

NEWPORT YACHT BASIN ASSOCIATION

TUESDAY JUNE 14, 2011

AMENDED MINUTES

NYBA member present: Karl Lang, Sid Rubin, Paul Shook , Jeff Hoyt, Jeannette Schulz, and marina manager Tom Lisk

The agenda was prepared by Sid Rubin.

The official meeting was called to order by president Karl Lang at 12:30PM.

The minutes of the previous meeting, March 22, 2011, were passed to the board members by Jeannette Schulz. Paul made a motion to approve the minutes and seconded by Jeff.

Karl reported that he had asked Mary about NYBA being incorporated. Her response was that in her opinion, it would be a good thing to do. It would have no impact on the appeal.

Jeff presented the treasurer's report, Feb. 1, 2011 – May 31, 2011, for all to review. He pointed out that the attorney's fees were \$22,072.80 through April, 2011.

MARINA REPORT from Tom Lisk

1. C dock water line was replaced
2. 9 new dock carts were purchased and some of the old ones were refurbished. Some of the old ones were designated for dirty work, old parts, oil and other fluids.
3. The parking lot is in the process of being striped, showing NYBA parking stalls.
4. Estimate for redoing G and F docks is approximately \$100,000.00.
5. C dock repair/replacement would be done with grated decking.
6. Tom pressure washed B and C docks and they are in pretty good shape for maybe 2 years.

APPEAL STATUS AND PROGRESS

NYBA brief was filed in early May , and 30 days later SBC filed their brief. Basically it was the same as his final statement.

Karl will check with Mary to see if she made any changes to our brief in rebuttle.

He will also ask Mary about our position if we have someone towed from the marina.

If we lose the appeal we can request the state supreme court to hear the issues and see if there are any other cases similar in other appellate courts in the state that have a different outcome.

We need the ability to negotiate a good settlement if we lose the appeal.

We are not expecting any news or changes this summer.

#### BUSINESS

Paul will write a letter to SBC about blocking the driveways and using NYBA parking stalls. He will send a draft to all board members to approve. One main issue is safety for all in case of a fire at the marina and the accessibility to the whole marina for the fire department.

Karl met with John Radovich about the different plans proposed by SBC. He feels that parking is still a very big issue. He would sell his slips on A dock to SBC at the roofline if the marina would benefit from this plan.

At this time Tom said he would chart all NYBA parking spots. There are 112 parking spots in the common area.

#### INCORPORATION STATUS

Jeff Hoyt has been in contact with Theresa at the Condo Law Group and three points that were discussed were;

- 1.Reduction in liability for the owners
- 2.Any further issues about NYBA owning property
- 3.Foreclosure issues

The NYBA board has the authority to act on behalf of the membership. Sixty (60) percent of the members approval in writing is necessary to amend the declaration.

According to the 1990 Condo Law Act, there are 8-14 issues in the current declarations that would need to be looked at and possibly changed.

Jeff with contact Theresa at the Condo Law Group and ask her opinion and get clarification if we can incorporate without amending the declaration and by-laws under section 6.2.11. Also what are the legal repercussions to the members, what is owned by the corporation, transfer ownership of assets, and what else does NYBA get at this point. Do we change the declarations before we incorporate or after?

If we were to proceed, what exposure are we liable to experience.

The response from our legal team was to go ahead with the incorporation with favorable response from Jeff's inquiries and questions.

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VOTED TO BE DELETED FROM ORIGINAL. See ATTACHED  
MEMO FROM SID RUBIN DATED 1/12/12.

Jeff will e-mail answers from Condo Law Group to all NYBA board members.

#### MAINTENANCE AND REPAIR UPDATE

F and G Docks center boards are not stable and are a definite safety issue.

Tom will try some skim coating on the boards, this is not a permanent fix, just a temporary fix, maybe.

Tom suggested moving the fire line to the outside rail on F and G docks, this would prevent rusting and no permit is required.

Tom and Paul will get estimates on the worse jobs first for the skim coat.

#### OTHER BUSINESS

The use of NYBA data base for other programs than NYBA business such as Power Squadron and Coast Guard Aux. Discussion at next meeting about this item. Members might have to opt out about being notified from outside groups.

Karl made a motion that we attempt to develop guidelines for real and intellectual property for purposes other than NYBA business. Seconded by Jeannette

Tom will contact our insurance carrier about storage and fueling of gas cans on the dock.

The next meeting will be held on Tuesday September 13, 2011 at the marina office.

The meeting adjourned at 3:45 PM.

A handwritten signature in cursive script, reading "Jeannette Schulz".

Jeannette Schulz

Secretary