



## **PORT OF BROWNSVILLE**

9790 Ogle Rd • NE Bremerton, WA 98311  
Office: 360-692-5498 • FAX 360-698-8023  
[pob@portofbrownsville.org](mailto:pob@portofbrownsville.org)

### **Commissioners:**

Jack Bailey  
Shaun Nye  
Fred Perkins

April 10, 2018

### **CALL TO ORDER**

Commissioner Fred Perkins called the regular session of the meeting to order at 6:02 PM. In attendance were Commissioner Jack Bailey, Interim Port Manager Matt Appleton, Port Attorney John Mitchell and Port Accountant Dennis Bryan. Fred Perkins noted that the meeting was being held in the Port Annex building and made an announcement that the meeting was being recorded.

### **PLEDGE OF ALLEGIANCE**

Commissioners led pledge of allegiance.

### **APPROVAL OF AGENDA**

Jack Bailey made a motion to approve the agenda as written. Fred Perkins seconded the motion and it passed unanimously.

### **NEW COMMISSIONER DECISION**

Fred Perkins made a statement that the last few months have been difficult with all the changes and one commissioner leaving. He thanked Commissioner Jack Bailey for his patience in all that has been going on. He stated there are two candidates for the vacant commissioner position and they are both qualified. Jack Bailey stated that he just saw a program that people aren't wanting to volunteer for public office because of the effort it takes to fight the battles and do the job. He said the commissioner job is difficult because of the amount of knowledge that is needed in a short time. He agreed that there are two qualified people and he has met with both of them for an equal amount of time. He said one person has experience but not up to continuing. The other person is retired and looking for something worthwhile to do and Jack puts a lot of stock in having the time to take this position and wanting to take the position. He added that they are equally qualified but it comes down to the investment the Port Commissioners want to make it. He point out the sign that said "leadership is seeing down the road further than those around me". He added that the Port's 5 year plan should be a 20 year plan or at least a 10 year plan. Fred Perkins added that looking to the future is very important. Fred Perkins nominated Shaun Nye for commissioner of district 3 for the Port of Brownsville. Jack Bailey seconded that nomination. Shaun Nye thanked the Commissioner for the nomination. Vote called for and Shaun Nye was selected for the vacant commissioner position. Jack Bailey read the oath and Shaun Nye repeated and was sworn in as the Port Commissioner District #3 of the Port of Brownsville.

### **ELECTION OF BOARD OFFICERS**

Fred Perkins explained why he retained the office of President during the elections held in January. The ongoing issues such as the boat ramps were unresolved and he felt he needed to continue in the president position until there was a clear road ahead. He said this has been accomplished and for that reason he



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nominated Jack Bailey as President of the Board and Shaun Nye as Secretary of the Board. Fred added that the commissioners do extra time and effort in making the decisions that are best for the Port district residents. He called for the vote and it was passed unanimously. Jack Bailey thanked Fred Perkins for the last year and 4 months. He added that it was more of a public's failure to know what the Port Commissioners have researched. He said that he is willing to listen to the public and change his mind if warranted. He welcomed Shaun Nye as the new commissioner. Fred Perkins said that Shaun Nye has attended all the precious meetings since January and is aware of the issues that have arisen and resolved.

### **APPROVAL OF CONSENT AGENDA**

Consent agenda includes the 14 March 2018 Regular Meeting minutes, vouchers audited and certified by the auditing officer as required by RCW 42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090, which have been recorded on a listing and have been made available to the public. Those vouchers approved for payment are included in the audited and certified list and further described as follows: April 2018 General Fund voucher numbers 41520 through 41570 for a total amount of \$98,530.50. Also approved for payment was April 2018 Electronic Transfer voucher numbers 2018-24 through 2018-34 for a total amount of \$22,466.99.

Motion made by Commissioner Fred Perkins to approve consent agenda. Motion was seconded by Commissioner Shaun Nye. Jack Bailey asked about the last study session meeting minutes. Matt Appleton said they were not complete but would be in the next meeting. Ned Cook stated that Jack Bailey may have read the voucher numbers incorrectly. They were restated as written. Motion was approved unanimously.

### **PUBLIC COMMENT FOR ITEMS NOT LISTED ON AGENDA**

Marjorie Rowland gave a report for Kitsap Maritime Heritage Foundation since the Executive Director, Jonathan Thomas, was working. She stated that today's date is the opening of the Kitsap Great Give. Donations can be made until April 24 and those made early will be held until the day of the event, April 24. She then reported that Kitsap Maritime will be having an event fundraiser titled Appreciation Night for the volunteers and sponsors. It will be on April 14, Saturday, at the Crystal Grange on Paulson Road, not far from the Port of Brownsville. The time will be 6 PM to 8 PM with auction items and other fundraising items. There will be music, food and drinks, auctions and games. She encouraged all to attend. She thanked the commissioners for the opportunity to speak.

### **PRESENTATIONS TO OR BY THE BOARD**

None

### **FINANCIAL REPORTS**

Port Accountant Dennis Bryan reviewed the monthly reports and the changes that are made due to cash accounting. He then provided the February 28, 2018 end of month financial report and the balance was \$1,518,047.89 plus \$700 in Petty Cash. He explained what restricted cash and non-restricted cash meant. He added that the comparison to previous years is misleading because the Port received a yearly grant for the Clean Marina facilities. The State requires that the Port report the grant funds when they are received



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so it skews the comparison report. He stated the increase in gas prices have had an effect on the comparison to the budget. He stated the property tax is received by the Port in April and October so those months change in budget comparison. Jack Bailey clarified the reading on Admin Expenses. Dennis said he would have the annual report completed by the end of the month. He said one of the benefits of the State Audit is that he and one other person in his office know all the requirements for the reports. Financial report is available upon request.

Dennis Bryan excused himself from the meeting due to tax season. Jack Bailey excused him and reminded him that next month's meeting date may be changed.

### INFORMATION, STAFF AND COMMITTEE REPORTS

- a. Manager Report – Attached.
- b. Maintenance Report – Attached. Matt Appleton gave the report which Jai Tew wrote. Fred Perkins asked about the interport agreement with Illahee. Matt Appleton said he has sent the contract to them but has not received anything back. Jack Bailey stated that at the All Ports meeting, Illahee talked about the end of one of their piers needs a new hoop or need to be reattached. Fred Perkins attended their last Port Meeting and made it clear that the Brownsville staff will be taking care of Brownsville Port first. Jack Bailey stated he recently saw a TV program that said the aluminum docks over tubs is the state of the art for marinas and Port of Brownsville has that.
- c. Commissioners Report –  
Jack Bailey said he will be attending the WPPA Spring meeting. He also is the Vice Chair of the Marina's Committee so he will be having a meeting for that at the Spring Meeting. There will be classes for new commissioners at the Spring Meeting. He recommended Shaun Nye attend those as well as the Commissioners Seminar in July. Matt Appleton said he show Shaun the calendar of seminars and meetings and get him set up for those. Jack Bailey said the All Ports meeting will be held at the Brownsville Yacht Club on April 23<sup>rd</sup>. Jack said he got a call from the Port of Allyn to join the All Ports meeting. He said he was trying to get the Port of Allyn to do something in Mason County but Shelton was not responsive so Jack added the Port of Allyn to the All Ports meeting register. John Mitchell stated that there was an article in the WPPA Newsletter that the Port of Shelton wants to sell the marina. Jack said that privatizing marinas is one of the things the Marina's Committee is going to discuss. John Mitchell noted that the Port of Bremerton has already contracted with a private company to operate their Bremerton Marina. Jack added that the Port of Bremerton is still monitoring what that company does. Ned Cook stated that the Port of Allyn just received some grant money to expand their marina. Fred Perkins explained to Shaun Nye what is expected in Commissioners Report.
- d. Standing Committee Report – Matt Appleton stated he wants a commissioner assigned to the BAD committee. Jack appointed Shaun Nye as the commissioner on the board. First BAD meeting will be May 15, 2018, at 5 PM at the Brownsville Yacht Club. Jack Bailey reminded the staff that he requested blinds on the doors at the Yacht Club. The date for the next BAD is September 22, 2018.

Jack Bailey announced that he will be gone the last two weeks in June and the first two weeks in July so the July meeting may have to be rescheduled.



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Fred Perkins said the May meeting needs to be moved to May 16, 2018, but the July meeting date can be discussed at the next meeting.

### OLD BUSINESS

- a. Boat Compliance list – Matt Appleton noted that B-50 has a registration but not in Washington State but that is not a violation of Marina Rules. Matt said that he is working with the lawyers to obtain custody of one of the boats and change the rules. Matt said 2 of the boats on A dock belong to the Port now and they will be demolished. They did not sell at auction. John Mitchell stated that his office is researching rules for abandoned but it takes a long time to get custody. His office tried to shorten the eviction time but custody of the boat increases the costs to the Port. Jack Bailey stated the Bremerton Port is now reworking the contracts for moorage and it is no longer called a lease but a license to pay for a hole in the water. Their goal is to shorten the time to evict. John Mitchell said that it doesn't matter what you call it, there are still rules that have to be followed. He said it would be great if the WPPA could change the law. Jack Bailey said the WPPA recommended the owner of the boats to sign ownership over to the Ports. John Mitchell said the boat owners are not responding and the laws limit what the Ports can do with the boat. He added that his office and Matt Appleton have been working on this but it will still take 6 to 9 months. Matt Appleton explained the process of eviction – 60 days of nonpayment they have 30 days to pay the bill, boat gets chained and they have 90 days to pay. After that the Port can take custody. Then the owner can contest. Jack Bailey said the Port of Bremerton has a contract that nonpaying boats are taken to the airport storage.
- b. Boat Launch Update - Matt Appleton said that the Port almost has an Army Corps of Engineers permit. Jack Bailey asked about the bid package. Matt replied that it is not in hand yet. Jack requested to see the final drawings for the flow of traffic. Jack also asked about the new signs and Matt replied that they are being made but not finished.

### NEW BUSINESS

- a. Resolution 18-03 – Change to eviction of nonpaying vessels.  
Matt Appleton stated this is the first reading but after information he received that day from lawyers this resolution may not make any difference in the amount of time in the eviction process. Jack Bailey stated maybe the Marina's Committee can come up with something better. John Mitchell advised the commissioner to not spend a lot of time studying this resolution as it will change.

### PUBLIC COMMENT

Fred Perkins announced that the Port of Poulsbo has changed the flow of their office and staff structure. They are now adding an administrative assistant. Jack Bailey said this is a change from standard Port Management. Matt Appleton stated this would be discussed further in Executive Session.

**EXECUTIVE SESSION** – Commissioner Jack Bailey recessed the regular session of the meeting at 7:23 PM for a five minute recess. At 7:28 PM the Executive Session would convene and it was estimated to be 40 minutes long with no decision being made. At 8:10 PM the Commissioners requested an additional 20



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minutes. At 8:25 PM the Commissioners requested an additional 15 minutes. At 8:40 PM the Commissioners requested an additional 10 minutes. At 8:50 PM the Commissioners requested an additional 10 minutes.

- |                |      |                        |
|----------------|------|------------------------|
| a. Legal       | None | RCW 42/3-/11-(1) (I)   |
| b. Real Estate | None | RCW 42.30.110(1) (b-c) |
| c. Personnel   | Yes  | RCW 42.30.110(1) (f-h) |

Executive session was adjourned at 9:00 PM with no decisions made and regular session was reconvened.

Jack Bailey made a motion to change the title of Matt Appleton from Interim Port Manager to Port Manager and he is hired as the new Port Manager. Fred Perkins seconded the motion and motion passed unanimously.

## CLOSE MEETING / ADJOURN

Meeting was adjourned at 9:10 PM.

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President / Commissioner

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Secretary / Commissioner

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Commissioner

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Recording Secretary