

**Connecticut Pilot Commission
Summary Report July 16, 2014 Public Meeting
New Haven Regional Fire Training Academy
230 Ella Grasso Blvd
New Haven, CT**

- 1.) Call to Order and Introductions - The public meeting was called to Order at 10:04 a.m. by Chairman Bill Gash. Pilot Commission members/designees Chuck Beck, Mike Eisele, Phil Gaughran, Ralph Gogliettino and Dave Pohorylo were also present. Also attending were Paul Costabile, Tom Dubno, Albert Hoffman, Charlie Jonas, Joe Maco, Mike Peszke, Dave Rossiter and Ted Sanford.
- 2.) Approval of May 20, 2014 Minutes - Before calling for a motion, Chairman Gash asked for a minor correction to Section 9 E Gross Earnings Tax. A motion was made to approve the summary report of the May 20, 2014 meeting as corrected by Ralph Gogliettino and seconded by Mike Eisele. The motion passed by unanimous vote.
- 3.) Public Comments -- None offered
- 4.) U.S. Coast Guard Comments -- No CG members present, no comments offered.
- 5.) Rotation System Administrative Report -- Paul Costabile stated that the JRA had not had an official meeting so there was nothing to report.
- 6.) Rotation System Executive Board Report -- Phil Gaughran stated that he had nothing to report.
- 7.) Connecticut Department of Transportation -- Chuck Beck informed all of the repairs being done to the easterly side of the CVRR Pier at the State Pier Facility. The repairs are necessary due to the collapse of a section of the granite retaining wall. In response to a question about a bottom survey of the area, Chuck Beck stated that the bottom between the piers was visually inspected by divers, debris located and removed as part of the project. A post repair survey will be done.
- 8.) Executive Session -- None requested.
- 9.) Continuing Business:
 - A. Investigative Process for Incidents/Accidents -- In the absence of Commissioner Alan Blume the topic was deferred to the September meeting.
 - B. P.O.R.T.S. -- Check Beck reported that the PORTS bond request has still not made it to an OPM Bond Commission agenda. It is hoped that it will be on the July Bond Commission agenda that should be published by OPM next week.
 - C. Pilot Licensing Requirements -- After an initial lull once the topic was introduced, Charlie Jonas stated that he had one (01) person being trained as a pilot. Chuck Beck clarified stating that at present there were no apprentices in the apprentice pilot selection and training process at this time. Dave Pohorylo commented that he was uncomfortable with allowing NY state licensed pilots to work in CT harbors. The Chairman stated that the NY Board does not require a minimum number of trips similar to those required by State Statute for a CT license. Chuck Beck advised that that was not quite correct referring to the trip requirements required to obtain a Federal First Class Pilots license which is the baseline requirement for both licenses. Joe Maco suggested that the CPC take the matter up with the NY Board to better understand the similarities and differences in the licensing requirements. Dave Pohorylo questioned whether or not the NY pilots were following CT law and suggested the CPC ask the CT Attorney General for an opinion. The Chairman

produced a copy of the licensing requirement analysis prepared by Alan Blume some time ago. Based on the comparison, he stated that it appears that the CT pilots are overwhelmed by the number of trips required to obtain a CT license. He agreed with the matter being a legal question versus a regulatory issue. Mike Eisele stated that the question to ask the CTAG was important and volunteered to draft a letter for the consideration and approval of the CPC Commissioners at the next meeting. Follow-on discussion about the content of the letter among the CPC Commissions included the importance of differentiating between certification and qualification, the need for flexibility and a need to balance safety and opportunity. Phil Gaughran raised the example of Sean Bogus dropping out of the CT Apprentice Pilot program to seek and obtain a NY license stating that he did so because he couldn't get the training rides required by CT in a timely enough manner. An unstructured discussion among the interested parties present took place concerning the fairness of the CT requirement, the hostility expressed by the CT State Pilots to trainees not part of their organization, the experience of NY licensed pilots required just to be considered, the MOA between the CTDOT and NY Board and Sean Bogus' decision being made for business vs regulatory requirement purposes. Charlie Jonas claimed that the CTAG never reviewed/approved the MOA. The Chairman returned the draft letter conversation to the CPC Commissioners. Mike Eisele stated he would draft the letter and circulate it electronically to the CPC Commissioners for feedback/input. Dave Pohorylo stated that CPC Commissioner Wynne Bohannon had expressed an interest in the topic.

The Chairman raised the draft letter he had prepared and electronically circulated to the CPC Commissioners. The letter was from the CPC to the CTDOT Commissioner recommending that the CTDOT provide a license to Mike Peszke for Western Long Island Sound based on the trips he had made and his overall experience as a pilot. He stated that he had only received one email as feedback from Wynne Bohannon that supported the request. Chuck Beck reminded the Chairman that he too had submitted an email with comments about the draft letter that had been copied to all of the CPC Commissioners. The Chairman circulated both emails among the CPC Commissioners and the attending interested parties. A copy of CGS 15-13 was also distributed to the CPC Commissioners. Beck's email pointed out that the State Statute (CGS 15-13) was clear in the required number of trips, the size of vessels and the timeframe in which the trips had to be made for a pilot to be eligible for a CT license. There seemed to be confusion over terminology. An extension of route is not specifically defined in the CGS or the state regulations. Thus, every request for a CT license for any part of the Long Island Sound (LIS) and CT harbors has been treated as a new application, at least since 2005. Phil Gaughran stated that he had been given two extensions of route; one in 1985 and the other in 1987. A discussion ensued concerning the date of Phil's extensions, the exact terminology (extension vs application/approval for new branch) and pre-emption of past practices by newer statutes, regulations and the MOA between CTDOT and the NY Board. The Chairman asked if the draft letter should be amended to ask the CTDOT Commissioner to consider changing the state statute in addition to granting the licensing relief sought by Mike Peszke for the WLIS area. Mike Eisele expressed concern and doubt about the DOT authority to not comply with state law. A question was raised that if an exception to the CGS requirements was provided to Peszke shouldn't the same exception be provided to other pilots with similar or more experience. A question was raised about the language of CGS 15-13(g), the authority for the DOT Commissioner to issue a limited license and whether or not it would provide legal sufficiency to accommodate the request to provide a license to Mike Peszke for WLIS. After some discussion on what a reasonable limit might be, Mike Eisele made a motion that the CPC letter to DOT should request a license to experienced CT licensed pilots, with the First Class Federal endorsement for WLIS limited to vessels with a draft of 25 feet or less. Phil Gaughran seconded the motion. The Chairman took comments from the interested parties in attendance. Comments ranged from how the issues started, to advice that details of licensing requirements

should be removed from the CGS and located in the state agency regulation, to adding recency trips to the request. Charlie Jonas stated that he, Phil Gaughran, Mike Peszke and Attorney Kevin Reynolds had met with DOT Commissioner Redeker on May 20, 2014 to discuss the WLIS licensing issue. He stated that the past practices of the DOT to provide extension of routes had been raised as well as the impossibility to obtain the required trips due to reduced vessel traffic. Jonas said WLIS is a safe area, Mike Peszke has more trips than anybody in WLIS and he couldn't understand what was going with the DOT denial of the license. Dave Pohorylo stated that he was troubled with allowing pilots to come into CT harbors without meeting the licensing requirements. He felt that the requirements in the law shouldn't be waived. Mike Eisele countered that the request from the CPC is not to waive the requirement but for the CTDOT to use the authority to grant a limited license. The Chairman stated that he was uncomfortable with not having a unanimous vote on the motion on the table thus, would not call for a vote. After some discussion Mike Eisele agreed to withdraw his motion and Phil Gaughran his second. The Chairman asked Phil Gaughran to work with the CT pilots and submit a proposed change to the CGS. He asked Chuck Beck to put the draft change to the CGS as well as the draft letter to the CTAG concerning the legality of the MOA to allow NY licensed pilots to operate in CT ports on the CPC September meeting agenda. There was some additional discussion about CT pilots working in Port Jefferson without a CT or NY endorsement, the MOA not superseding law or regulations, the distinction between piloting in a harbor and WLIS and the need to define extension of route in CT statutes and regulations.

- D. Pilot Training and Safety Equipment Fee – The Chairman asked why the topic was on the agenda. He was reminded that Dave Pohorylo had questions about the authority behind collecting such a fee as part of the pilotage charges. Remembering that the training and safety equipment fee was part of the most recent change to the pilotage fees, Dave recommended and the Chairman directed the topic be dropped from future agenda.
- E. Gross Earnings Tax – It was stated that the gross earnings tax on the pilotage fees is not a CTDOT or CPC issue. It was up to the private sector to seek relief. The Chairman directed that the topic be dropped from future agenda.

10.) New Business

A. CT Port Authority Legislation – Update After being reminded that the June CPC meeting had been canceled, the Chairman advised that he had consulted with the CPC Commissioners by telephone after the May 20, 2014 CPC meeting about putting Dave Pohorylo's name forward to State Representative Cafero to be appointed as the CPC representative on the Port Authority Working Group (PAWG). By a letter dated May 22, 2014, the Chairman so advanced Dave's name with a bio. By a letter dated July 7, 2014 State Representative Cafero appointed Dave to the PAWG effective immediately.

B. Quarantine Issues – The Chairman stated that he was under the impression that the quarantine issue had been resolved. Ted Sanford stated not really and a discussion ensued between Ted, Al Hoffman of the USCG and others. The end result of the discussion was that the issue of a pilot getting trapped on an arriving vessel being put into quarantine for infectious disease related matters was something to be resolved by the USCG, ICE, CTDPH and CDC. The Chairman directed that the issue be dropped from future agenda.

11. Adjourn - A motion was made by Chuck Beck to adjourn. The motion was seconded by Dave Pohorylo and unanimously approved. The meeting adjourned at 11:28 AM.

All were reminded that **THERE IS NO CPC MEETING IN AUGUST.**

The Commission's next public meeting is scheduled for **10:00 a.m. on Tuesday September 16, 2014 at the New Haven Regional Fire Training Academy located at 230 Ella Grasso Blvd. in New Haven, CT.**