" was not long enough. She cited some vessel owners being gone for a couple of weeks or more at a time. Commissioners Jincks and Mathews said most owners assign someone to look after their vessels while they're gone.


IV. OTHER

There was no other business.

V. ADJOURNMENT

The Work Session was adjourned at 1:20 p.m.

ATTEST



JoAnn Barton, President

L:\Minutes\WS 01 24 2012



Walter Chuck, Secretary