

**CONNECTICUT MARITIME COMMISSION (CTMC)
REPORT OF MEETING (Mtg. #07-10)
17 October 2007**

Location of Meeting: Fort Trumbull Conference Center
New London, CT

Attendance:

Commissioners

Present

Chuck Beck (for Commissioner Carpenter)
Vincent Cashin
Tom Dubno
Susan Decina (for Commissioner McDonald)
Joseph P. Maco (for TSB Chair Kelleher)
Judy Gott
G.L. "Doc" Gunther
Joseph Riccio
Martin Toyen
Robert Virgulak
Kaye Williams
George Wisker (for Commissioner McCarthy)
John Wronowski

Absent

Phil Smith (for Secretary Genaurio)
David Shuda

Guests

David Blatt	Bill Gash	Kasey Jacobs	John Johnson
David Lis	LT Doug Miller	Tony Mobilia	Ed O'Donnell
John Pinto	Dave Rossiter	John Russo	Joe Salvatore
Joel Severance	Geoff Steadman	Alan Stevens	Kurt Walton
Grant Westerson			

I. Call to Order:

- The Chair opened the meeting at 9:40. A quorum of 13 was present.

II. Review of Meeting Minutes:

- The draft minutes of the 19 September 2007 meeting were reviewed. Some minor typographical errors were noted. There was some discussion on the accuracy of the minutes related to the intended destination of the draft letter concerning OPM's participation. Once resolved, a motion to accept was made by Tom Dubno, second by Vin Cashin and the minutes were approved by unanimous vote.

III Discussion Open to Public

- Joel Severance asked to be recognized as an emergency planner for some of the Department of Emergency Management and Homeland Security (DEMHS) planning regions. The issue raised by Mr. Severance was the draft Statewide Interoperable Communications Plan and an apparent snub of the CT ports. He read some passages of the Executive Summary of the draft plan that stated in Appendix A.3.3 that there was no need to improve radio communications the CT ports and harbors. Mr. Severance took issue with the statement and asked the CTMC to intervene. As a plank owner of the State's Interoperable Communications Workgroup formed in 2002, Chuck Beck replied by providing a tutorial on the genesis of the Workgroup and the statewide plan. He stated that he provided the information referenced in the draft document. He further explained that the statewide interoperable communications plan is aimed at improving the ability of first responders to be able to communicate at the scene of an incident. Response to incidents in or adjacent to the state's ports and waterways are provided by local municipal, regional, state or federal (US

Coast Guard) teams. Harbor Masters are not considered first responders thus do not need to be part of the statewide plan unless a municipality includes them in their local response plan. Furthermore Chuck Beck opined that the request was misguided since communications was not within the mission of the CTMC. It was suggested that the matter should have been more appropriately taken up with the DEMHS, the DEMHS Coordinating Council or the Interoperable Communications Workgroup directly. Joe Maco asked the opinion of the port facility operators on the Commission on the matter. Tom Dubno (Gateway) and Joe Riccio (Bridgeport Port Authority) stated that their relationships with the local, state and federal responders was very good with no known interoperable communications issues.

- John Johnson inquired if a copy of a letter sent from NY Senator Schumer to DEP Commissioner McCarthy could be read into the record. The Chair asked that the matter be deferred until the Dredging Update item on the Agenda under Old Business.
- John Johnson and Grant Westerson provided information related to their 45 minute meeting with CT Congressman Courtney. Issues discussed included the size of the marine industry in CT, the economic impact of the marine industry, the need for maintenance dredging, etc. They discussed an apparent disconnect between the CT and NY Congressional delegation related to dredging and the disposal of dredged materials and requested a resolution be sought. A disconnect example was given: NY dredge materials being shipped to CT to cover a tire field instead of using dredge materials from a CT harbor/channel. John Johnson stated that Congressman Courtney advised that there was Federal money in the FY 08 budget for work on the Long Island Sound Dredge Material Management Plan (DMMP). Clarification was later given that there is a line item on the House side of the FY 08 budget which does not equal the amount in the Senate side nor the Presidents version of the FY 08 budget.
- Kasey Jacobs of the Citizens Campaign for the Environment (CCE) summarized the details contained in a 4 October CCE news release and a 16 October 2007 CCE letter to Dr John Pinto of the Norwalk Harbor Management Commission (NHMC). CCE is opposed to NHMC's request for an exemption to the capping requirement of the of dredge material from the Norwalk Phase 2 project into Central LIS disposal site. NHMC has requested CTMC support for the exemption. John Pinto provided clarification that what was being sought was a temporary exemption not a total exemption. In other words an extension of the timeline between when the material would be deposited and then capped was being sought. There was some back and forth discussion within the audience on the matter which was closed by the Chair. Ms Jacobs stated that CCE supported beneficial reuse of dredge materials as the first choice and open water disposal in LIS as the last choice and then only if capped with cleaner material. She provided several types of beneficial reuse (filling abandoned mines, capping land fills, mixing with other construction materials, etc.) Bob Virgulak took issue with some of the alternatives. Tom Dubno commented on the NY materials being barged from NY to CT for capping the tire field; a contractor is paying for the transportation.
- Bill Gash provided an update on the Market Study being sponsored by the CT Maritime Coalition with assistance from DECD. It was reported that the RFP had been sent to 7 companies with 3 being returned as interested. The selection/interview process will be conducted within the next 2-3 weeks. It is anticipated that the Market Study would be completed within 3-4 months after the selection.
- Grant Westerson reported that a study sponsored by the CT Maritime Trade association (CTMA) to determine the source of Cadmium being found in almost all CT dredge materials has been completed and forwarded to CT DEP for review.

IV Old Business:

- Dredging Update: Joe Salvatore reported on a meeting held in September among representatives of the CT Congressional delegation, the EPA and the ACOE. The central issue of the meeting was the status of the DMMP. CT emphasized the need for funding in order to comply with the imposed timeline for the completion of the DMMP. Ed O'Donnell

stated that there was \$2.8M in the current version of the FY 08 budget. (For clarification the President's budget contains \$2.8 million, the House version \$4.8 million, and the Senate version \$2.8 million.) Furthermore, there is no indication of money being made in the "out years"; beyond FY 08. CCE was also asked for their support in getting the NY and CT Congressional delegation to provide adequate funding for the Army Corps of Engineers (ACOE) to complete the DMMP as well as for CT dredging projects. Marty Toyen asked CCE to please provide copies of CCE correspondence to the Congressional delegation on dredging matters.

Joe Riccio provided an update on the Innovative Technology dredge material disposal project. He stated that the ACOE CT DEP have agreed to a testing protocol for the treated material. George Wisker provided a summary of the Innovative Technology project. Doc Gunter stated that over the past 20-30 years two or more dozen processes have been developed as alternative disposal methods. He was reminded that EPA has only approved two of them.

Judy Gott requested that CCE correct the errors in their 16 October letter to John Pinto (total exemption vs temporary stay to capping) and distribute the corrected letter to the wide distribution of the original letter. Ms Jacobs responded that even a temporary delay to capping is an exemption. Judy Gott repeated her request. Marty Toyen asked CCE to correct and distribute the letter and then brought the discussion of dredging to a close indicating that dredging is stuck with being a polarizing issue.

- Pilotage Rate Issue – Chuck Beck stated that the change to the CT Pilotage Regulations was posted in the CT Law Journal for comment on 18 Sept 2007 for a 30 day public comment period. To date all of the comments received have been in support of the rate increase. In response to a question, he further stated that once the comment period was over, the regulation change had to be reviewed and approved by the Regulation Review Committee of the CT Legislature; an estimated two to three week process. Doc Gunther stated that it would be appropriate for those in favor of the pilotage rate change regulation to contact members of the Regulation Review Committee and explain the importance of the change. There was some additional discussion on the membership of the Regulation Review Committee.

Tom Dubno inquired about the status of an RFP that CONNDOT was considering hire an entity to assist in managing pilot operations. He was informed that the RFP was being reviewed by the DOT legal unit.

Grant Westerson took the opportunity to thank the CT Pilots and the CT Cruise Ship Task Force (CSTF) for their collective efforts in bringing 7 cruise ships into New London over the past 6 months. The positive economic impact to the local and even regional area was discussed.

- OPM Presentation: There was no member of OPM in attendance. The Chair indicated that he had still not heard from the Secretary or his designee on when OPM might be able to present to the CTMC. He further stated that of the 28 or so CTMC meetings held, OPM had only attended 3. There was some discussion on an unconfirmed rumor related that the current designee (Phil Smith) had left OPM. Bob Virgulak offered to reach out to Secretary Genuario to attend one of the next two meetings.

V New Business:

- Letter to Governor on OPM Participation – A discussion initiated by Sue Decina and Judy Gott took place relative to the letter drafted to be sent to the Governor requesting assistance in getting OPM to meet its statutory obligation and participate in the CTMC process. The result of the discussion was a motion made by Judy Gott, seconded by Vin Cashin and approved unanimously to re-address the letter to Secretary Genuario with a copy sent to the Governor.

- Letter on Gentrification of the Waterfront – A discussion on the letter drafted to be sent to the Governor with regards to the reported sale of the Coastline property in Bridgeport (formerly known as the CILCO Terminal) to other than a port facility operator took place. The letter expressed concern about the gentrification of the CT waterfront and the economic impact that could result. Kay Williams questioned the need for the letter because the only shipping company that called on the CILCO Terminal (Turbana) was leaving due to dredging issues in Bridgeport Harbor so we need to solve the dredging problem before asking for help keeping the terminal viable. Joe Riccio stated that primary reason Turbana decided to leave was not due to dredging issues. Marty Toyen spoke about the Innovative Technology project aimed at the dredge materials in Bridgeport Harbor. George Wisker offered comments about the need to change people's (government officials' and the publics) attitudes relative to both sides of dredging issue. Chuck Beck provided information acquired through a conversation he had with a Turbana official last May on the reasons Turbana decided to relocate to Philadelphia. Dredging was an insignificant factor. The main factor reported was that the Port Authority of Philadelphia was able to offer monetary incentives for infrastructure improvements to the Port of Philadelphia's facilities backed by State of Pennsylvania bond money. There was discussion related to whether or not CT state officials were approached about providing financial assistance to improve the infrastructure at the CILCO Terminal as an incentive to keep Turbana from departing. Mention was made that DECD made an inquiry in the June 2007 timeframe but not at the request of any specific entity. There was some additional discussion about the letter that resulted in some word changes. Vin Cashin inquired about the relationship between the letter and HB 3223. Judy Gott expressed a concern about the possible use of eminent domain by the State to intervene in the sale of the CILCO property. She made a motion that the letter be accepted but only if reference to the State taking steps to procure the property was either eliminated or modified to prevent the use of eminent domain. The motion was seconded by Kay Williams but failed to carry garnering 4 yeas, 7 nays and 2 abstentions. Chuck Beck made a motion that the letter be accepted as drafted with the minor word changes previously recommended. The motion was seconded by Joe Maco and carried with 8 yeas, 3 nays and 2 abstentions.
- Letter on Economic Impact of Dredging – The draft letter to be sent to the State's elective leaders concerning the economic impact of not dredging CT's channels was discussed. The letter also recommended a meeting among DECD, DOT, DEP and OPM with CTMC to address dredging. A recommendation was made to reference previous letters sent from the CTMC to the State's senior elected leaders soliciting their support for dredging funding. A motion was made by Joe Riccio to approve the letter with the recommended changes. The motion was seconded by Kay Williams and approved with 12 yeas and 1 abstention.

VI Date of Next Meeting:

- Marty Toyen reminded all that the next meeting of the CTMC is scheduled at 9:30 AM **Wednesday** 21 November, 2007 in Conference Room A of the Department of Transportation headquarters Building in Newington, CT. He also stated that the November meetings would be the Annual meeting. It was pointed out that the 21st of November is the day before Thanksgiving which might not be the best date for the Annual meeting. After some discussion, it was decided that the 21 November meeting would be held as scheduled but that the Annual meeting would be part of the CTMC meeting scheduled for 19 December which is presently slated to be held at the Bridgeport Port Authority (BPA) building. Due to the limited size of the BPA conference, the location of the December meeting might be shifted to the CONNDOT HQ building in Newington.
- Errata – Joe Maco opined that the CTMC needed to reply to the aforementioned letter sent by NY Senator Schumer to CT DEP Commissioner Gina McCarthy concerning the Norwalk request to delay the capping requirement for the Phase 2 dredging project. It was pointed out that the letter was not to the CTMC thus did not need a reply. During discussion, it was recommended that the CTMC send a letter to Senator Schumer referencing his letter as a means of soliciting his support to obtain proper funding for the completion of the LIS DMMP as well as for CT dredging project using alternative disposal methods. A motion was so made

by Joe Maco, seconded by Tom Dubno and approved unanimously.

Due to the hour, the Chair asked that further discussion and any action on the NHMC request for CTMC support to a delay on capping previously discussed be carried over to the November meeting. There were no objections from the CTMC members or the public in attendance.

Vin Cashin recommended that the CTMC invite the Cruise Ship Task Force to attend a future CTMC meeting and make a presentation on the 2007 and future cruise season related to stops in New London. Grant Westerson provided comments on the economic boon of the cruise ships to the region this last year and the need for the CTMC to support the CSTF. Steps will e taken to invite the CSTF to an upcoming meeting.

VII. Adjournment:

- A motion was made by Tom Dubno seconded by Joe Riccio and approved unanimously to adjourn. The meeting ended at 11:17 AM.