

**Connecticut Pilot Commission  
Summary Report January 23, 2012 Public Meeting  
Coast Guard Sector Long Island Sound  
New Haven, CT**

1.) The public meeting was called to Order at 8:35 a.m. by the Chairman, Peter Boynton. Pilot Commission members Chuck Beck, Bill Gash, Phil Gaughran, Ralph Gogliettino, and Dave Pohorylo were also present. Also attending were James Amarante, Rich Astles, Paul Costabile, Tom Dubno, Scott Esposito, Charlie Jonas, David Keene, Joe Maco, James Mahlmann, Bill Mulligan, Mike Peszke, Brad Pimer, Dave Rossiter, Ted Sanford and Alex Woodworth. All present were asked to introduce themselves.

2.) A motion was made to approve the summary report of the November 14, 2011 meeting by Bill Gash and seconded by Phil Gaughran. There was no discussion. The motion passed by with 5 affirmative votes and 1 abstention by Dave Pohorylo.

3.) Continuing Business:

A. Goals and Objectives – The Chairman tabled discussion until the next meeting.

B. Apprentice Pilot Update - Chuck Beck provided a general update on the apprentice selection process. He stated that interviews of the four (04) applicants eligible had been completed and the candidates ranked. It was decided that the details related to the evaluation process would be deferred to Executive Session.

C. Pilotage Rates and Fees –

(1) Pilotage Rates: Chuck Beck summarized the unresolved issue related to the pilotage rate increase by reading them from the aforementioned approved November 2011 summary report. The Chairman read the draft CPC letter to CTDOT prepared at his request supporting the pilotage rate increase as presented in Attorney Reynolds' letter dated 11/12/2011. The draft letter reaffirmed a requested for a 12% pilotage increase, 4% for three consecutive years as well as increases to other incidental charges as listed on a tariff sheet provided with the letter. The Chairman acknowledged that there were 2 discussions about the proposed pilotage rate increase during the November CPC and asked Chuck Beck to summarize the outstanding issues. Bill Gash inquired about the process relative to handling a rate increase. Beck stated that there was only a sample of 1 to use as a reference since there had only been 1 rate increase since 1983. He gave a brief synopsis of what transpired in 2006-2008, the last time the pilotage rates were increased. In response to a question, Phil Gaughran stated that the letter requesting a rate increase had been forwarded to the NY Board as requested by the CPC at the November 14, 2011 meeting. Charlie Jonas stated that the letter had been provided to the NY Board the day after the November 14 CPC meeting (11/15/2011) by e-mail but the CPC had not been Ccd. The Chairman reviewed the unresolved issues (fencing for training, CPI claim vs. actual, request to NY Board) and then asked if anybody objected to him signing and forwarding the endorsement letter. Bill Gash recommended that the CPC needed a documented protocol for rate increase requests. Ralph Gogliettino agreed but suggested the protocol not be too rigid. The Chairman suggested that the reporting on or development of a pilotage rate increase protocol would be an agenda item for the February meeting. He then asked again if there was consensus on signing and sending the draft letter of endorsement. Chuck Beck asked about how the unresolved issues should be handled. He referenced a draft letter to Attorney Reynolds asking for additional information. The Chairman read the draft CPC rely to Reynolds. He then asked if there was a motion to send the reply to Reynolds. None was made. He then asked if there was a motion to send the endorsement letter to the CTDOT. Bill Gash so moved. Ralph Gogliettino provided a second. The motion was passed by a unanimous vote. Charlie Jonas asked for a copy of the signed letter to be provided to him and Paul Costabile, the Executive Director of the JRA. He was advised that the signed letter would be distributed to all of the CPC Commissioners and interested parties. Costabile inquired about the process going forward. Beck summarized: memo from him to CTDOT Commissioner with recommendation; coordination with NY Board; letter from CTDOT to OPM with required budget forms and draft change to the regulations seeking approval;

once approved by OPM public notice of intent to change the CT Regulations; once public comment period ends request forwarded to Legislative Regs Review Committee in the form of a draft change to the current regulations; legislative hearing/vote then implementation.

(2) Fuel Surcharge: Chuck Beck acknowledged that he had the task to develop a regulatory change that would allow for an automatic increase of the temporary pilot boat fuel surcharge but had not had the time to work on it. There was no further discussion held

D. Pilot Exchange Card – Due to the absence of John Love the topic was tabled.

E. P.O.R.T.S. – Chuck Beck advised all that a copy of a draft letter concerning the renewal of the agreement between CTDOT and NOAA related to the Physical Oceanographic Real-Time System (PORTS) station in New Haven was in the meeting package. He advised that he needed to contact the NOAA representatives again since there had been no contact since just before the holidays. Beck also advised that as much as he would like to renew the agreement, the Maritime unit's budget did not support such action so funds would have to be identified before a commitment could be made. Comments were made by various pilots (Jonas, Maco) about the safety and economic advantages of having the PORTS system in New Haven. After some additional discussion a motion was made by Bill Gash, seconded by Dave Pohorylo and approved unanimously for the Chairman to send a letter of support for CTDOT to renew the MOA based on safety and economic reasons once the formal letter of request was received from NOAA. Chuck Beck was asked to draft and provide the letter to the CPC Commissioners for review and to include CTDECD and CTDEEP as a Cc on the letter.

#### 4) New Business -

##### A. Joint Rotation Administration (JRA):

(1.) Phil Gaughran advised that there had been a meeting of the Rotation System Executive Board (RSEB) in November immediately following the November 14, 2011 CPC meeting. He stated that another meeting was being held immediately after today's CPC meeting. The Chairman asked if a summary of the meeting could be provided. Paul Costabile read from a meeting summary:

- C. Jonas had previously met with Dan Gianfalla of Conoco and discussed draft limitations for vessels calling at the platform. The RSEB discussed the issue but could not come to an agreement. It was however agreed that C. Jonas and J. Maco would have a conference call with Dan Gianfalla to discuss the issue.
- It was reported that there had been cancellations at the platform and that these were a significant expense for the platform and could have a negative effect on business for the platform. The JRA investigated records going back to January 2010. The billing data only showed three cancellations, one of which was cancelled by the terminal. The other two were due to adverse weather. A discussion was had over the problems with the weather deteriorating over the two hours it takes to get out to the platform and the difficulty of making the decision prior to arriving at the platform. It was agreed that pilots must talk to the agent prior to the job getting underway and let them know if there is a significant chance of a cancellation.
- The RSEB had a discussion on the process of moving the rate increase forward. It remains to be seen how the DOT will treat the rate increase proposal. The NY side pilots did not see the letter from the CT pilots prior to it being submitted to the CPC. The NY side pilots recommended that both the CT and NY pilots work together to accomplish mutual goals. They asked that both sides have an opportunity to comment on all information before it is submitted by either side to either NY or CT in support of the increase. The NY side reported that there will be costs associated with moving the rate increase through the NY legislature. It was agreed that the cost estimates and process must be identified and then discussed by the RSEB.

- Ship calls at Port Jefferson was discussed. The cargo is biodiesel. The ship was small, about 350'. Draft was 18'. Due to the infrequency of jobs at Port Jefferson was discussed. Pilots must ride the area once every six months to keep recency. It could be done on the ferry. It was agreed that anyone from either the NY or CT side may ride for recency on a Port Jeff job regardless of the pilot assigned the job as long as the specific pilot agrees.

There was some discussion initiated by Bill Gash about the ability of the JRA to determine which of the pilots were involved in the cancellations. There was some additional discussion about the Conoco's control of which pilots were deemed "qualified" to bring ships into/out of the platform. The Chairman asked that the JRA/RSEB update be included as a separate agenda item going forward (similar to the agenda items for the CTDOT and Coast Guard updates.

#### B. Legislative Update –

(1.) Chuck Beck reported that the minor changes to Section 15-13 of the Connecticut General Statutes regarding the CTDOT's ability to inactivate, suspend or revoke a pilot's license had been approved by the Governor's office/OPM. The change was deemed necessary to close a gap concerning a pilot's physical ability to perform his duties. Phil Gaughran asked if the state would provide a doctor to the pilot to make a determination of Fit For Duty (FFD). Once the question was restated, the Chairman stated that as he understood it there was no additional physical required. Beck concurred. There was a discussion relative to the State pilot license being dependent upon the Federal License and if a pilot was found physically not fit for duty then the CG would suspend the Federal license thus the state would not need to suspend or inactivate the state license. Although the scenario is true, Beck pointed out that all the change to the statute did was provide the authority to the CTDOT Commissioner that was lacking in just such a scenario. A question was raised about the difference between inactivate and suspend. Dave Rossiter later in the meeting offered that to suspend a license required due process. To inactivate was more an administrative action such as when a pilot does not meet the recency requirement, the license is inactivated until recency is re-established. The Chairman summarized stating that it appeared that the changes did not change what was already in place, merely clarified.

(2.) The discussion turned to the proposed change to the Section 15-15e of the Connecticut General Statutes that requires pilot boat operators to obtain a Certificate of Compliance from the CTDOT Commissioner. The proposed change would allow self-certification through proof of insurance based upon a recent survey conducted by a qualified marine surveyor. Charlie Jonas expressed his concern about more government being added to the process. James Amarante expressed concerns about the proposed change's effect on the harbor launches used by the pilots. The Chairman stated that the premise that the proposed change would add government was hard to follow since the self-certification was actually the current practice thus would involve less government. There was subsequent discussion concerning the routine time between surveys for insurance purposes. Some minor edits to the proposed legislative change were recommended.

C. Atlantic Waterways Study – The Chairman asked that the topic be deferred to allow the CG representative to cover the topic.

D. Term Limits – Chuck Beck pointed out the summary sheet in the meeting package that detailed the end of term dates for the current CPC Commissioners. The purpose was to advise current Commissioner that they might need to contact their respective appointing official about getting re-appointed if they desired to remain on the CPC. It was also recommended that if a current Commissioner did not desire to remain on the CPC it would be best to submit a letter of resignation to the appointing official with a Cc to the CPC. The Chairman asked Chuck Beck to draft such a letter for his signature concerning the recent resignation of the Vice Chairman, Rick Barry. He also asked that the fact that the state statute required the replacement to be a retired merchant marine captain be included in the text of the letter..

5) Connecticut Department of Transportation comments – Dave Rossiter provided his comments concerning the difference between “inactive” and “suspend” at this time. See 4.B.(1) above.

6) U S Coast Guard -

A LIS AMSC Update -

B LIS HSC Update – CDR Amy Beach advised the Coast Guard is studying whether to change the way it currently routes vessels off the Atlantic Coast from Maine to Florida. She reminded all that the drop dead date for submission of comments on the proposed Atlantic Waterway Port Access Route Study is January 31, 2012. Additional information can be found at <http://edocket.access.gpo.gov/2011/pdf/2011-11483.pdf> . Ted Sanford inquired about the concerns he previously submitted about the proposed changes to the traffic scheme south of Fishers Island. After a brief discussion it was agreed that he would re-submit his concerns to CG Sector LIS.

CDR Beach also advised that changes being made to the Port Jefferson Range light would be completed in the Spring of 2012. The front range light is being discontinued and the rear range light is being converted to a PEL directional light. In response to a question from Joe Maco, CDR Beach stated that she would provide the design specifications on the PEL light to Chuck Beck for further distribution.

Lastly, CDR Beach advised the Coast Guard is considering revising its regulations governing drug and alcohol testing of mariners and wants to receive comments from mariners, marine employers, and substance abuse professionals on several issues, including possibly requiring crewmembers that are selected for testing to report immediately to the testing site upon being notified. The affected rules are 46 CFR part 16 (drug testing) and 33 CFR part 95 (alcohol testing). To submit a comment or review related material, visit <http://www.regulations.gov> and search for docket number USCG-2010-1064. Paul Costabile expressed concerns about the negative impact the proposed change to the drug and alcohol regulations would have on marine pilots. He was encouraged to submit comments to the docket.

In response to a question from the Chairman, CDR Beach stated that there were no anticipated/scheduled changes to the senior leadership team at CG Sector LIS this assignment year.

7 ) Public Comments - Ted Sanford referenced the CT State Pilot's (CSP) letter dated November 17, 2011 in the meeting package that requested 3 apprentice pilots. He questioned the rotation mentioned in the letter and the manner in which the shares were being distributed.. Phil Gaughran stated that the manner in which the CSP covered their side of the rotation was an issue for the CT side of the RSEB not the CPC. Phil referenced paragraph 7 of the Working Rules for Block Island Pilots. Charlie Jonas stat the manner in which the CSP distributed the shares of pilotage earned was proprietary information. Ted Sanford questioned how and when the CT licensed pilots voted on the current manner in which the shares were being distributed. It appeared to him that the share that would otherwise go to Tom Walker was only partially going to the new Pilot with the rest going to Interport's 3 owners, 2 of which were not CT pilots. Charlie Jonas stated that Ted was getting his 1/6<sup>th</sup> share. He further stated that reducing the rotation to 5 pilots would have a negative effect on the time off schedule. The Chairman considered discussing the detail of the rotation and share distribution in Executive Session but did not get a consensus to do so from the rest of the Commissioners. The Chairman advised that members of the CSP should provide adequate internal communications on matters relating to the administration of the CSP.

In response to a question raised by Paul Costabile about the status of the change to the regulations address the temporary pilot boat fuel surcharge, Chuck Beck stated that nothing had been done.

David Keene of Shell Oil advised that the Motiva Terminal in New Haven was pursuing deepening its slip to 37 feet. He also stated that he had been in communication with Joe Salvatore, the CTDOT dredging coordinator.

8 ) Executive Session – A motion was made, seconded and passed by unanimous vote to enter into an Executive Session to discuss personnel matters; the apprentice selection results. The public meeting was suspended at 1009. The public meeting reconvened at 1035. The Chairman reported that no motions were made, no votes taken during the Executive Session.

The Chairman entertained a motion for the CPC to send a letter of recommendation to the CTDOT related to the selection of 3 apprentice pilots in response to the November 17, 2011 letter of request from the CT State Pilots signed by Phil Gaughran. A motion was made by Bill Gash and seconded by Phil Gaughran. Dave Pohorylo asked for clarification about the status of the apprentice pilots, specifically which side of the rotation and for whom they would be working at the end of the program. Once clarified that the apprentices pilots would be working to obtain a CT license to work on the CT side of the rotation under the auspices of the CT State Pilots, a vote was taken. The motion carried by a unanimous vote. The Chairman asked Chuck Beck to draft a letter for the Chairman's signature and distribute it to the CPC Commissioners electronically for review/final approval.

9 ) Adjourn - A motion was made by Dave Pohorylo to adjourn, seconded by Ralph Gogliettino and unanimously approved. The meeting adjourned at 1039.

**The Commission's next public meeting is scheduled for 8:30 a.m. on Monday February 27, 2012 at the U.S. Coast Guard Sector Long Island sound in new Haven, CT**