

Connecticut Pilot Commission

**Minutes of February 10, 2005 Public Meeting
U.S. Coast Guard Group Long Island Sound
120 Woodward Avenue, New Haven CT**

MINUTES

The Public Meeting was called to Order at 8:15 a.m. Pilot Commission members Michael J. Eisele, Vernon C. Miller, David Pohorylo, William Gash, David Shuda, and Joseph Russo were present. Also in attendance were LCDR Alan Blume, USCG; Richard J. Jaworski and David Rossiter (CT DOT); Captain Charles Jonas (Interport Pilots Agency, Inc.); Captain William Mulligan and Captain Vincent Cashin (Connecticut State Marine Pilots Association); Captain Joe Maco and Captain Ken Warner (Block Island Pilots); Captain Phil Gaughran (Connecticut Harbor Pilots); Captain Thomas Walker (Long Island Sound Pilots), Captain Mike Peszko, Captain Rich Astles, Don Sheetz (former Chairman of the Commission), and K. Wynne Bohannon, Esq.

The Commission reviewed draft minutes of the January 13, 2005 public meeting. Upon the motion of Mr. Pohorylo, seconded by Mr. Miller, the minutes were unanimously approved.

Mr. Eisele distributed copies of the Commission's January 26, 2005 recommendation to the DOT regarding continuance of the moratorium on issuance of new licenses through 2005. Mr. Eisele also distributed copies of a February 7, 2005 letter to former Commissioner Anthony Daros, thanking him for his service on the Commission.

The Commission reviewed the December 2004 and January 2005 minutes of the Board of Commissioners of Pilots of the State of New York. It was noted that the New York Board will conduct public hearings with respect to New York's mandatory retirement age of 65 and the state licensure of docking pilots. Captain Warner reported that the New York Board is considering raising its mandatory retirement age from 65 to 70 to match New Jersey. It was noted that Connecticut currently has no mandatory retirement age. The Commission briefly discussed the concept of a mandatory retirement age and the necessity for more frequent physical exams for older pilots. No action was taken.

Mr. Eisele reported that there has been no change in the status of New England Shipping Company, Inc. v. Block Island Pilots, et al. litigation since the January public meeting. The Commission had previously voted to recommend that the DOT ask the state Attorney General to intervene or participate as amicus in the case. Mr. Eisele circulated a revised draft recommendation for review by the Commission.

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The Commission discussed the possible implications of a decision in this case and the ability of the private litigants to adequately present the issues. Mr. Eisele expressed a view that the case was mooted by implementation of the MOA and that the parties should jointly seek a dismissal without prejudice. Following a lengthy discussion, Mr. Miller moved that the Commission provide the DOT with its recommendation as drafted. Mr. Gash seconded the motion, which passed unanimously. Mr. Eisele agreed to forward the recommendation to the Commissioner of Transportation. Mr. Pohorylo recused himself from participation in both the discussion and vote on this matter.

The Commission discussed at length Captain Gaughran's objections to the inclusion of enrolled vessels in the rotation. Captain Gaughran advised the Commission that it is his view that neither the MOA nor the Governing Documents authorize the Joint Administrator to assign turns aboard enrolled vessels. Captain Warner and Captain Maco reported that Captain Gaughran's refusal to pilot enrolled vessels or to permit his turn to be advanced by the pilotage of enrolled vessels by other pilots has disrupted operation of the rotation. Captain Gaughran is scheduled to meet with the Executive Board to discuss these issues. Mr. Eisele offered to work with the parties to identify a mediator who might assist in reaching a resolution. The Commission declined to take any action.

In response to concerns raised by Captain Jonas, Mr. Eisele stated that no pilot is compelled to bring enrolled work to the rotation. Captain Jonas noted that Interport continues to perform enrolled work outside the rotation, as permitted by the Governing Documents.

The Commission briefly discussed the issue of recency and differences in requirements imposed by New York and Connecticut.

The Commission discussed its intention to provide the DOT with recommendations in anticipation of the DOT's first annual review of the Joint Administrator's performance, as required by the Governing Documents. Mr. Gash is leading a subcommittee consisting of Mr. Shuda and Mr. Miller. The subcommittee will solicit input from interested parties and prepare a recommendation for the full Commission's consideration. The subcommittee made plans to visit the Joint Administrator's offices in Newport to begin its review. Captain Warner provided the Commission with a written report of the Joint Administrator's dispatch and disbursement procedures.

Captain Walker provided comments critical of the operation of the rotation and the Executive Board, suggesting that the powers of the Executive Board should be exercised by the Pilot Commission.

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The Commission discussed pilot selection criteria. Mr. Gash suggested that the subcommittee convened to deal with the review of the Joint Administrator's performance also review pilot selection and training issues with a view toward making a recommendation to DOT.

Captain Cashin commented on difficulties in accessing Logistec facilities for purposes of boarding pilot vessels. Mr. Pohorylo advised the Commission that he had discussed these issues with Logistec, which has its own security concerns. It was noted that Logistec has no obligation to provide access to pilots who are boarding vessels which are not bound for its terminals. Captain Warner suggested that the Executive Board would contact Logistec directly to discuss access issues. The Commission declined to take any action.

Dave Rossiter provided information regarding legislation introduced by State Senator Gunther to expand the powers and duties of the Pilot Commission. The Commission briefly discussed the possibility of legislation, including the absorption of the Pilot Commission into the Connecticut Maritime Commission. Mr. Rossiter also responded to questions regarding the DOT's requirements for reporting of marine casualties and the provision of that information to the Pilot Commission. There was discussion regarding the clarification of DOT's reporting requirements and the possibility of conforming those requirements to either New York's requirements or the federal requirements. No action was taken.

LCDR Blume provided information regarding progress of the Port Access Route Study for Block Island Sound and Long Island Sound, which may now consider issues raised by the Broadwater LNG proposal. Commander Blume also informed the Commission that the Coast Guard will conduct exercises in New London harbor in April, 2005 and that pilots will be advised of any disruptions to marine traffic. Finally, Commander Blume reported that the Coast Guard continues to make progress regulatory action to designate anchorage/lightering areas in Long Island Sound.

On the motion of Mr. Miller, the public meeting was closed at 10:30 a.m. The Commission did not meet in Executive Session. The Commission will meet on March 10, 2005 at 8:00 a.m. at the Bridgeport Port Authority, 330 Water Street, Bridgeport, CT. That meeting will be chaired by Mr. Miller.

Michael J. Eisele
Chairman, Connecticut Pilot Commission