



**STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION
CONNECTICUT PILOT COMMISSION**



**Connecticut Pilot Commission
Minutes of November 13, 2008 Public Meeting
Coast Guard Sector Long Island Sound
New Haven, CT**

1.) The public meeting was called to Order at 8:00 a.m. by the Chairman. Pilot Commission members Captain Rick Barry, Chuck Beck, Alan Blume, Peter Boynton, Vincent Cashin, Bill Gash, John Love and Dave Pohorylo were present forming a quorum of eight. Also attending were Alan Stevens and Dave Rossiter of CONNDOT; Captain Ronan, CDR Burke, CDR Kevin Oditt and CWO Basilici of the USCG; Joseph Maco, Charlie Jonas, Richard Jermak and William Mulligan.

The minutes of the New York Board of Commissioners of Pilots for the month of October were electronically distributed prior to the meeting. Prior to the start of the meeting all were asked to state their name due to a number of unfamiliar faces. Peter Boynton was welcomed as a newly appointed member and Chairman of the Commission replacing Mike Eisele.

2.) Having an initial quorum of 7 members present (the 8th arrived shortly after), on the motion of Vincent Cashin and second by John Love, the minutes of the October 9, 2008 public meeting were approved unanimously.

3.) Continuing Business:

A. Fuel Surcharge Index - John Love led a discussion on the Fuel Surcharge Index. He noted that the US Department of Justice was showing an interest of late on how surcharges were applied. All agreed that there is a need for a fuel index so the discussion turned to how an index could/should be established. The discussion centered on the need to establish a base charge for fuel and then index price changes based on a set reference. The rack charge at the New Haven was provided as an example of an index. The need to establish the pilot boat fee with a fuel charge as part of the pilotage rates was discussed. One example provided would be to make the pilot boat rate a percentage to the pilotage fees. Increased pilot boat costs could then be an adjustment out of the pilotage fees. Rate could be structured in a manner similar to the way other state's/harbor's commissions handle fees and surcharges. It was pointed out that schemes used in other ports works because there is one homogenous pilot organization that schedules the work, collects the fees, runs the pilot boats, trains the pilots, provides safety equipment and monitors the performance and conduct of its members. Establish a two rate system was discussed: a fixed pilot boat cost plus variable fuel charge. Tracking the hours of operation needed to get to/from the pilot boarding stations was discussed as was the variable cost due to different types of boats presently used. The discussion ended with the Chair asked John Love to take the lead and Vin Cashin to assist on determining the historical costs of operating pilot boats as a means of establishing a base fee.

B. Training and Certification Funding - Dave Pohorylo provided a summary of the previous discussions relative to establishing a pilot training and certification fund to update the Commission and bring the new Chairman up to speed. Under consideration is how the CPC might divert the 6% of pilotage fees from the State of Connecticut's general fund via legislative action during the 2009 session. There was a discussion about the potential use of grant funding from the CT Maritime Coalition via the Department of Economic and Community Development (DECD) for pilot training. However, the current state of the economy and state budget could be a major stumbling block on both issues. Bill Gash stated that the Transportation Committee of the

CT General Assembly had indicated support for establishing a training fund during a meeting with its co-chairs several months ago. Another path to establish a training fund would be through a pilotage rate increase, the amount of the increase to be set aside for training. A comment was made that righting a wrong should not be on the backs of the customer. That idea led to a discussion on a need for a comprehensive revision of the pilotage regulations to address several issues. A point was made that the first step needed to go forward was to identify the exact use of the training funds if established. Alan Blume and Vin Cashin were asked to draft a statement of needs document.

C. Heavy Weather Pilot Station - The discussion turned to the establishment of a heavy weather pilot transfer station. Chuck Beck reported that there has yet to be any definitive action to the request submitted by the CPC to the CONNDOT Commissioner via letter dated May 30, 2007. The CONNDOT replied to the request on June 26, 2007 indicating that the establishment of a heavy weather boarding station would have to be considered in consultation with the NY Board of Commissioners of Pilots in keeping with the MOA. All were reminded that the Rhode Island Pilot Commission submitted a letter on May 7, 2008 to the CONNDOT in opposition to the establishment of a heavy weather pilot station in Block Island Sound. The NY Board of Commissioners of Pilots submitted a similar letter dated June 16, 2008 stating that they could find no justification for establishing a heavy weather boarding station in Block Island Sound. The original request letter from the CPC as well as letters of opposition from NY and RI have been brought to the attention of the new CONNDOT leadership. A question was posed as to whether or not the CPC should send another letter of request to the DOT on the matter. The Chairman asked for more time to get up to speed on the issue. He further stated that he meets with the DOT Commissioner and the Aviation and Ports Bureau Chief on a regular basis and would make an inquiry. Charlie Jonas stated that the boarding stations were merely rendezvous points and that the pilot was going to whatever was necessary to be safe. Joe Maco stated that the issue boils down to tension between what is environmentally safe and what is safe for the pilots.

D. Boarding Violations - Hearings for the three pilots that did not accept a compromise offer of resolution for violation of the boarding regulations have yet to be scheduled.

E. Apprentice Selection and Training - Rick Barry started the discussion providing the Chairman with a summary of past work on the Apprentice Selection and Training document. A remaining piece is to create an evaluation form to be used to rate selected apprentices while under the tutelage of the senior full branch pilots. Rules of the Road tests will also need to be generated but there are several "data banks" that can be used. Vin Cashin stated that he had reached out to the Sandy Hook Pilots training officer asking for a copy of their evaluation forms but thus far his request has been ignored. Rick Barry stated that there are many other pilot organizations nationwide that he would contact some to obtain evaluation forms. Some expressed a desire to move forward with the apprentice program. Others cautioned that all of the pieces needed to be in place before a recommendation should be forwarded to the DOT. The Chairman noted that the nucleus of the program seemed to be in place but that there were elements orbiting around the issue that needed to be addressed (evaluation forms, regulatory change, funding, tests, etc). He asked if a strategy document had been drafted that would clearly explain the need for the apprentice program. The answer was no but a discussion ensued as to whether or not the forwarding letter could serve such a purpose. Alan Blume agreed to draft a strategy document. Rick Barry and Vin Cashin agreed to work on the evaluation forms. Vin Cashin agreed to resurrect a list of training and safety equipment issues. The discussion turned to the language of paragraph 6 (m) of the Apprentice Selection and Training document, specifically to the designation of Interport d.b.a. CT State Pilots as the organization for whom the new pilots would work. A requirement for new pilots to be under one organization would be big

step in brining order and resolution to a host of problems. At the previous CPC meeting it was stated that "most all of the pilots" are already working under one organization called the Interport Pilots Agency d.b.a. CT State Pilots. Charlie Jonas had provided the registration documents via e-mail. The three member of the CT side of the Executive Board of the Block Island Sound Pilots (the Joint Rotation Administrator) were all present at the October meeting and agreed to provide a letter or resolution concerning all pilots working under Interport Pilots Agency d.b.a. CT State Pilots. To date, nothing has been received. Chuck Beck stated that he has proactively forwarded the draft apprentice document to the DOT legal unit and asked for a review specifically noting if it was proper/legal to designate a specific organization. Chuck Beck stated that he also had raised the issue of whether or not the DOT Commissioner could implement the apprentice program via policy vs. regulation. The DOT legal unit determined that the regulatory process would be the path. Doing so would guarantee that the public notice requirement was met. Additionally, assuming that the apprentice program was adopted, there would have to be a public notice with regards to a CT license opening making it all the more important to have the apprentice selection criteria codified by regulation.

4.) New Business

A. Temporary Fuel Surcharge - The need to start thinking about the Temporary Fuel Charge renewal was discussed. Chuck Beck mentioned that now would be the time to review the Temporary Fuel Surcharge of \$250 which is due to expire on January 31, 2009. The discussion centered on whether the current surcharge should be extended and or adjusted based on existing fuel prices while the Fuel Surcharge Index was still pending. There was a review on to whom the money was paid (the pilot boat operator) and how (out of the pilotage fees collected by the Joint Rotation Administrator). A motion was made by Chuck Beck to extend the fuel surcharge but that the amount needed to be reviewed based on current fuel prices. John Love seconded the motion. The discussion centered on the appropriate amount of the surcharge. Chuck Beck stated that he would research the cost of fuel when the fuel surcharge was first implemented in February 2006 by the CPC/DOT so that it could be compared to the cost of fuel now. He will e-mail the Commissioners with the information so that a value can be determined/agreed upon. Once the value is determined the CPC Chairman will forward a request to extend the surcharge at the appropriate/determined value. Vin Cashin closed the discussion asking for Consolidation of the Pilot Boats to be on the December agenda.

B. Right Whales - There was a brief discussion on the impact of the new regulation concerning vessel speeds in areas known to have Right Whales. Information had been distributed electronically prior to the meeting. The new regulation could negatively impact the cruise ship arrivals in New London.

C. Appointments and Membership - A copy Peter Boynton's letter of appointment as well as the CPC Commissioner's contact information had been provided electronically prior to the meeting. Chuck Beck requested that the Commissioners review the contact information for accuracy and let him know if any changes needed to be made. John Love had an address change.

D. Errata - Vin Cashin expressed a desire to add an item to today's agenda as well as to next week's agenda. The Chairman advised that there was a procedure that needed to be followed to add items to an established agenda. Chuck Beck read an excerpt from the state Statute that called for a motion, second and 2/3rds affirmative vote in order to add an item to a previously posted agenda. Vin Cashin moved to add a Pilotage Rate Increase to the December CPC meeting agenda. The motion was seconded by Rick Barry and carried 6 for and 2 against.

Vince Cashin moved to add a discussion on the Moratorium on the Issuance of Licenses to today's agenda. The motion was seconded Chuck Beck and carried unanimously. Vince Cashin started the discussion by referencing a copy of the NY Board of Commissioners meeting minutes that indicated that some new licenses had been issued and other were being contemplated. He questioned as to whether or not the NY Board was working within the MOA with CT. Peter Boynton stated that he had reviewed the issue and determined that there was no agreement between the MOA parties to place a moratorium on the granting of marine pilotage licenses. The State of CT placed a moratorium on marine pilot licenses at the recommendation of the CPC that dates back to 1999 and affirmed in 2006. There was further discussion on the net affect of the NY Board granting new licenses. The end result was determined not to affect the amount of work reserved for the CT licensed pilots on the CT side of the rotation.

5. CONNDOT Comments - Dave Rossiter stated about half (7 of 15) CT licensed marine pilots had returned their respective renewal packages. Alan Stevens stated that as a member of the States Geospatial working group he would be reaching out to the pilots relative to their use of AIS.

6. USCG Comments - CDR Oditt provided a summary of the LIS Area Maritime Security Commission issues. He provided an update on the Transportation Worker Identification Credential card program: the resolution to problems at the TWIC Center; the TWIC affect on truck drivers; an update on TWIC card readers. CDR Oditt also provided a summary of the LIS Harbor Safety Committee: the Heavy Weather Plan for CG SECTOR LIS; the Block Island Sound Port Access Route Study (PARS); the anchorage and lighting zones establishment. A request was made to CDR Oditt to provide minutes of the LIS-AMSC and the LIS-HSC meetings to Chuck Beck so that he could distribute them to the CPC as well as the CT Maritime Commission.

7. Executive Session - The Commission did not meet in Executive Session.

8. A motion to adjourn was made by Vin Cashin, seconded by Alan Blume and passed by unanimous vote. The meeting adjourned at 1017.

The Commission's next public meeting is scheduled for 8:00 a.m. on Thursday, December 11, 2008 at the CONNDOT HQ office in Newington, CT.

Peter Boynton
Chairman, Connecticut Pilot Commission