

## PORT COMMISSION MEETING– March 23, 2016

The Port of Port Townsend Commission met in regular session at the Commission Building, 333 Benedict Street, Port Townsend, WA

Present: Commissioners – Tucker, Clinefelter and Hanke  
Executive Director – Crockett  
Deputy Director - Pivarnik  
Auditor – Berg  
Planning Analyst – Toews  
Attorney – O’Malley  
Minutes – Nelson

### I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

Commissioner Hanke called the meeting to order at 5:30 PM.

### II. APPROVAL OF AGENDA:

Proposed addition to the agenda includes VII – Potential Immediate Action, Item C – Extension of Executive Director Job Application Period.

**Commissioner Tucker moved to approve the Agenda as amended.**

**Commissioner Clinefelter seconded the motion.**

**Motion carried by unanimous vote.**

### III. CONSENT AGENDA:

A. Approval of Public Workshop Minutes – March 9, 2016

Approval of Meeting Minutes – March 9, 2016

B. Resolution No. 643-16 – Declaring Certain Items Surplus

C. Approval of Warrants

Warrant #055913 through #055923 in the amount of \$15,191.95 for Payroll & Benefits

Electronic Payment in the amount of \$57,467.38 for Payroll & Benefits

Warrant #055924 through #055969 in the amount of \$69,545.21 for Accounts Payable

Electronic Debit in the amount of \$4,213.99 for WA State Dept. of Revenue Combined

Excise Tax Return for February 2016

**Commissioner Tucker moved to approve the Consent Agenda as presented.**

**Commissioner Clinefelter seconded the motion.**

**Motion carried by unanimous vote.**

### IV. PUBLIC COMMENTS (Not related to agenda) (1:24):

Bill Putney reported he is in the process of relocating the AWOS transmitter at the airport.

Brenda McMillan commented on the Navy “Right of Entry Agreement”.

Marc Landry read his letter to Mr. Crockett regarding his situation with his boat, “Patrol No. 1”.

### V. SECOND READING (Action Items):

A. US Navy “Right of Entry Agreement” (7:24):

Mr. Crockett read from a list of ten questions (with replies) that he asked the Navy, regarding their proposed operations at the Mats Mats Bay boat ramp. He explained he passed on concerns from citizens regarding their use of this ramp. Mr. Crockett reported that the Navy has been using the Port’s public ramps for training for years but the Navy wanted to formalize with an agreement. He added that the Port could agree on a “test” period of possibly one year instead of the proposed three years, or deny the request, but even if the request is denied, the Navy still may use the ramp since it is a public facility. Discussions continued amongst staff and the commission.

The following audience members provided public comment: Doug Campbell, Pete Langley, Annette Huenke, Julie Jaman, Rick Giardi, Bill Putney, Melinda Bryden, and Lawrence Berger.

Further discussion ensued, including comments from the commission that in the event of a Cascadia Rising catastrophe, our community would be relying on the majority of help coming from the military, and would the public not want the military to be familiar with our area?

Commissioner Tucker stated he agrees with Mr. Crockett in signing a one-year “test” agreement.

Commissioner Clinefelter added the Navy would use the public ramp whether the Port Commission approves the agreement or not.

Mr. Crockett stated, “There may be money in this”, explaining that many of the Port’s infrastructure projects have been funded with Federal money and it may be easier to receive future grant money if the Port can show its’ properties are used by all parties.

VI. FIRST READING (Discussion Only):

None

VII. POTENTIAL IMMEDIATE ACTION ITEMS:

**Commissioner Hanke moved to approve the following three items for immediate action.**

**Commissioner Tucker seconded the motion.**

**Motion carried by unanimous vote.**

A. Legal Defense & Indemnification – Resolution No. 644-16 (37:44):

Mr. Crockett reported that a couple staff members received summons related to ongoing legal action. RCW 53.08.208 authorizes the Port to defend and indemnify its employees/officers arising from good faith performance in their employment/duties with the Port. He added this resolution allows an attorney to provide legal defense to those individuals. Mr. Toews discussed this further in more detail.

**Commissioner Clinefelter moved to adopt Resolution No. 644-16 – Legal Defense & Indemnification.**

**Commissioner Hanke seconded the motion.**

**Motion carried by unanimous vote.**

B. Legal Defense & Indemnification Authorization Request, Pursuant to Resolution No. 644-16 (43:08):

Mr. Toews explained this is a request to authorize defense and indemnification for said employee. Mr. Crockett added he was served but as a representative of the Port of Port Townsend, not as an individual.

C. Extension of Executive Director Job Application Period (44:20):

**Commissioner Hanke moved to extend the application period by two weeks if the Port has received only four or less applications by Wednesday, March 30, 2016.**

**Commissioner Tucker seconded the motion.**

**Motion carried by unanimous vote.**

VIII. OTHER BUSINESS:

A. Boatyard General Permit (46:35):

Mr. Crockett stated this is the renewal year with Department of Ecology for the Boatyard NPDES permit, which all boatyards operate under. He reported the draft permit was released March 16 and the public comment period is open until April 29, 2016. He said he would attend the NMTA Boatyard meeting on April 6, when boatyards will air their concerns. He discussed the benchmark reduction of lead in stormwater. He reminded five years ago, Puget Sound Partnership sued the DOE, but so far, they know of no groups who have filed any action. Mr. Crockett announced that this April 20 DOE is hosting a workshop and public hearing in Lacey, which he might attend. He added the Permit is updated every five years. Mr. Crockett then stated the next commission workshop agenda would include discussions of a recent visit from DOE and water samples that are “missing the mark”. The Port anticipates receiving a DOE Administrative Order this summer, which he would provide an update at that workshop. He informed this order would require the Port to hire an engineer for a feasibility study looking at options such as rain gardens and/or detention ponds.

B. April 13, 2016 Workshop & Meeting – Proposed Date Change (52:39):

Due to scheduling conflicts with some of the commissioners, it was proposed to move the workshop and meeting to MONDAY, APRIL 11, 2016. Special Workshop hours for April 11 will be from 8:30 AM to 11:30 AM (a longer workshop to discuss stormwater and the Executive Director hiring process). The Special Meeting will begin at 1:00 PM. All commissioners accepted this change.

VIII. STAFF COMMENTS (54:00):

Ms. Berg announced the fiber optics continues to be worked on at Point Hudson, but she hopes to have this up and running soon. She reported to the commission that February financial reports would be available this Friday.

Mr. Toews stated he met with David Goldsmith (moderator of the Commission retreats) to discuss the outcome of the most recent retreat. Mr. Goldsmith is preparing a summary with recommendations for the commissioners.

Commissioner Hanke added that he likes comments from Ron Hayes suggesting the commissioners should be tasked with preparing a one-page sheet on the Port's Strategic Plan.

Mr. Pivarnik thanked the commissioners for agreeing to indemnify him.

Mr. Crockett reported he would attend tomorrow's NODC meeting in Sequim and this Monday he would leave for Seattle to attend the FAA conference. He informed he met with one of Patty Murray's staff earlier today. She asked what federal money the Port plans on going after. Mr. Crockett replied the airport runway repaving and the Point Hudson breakwater replacement. He told her the Port was granted \$1.1M in Federal funds for the breakwater, but has also submitted a second application for an additional \$600K. She told Mr. Crockett she would keep an eye out for that grant application. Mr. Crockett then told her of the airport industrial park and that the Port had received some federal funding for a feasibility study a few years back. He told her the Port needs \$2M more for infrastructure work there, but the concern is the 100% match by the Port.

IX. PUBLIC COMMENTS:

None

X. COMMISSIONER COMMENTS (1:00:30):

Commissioner Clinefelter asked for an update on the stormwater lift station.

Discussions ensued.

Mr. Pivarnik added he received the City permit for the fire escape system at the Sail Loft Building, after a 3-1/2 month wait.

XI. NEXT SPECIAL PUBLIC WORKSHOP / SPECIAL MEETING:

**Monday, April 11, 2016:** Special Public Workshop from 8:30 – 11:30 AM, Special Meeting at 1:00 PM in the Port Commission Building, 333 Benedict St, Port Townsend.

XII. EXECUTIVE SESSION:

(Prior to recessing into Executive Session, the audience was informed the session would run thirty minutes, with no action.) The regular session recessed into Executive Session at 6:35 PM to discuss litigation, pursuant to RCW 42.30.110 (i).

XIII. RECONVENING AND ADJOURNMENT OF REGULAR MEETING:

The meeting reconvened and adjourned at 7:05 PM there being no further business to come before the Commission.

ATTEST:

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Brad A. Clinefelter, Secretary

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Peter W. Hanke, President

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Stephen R. Tucker, Vice President