## **Port:** Weston receives \$22,500 in severance in settlement

#### **Continued from Page 1A**

As part of Browne's settlement, she and Foster agreed not to comment to the press on the matter. Herman's case continues, with a trial scheduled for November 2016.

#### Weston

During a goal-setting workshop last month, Knight mentioned Weston would be leaving the Port in the imminent future. Weston could not be reached for comment.

The Port will provide Weston with \$22,500 in severance pay, equal to three months of his salary, and pay him \$14,046 worth of accrued vacation and sick time. Knight will also provide him a neutral letter of reference.

Weston will not be allowed to seek any claims against the Port.

After Browne and Herman's suits were filed, Port Commission Chairman John Raichl initiated a third-party review of allegations against Weston by human resources consulting firm Local Government Personnel Institute. The report dispelled some of the allegations against Weston. It sustained allegations that during his tenure as interim director, Weston was untruthful to the commission, engaged in deceptive contract modifications and had unethically taken a tenant's abandoned property for his personal use.

#### Herman

Foster, who still represents Herman, recently filed an amended complaint, successfully adding Raichl as a defendant. She left up to 10 "John Doe" spots open in the original lawsuit to add additional defendants.

Foster also tried but failed to add a post-employment retaliation claim. She alleges Commissioner Hunsinger exclaimed, "you're a piece of s---," to Herman while she and co-workers from a new job waited at a downtown Astoria intersection in September. But U.S. District Court Judge Mario Hernandez ruled against the claim.

"Petty slights or minor annoyances are not materially adverse," Hernandez wrote in his opinion on Herman's amended complaint. "Plaintiff must show 'retaliation that produces an injury or harm."

NOVEMBER 27, 2015

Submitted

# Wetlands: Park was not always considered a wetland

#### **Continued from Page 1A**

their own application for the specific spot. A more simplistic application could be processed within a year.

The developer would also be welcome to pull from the county's application.

"They could use it for a baseline for whatever they need to do," Hansen said.

### Not always a wetland

The North Coast Business Park was not always considered a wetland.

In the mid-1960s, a large developer had plans to build an aluminum smelting plant. The huge project was never built, but the land was leveled.

Over time, the land did not allow for drainage and wetlands grew.

If the North Coast Business Park was not on wetlands, county officials believe, it would likely already be developed.

18-month delay, once the application is approved there should be no other hurdles. Developers could essentially start work the next day.

The big picture is the park is on its way to being developed, said Scott Lee, chairman of the Board of Commissioners.

"I was disappointed we have to go through these extras steps," Lee said. "I was hoping for quicker actions so people could take advantage of the enterprise zone. I hope folks that have interest in it will keep their interest up."



Despite the possible

MAILPIECES CONTAINING ADVERTISEMENTS ABOUT MARIJUANA If a mailpiece contains an advertisement for marijuana, that mailpiece is nonmailable as explained below;

POSTAL SERVICE

Domestic Mail Manual (DMM) 601.9.4.1 restricts any advertising, promotional, or sales matter that solicits or induces the mailing of any article described in PUB 52 as hazardous, restricted, or perishable is nonmailable except that such matter relating to controlled substances, radioactive materials, restricted liquids and powders, battery-powered devices, odd-shaped items in envelopes, and switchblade and ballistic knives, as described in PUB 52, is mailable if it contains packaging instructions and any other mailing limitations under PUB 52, 508.9.0, and 508.10.0 (18 USC 1716).

If an advertisement solicits the mailing of controlled substances such as marijuana, it would violate USPS mailing standards.

Marijuana is classified as a Schedule I controlled substance in USC 21 812(c)(c)(10).

USC 21 843(c) does make it unlawful to place an ad in any publication with the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. It does not include material which advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction.

The U.S. Postal Service's memo to the Chinook Observer regarding mailing marijuana ads.

### Pot ads: 'The document seems to prohibit mailers that USPS had previously allowed'

### **Continued from Page 1A**

Early Tuesday afternoon as the Observer was about to be printed, Scarborough said he expected the conflict between the Postal Service's decision to enforce federal law and the Justice Department's decision to ignore technical legal marijuana violations to be addressed, eventually, at the "highest level" of the Postal Service.

In the meantime, Scarborough said Portland managers authorized local post offices to go ahead and process this week's Observer. But Scarborough said delivery of next week's issue, if it contains marijuana ads, remains in question. He said postal officials may ultimately arrive at a compromise in which ads would need to have a warning to the effect that mailing marijuana remains unlawful.

General Brennan. Alerted by Winters, Dai-Noting the disparity belegal?" The post office memo starly Astorian Publisher Steve tween Postal Service acceptance of Coast Weekend tled Winters and Forrester. sponse.

out why Portland officials ap-

peared to be throwing up a

new obstacle to the normal-

ization of the legal marijuana

business in Oregon and Wash-

nauer, joined by the Merkley

and Bonamici staffs, produced

drafts of a letter to Postmaster

Over the next days, the offices of Wyden and Blume-

ington.

### 'Marijuana possession has been legal in Washington for three years and in Oregon since this July. Pacific County voters favored legalization 54 to 46 percent."

### Matt Winters

publisher of the Chinook Observer

office for assistance in quesmarijuana advertising and the tioning the post office memo. threat contained in the Nov. The Oregon Democrat 27 Postal Service memo, the scheduled a conference call congressional letter says, with the Postal Service to find

"The document seems to prohibit mailers that USPS had previously allowed." The letter asks Brennan three detailed questions about the statutory basis of

certain postal regulations and how consistently they are applied. "What discretion does a regional postmaster have in enforcing or implementing these policies, specifically in states where marijuana is

"Considering we've been running marijuana ads for months without complaints, this was a surprise," Winters said. "Marijuana possession has been legal in Washington for three years and in Oregon since this July. Pacific County voters favored legalization 54 to 46 percent."

As to the origin of the complaint that generated the memo from Portland, Winters speculates: "It appears that a local postmaster outside Long Beach — but in Pacific County — raised the question, and that the Nov. 27 memo out of the Portland office was a re-

Sincerely, Ron Wyden Earl Blumenauer United States Senator Member of Congress Suzanne Bonamici United States Senator Member of Congress

Submitted

Signatures on the letter from Northwest lawmakers questioning the U.S. Postal Service's memo on mailed marijuana advertisements.



# Market: Cannon Beach seemed the ideal place to expand

### **Continued from Page 1A**

Welsh said they expect the volume of customers to be about the same as Manzanita Fresh Foods, which they also

"It could potentially be much larger," he added. "We're trying not to get the cart before the horse, but based on lodging" and visitor numbers, there could be

more customers at the Cannon Beach location.

The Manzanita location receives 800 to 3,000 transactions daily. Welsh added they have had numerous people from Arch Cape and Cannon Beach stop by.

With Manzanita Fresh Foods growing, an influx of visitors from the South Clatsop County area and its increase in tourism, Jon Welsh said Cannon Beach seemed the ideal place to expand.

But they were also cautious about planning, he added, as "commercial real estate is hard to come by there in Cannon Beach." However, within two weeks of seriously discussing the new store, the family had secured the land.

"It came together really quick," Jon said.

The family has spent time during the last six months meeting with general contractor Vito Cerelli from O'Brien and Co. and speaking to other local businesses.

The response from Cannon Beach has been overwhelmingly positive, they said.

Fresh Foods plans to hire 30 employees.

"We realize people have

bills to pay, a life to live, so we try to offer them fulltime," Tim Welsh said. Parttime is available for those who seek that option.

Employees work harder over the summer during the tourist season, but the store doesn't have to let anyone go in the off-season, he added.

Produce Mmanager Ezra Irving and store Manager Khy Griffin have been training at the Manzanita location in preparation. Both have experience with natural foods.

Tim Welsh said they hope to set a time for groundbreaking ceremony this week. Meanwhile potential Cannon Beach customers may check out Fresh Foods Cannon Beach on Facebook to offer product selection input.

"It's a chance to make the store theirs," Jon Welsh said.