

**Connecticut Pilot Commission
Summary Report November 17, 2009 Public Meeting
Coast Guard Sector Long Island Sound
New Haven, CT**

1.) The public meeting was called to order at 8:32 a.m. by the Chairman. Pilot Commission members Chuck Beck, Alan Blume, Peter Boynton, Bill Gash and John Love were present forming a quorum of five. Also attending were Dave Rossiter of CTDOT, CDR Kevin Oditt of the USCG, Paul Costabile, Tom Dubno, Daniel Coleman, Charlie Jonas, Keith Kelsey, Joe Maco, Mike Peszke and Alex Woodworth.

2.) A motion to approve the summary report of the October 20, 2009 meeting was made by Bill Gash and second by Alan Blume. The motion carried unanimously.

3.) Continuing Business:

A. Fuel Surcharge Index – It was pointed out that there were two components of the fuel surcharge that needed to be addressed; extending/changing the existing fuel surcharge and developing a fuel surcharge index. Chuck Beck pointed out that the Interport Pilot Agency had submitted a written request to extend the fuel surcharge for another six months but at an increased value - from \$150 to \$175. As justification, the letter dated November 16, 2009 stated that in February 2006 the price of fuel was \$2.49 per gallon and the fuel surcharge was set at \$150 per pilot boat transit. The current price of fuel is \$2.90 per gallon and the current value of the fuel surcharge is \$150. Paul Costabile stated that Northeast Marine Pilots are paying \$3.00 per gallon thus, recommended that the surcharge be extended and increased to \$200 per transit. It was confirmed that the base \$600 per pilot boat transit came out of the pilotage fee earned by the pilot. However, the fuel surcharge was billed to and paid by the customer (shipping agent). In response to a question about comparable fuel surcharge rates in neighboring states, it was stated that RI presently has a \$200 fuel surcharge. It was further stated that NY has a capital construction surcharge that ranges between \$100 and \$250 but no information was known about a NY fuel surcharge.

The discussion shifted from the surcharge to how to average the varying operating costs of five pilot boats being used by one or more of the CT licensed marine pilots. Chuck Beck and Bill Gash introduced a methodology of averaging; discount the low and the high costs and average the middle three. Joe Maco cautioned that use of the lower cost boats could reduce safety and or create a situation where the customer would "request" which boat to use in order to save money. Paul Costabile questioned the accuracy of the fuel burn rates used on a sample spreadsheet. He stated that the rate used for one of the NE Marine boats was for one engine but the boat had two engines. Chuck Beck stated that the goal was to get back to basic: establish the true operating cost for the pilot boats so that a reasonable rate could be determined. Once determined, the basic rate needed to be codified by regulation. A temporary fuel surcharge should only be used to cover additional unusual expenses due to spikes in the cost of fuel. Chuck Beck stated that now that the Commission had the fuel costs, the additional costs needed to be obtained. He made a motion that the Commission request the operating and maintenance costs of the pilot boats from the owner/operators. In addition to the fuel costs, the cost would include such things as maintenance, operator cost. The motion was seconded by Bill Gash. There was some additional discussion that mostly revolved around the temporary fuel surcharge and the need for an index system to be created. The Chairman made a summary statement about the goal was not to change the architecture of what is presently being done relative to pilot boat charges but to analytically codify the process. The motion passed unanimously. The Chair asked Chuck Beck to send a letter/e-mail under his signature to the pilot boat owners/operators requesting the additional information.

The discussion returned to the temporary fuel surcharge. Bill Gash made a motion to extend the temporary fuel surcharge at and increased value of \$175 per pilot boat transit. The motion was seconded by Alan Blume. Additional discussion focused on a graph that tracked the price of diesel fuel from May 2007 to November 2009. The graph showed that on 5/7/07 the price of diesel fuel was \$2.80 per gallon. The records showed that the temporary fuel surcharge at that time was \$200. The graph showed that the price of diesel fuel on 11/7/09 was \$2.80 per gallon. The current temporary fuel surcharge is \$150 per gallon. A vote on the motion was taken and passed unanimously.

B Objectives and Goals - Apprentice Selection and Training Regulation

The Chairman advised that he had met with Deputy Commissioner Martin after the October CPC meeting. One of the topics discussed was the draft apprentice selection and training regulation that was still under review by the CTDOT legal unit. The Deputy had acknowledged the importance of establishing the apprentice selection and training program but there has not yet been a resolution. The Chairman asked Charlie Jonas about the form of the Connecticut State Pilots (CSP) since the form might be an issue with CTDOT legal. Charlie Jonas stated that the CSP was an unincorporated association of Interport Pilots Agency, Inc filed with the State as doing business as (d.b.a.)

C. License Moratorium – Number of CT Licensed Marine Pilots Needed

The Chairman made reference to the letter dated November 4, 2009 from the Connecticut State Pilots Executive Board contained in the meeting package. The letter stated that at least one additional CT licensed pilot was needed. The letter stated that the "Pilot Selection Committee" recommended Captain Michael Peszke. The letter stated that there are currently three apprentices in there "Pilot Training Program". The letter also indicated that two currently licensed CT pilots have indicated that they would like to reduce their work to a half share. Under questioning by the Chairman, Charlie Jonas stated that one new CT licensed pilot was needed now. The Chairman pointed out that the CSP Executive Board recommendation of Captain Peszke was out side of the process created by the CPC which is detailed in the draft Apprentice Selection and Training document. A "select and direct" apprentice appointment by the Executive Board would be counter to the need for the CTDOT to make a public solicitation for apprentices.

Mike Peszke asked about the 70/30 split in work between the CT and NY side of the rotation and how that is affected by NY granting more licenses. The Chairman related what he had been told by Frank Keane, Executive Director of the NY Board, at a meeting held on Friday 6 Nov. According to Frank Keane, the NY Board feels that the moratorium on licenses was made mute by the MOU. The number of pilots on the NY side is independent of the number of pilots on the CT side. Increasing the number of pilots on the NY side only dilutes the share of the work. According to Frank Keane, the NY Board has determined that 9-10 pilots are needed on the NY side of the rotation to meet the work needs. Others added that a discussion about NY granting additional licenses had taken place and been explained at a previous CPC meeting. There were additional statements made and questions asked on the MOU, the 70/30 share of work and the relevance of the MOU. Bill Gash pointed out that the CSP Executive Board request for an additional pilot was the first request received by the CPC in writing. Alan Blume moved that the CSP send a letter to the CTDOT recommending that a one (01) new CT pilot license be made available based on the need expressed by the CSP Executive Board. Bill Gash provided a second. The motion was approved by a unanimous vote. Chuck Beck was asked by the Chairman to draft the letter. Joe Maco opined that the CPC should be working towards a unified Long Island Sound pilot organization as opposed to a CT centric pilot organization. There was some additional discussion on the MOU establishing the 70/30 work share and allowing for a change at a later date. Chuck Beck pointed out that the MOU did not address the 70/30 work share. The work arrangement was contained in the Governing Document. Joe Maco suggested that the MOU and 70/30 work share be placed on the agenda of the next meeting. No motion was made so no action was taken.

4.) New Business

A. Letter to CTDOT on Infectious Disease Preventive Measures – The meeting package contained a draft letter from the CPC to the CTDOT Commissioner requesting that CTDPH be asked to evaluate the risk of exposure of marine pilots to infectious disease and recommend preventative measures that could be taken including but not limited to priority vaccinations. A motion was made by Bill Gash to approve the letter. Alan Blume provided a second. There was no further discussion. The motion was approved unanimously.

B. Calendar Year 2010 Meeting Schedule – The meeting package contained a draft calendar year 2010 CPC meeting schedule. After a quick review and some discussion about changing the start time, Alan Blume moved to approve the draft schedule as prepared. Chuck Beck provided a second. The motion was approved by unanimous vote. With the exception of August when there will not be a meeting, the CPC will meet at 0830 on the third Tuesday of each month at the Coast Guard Sector Long Island Sound office.

C. Meeting with the Board of Commissioners of Pilots of the State of New York
The Chairman provided a brief on the meeting he had with the Executive Director of the NY Board (Frank Keane) on Friday November 6, 2009. Also in attendance was CTDOT Deputy Commissioner Martin and The CTDOT Transportation Maritime Manager (Chuck Beck). The possible extension of the temporary fuel surcharge was discussed. Mr. Keane stated that any extension and/or adjustment to the current fuel surcharge should be initiated by a request from the pilot boat owners/operators. There was a short discussion on pilotage fees and what the NY Board included in its fee structure. There was a discussion relative to the MOU and its affect on the licensing "moratorium" (see paragraph 3 under Continuing Business). The fact that the NY Board considered the "moratorium" a mute point is why there was no reference to the moratorium in the Board's 2008 Annual Report. Mr. Keane stated that the NY Board liked sections of the CPC draft Apprentice Selection and Training document and might "borrow" i.e. incorporate parts in the NY State Navigation Law. The possibility of the Chairman, Deputy and Maritime Manager traveling to NYC to attend NY Board meetings was discussed. Lastly, there was a discussion on the 3% NY/ 6% CT distribution of pilotage fees. The current method of the destination of the fees being determined by the port of arrival/departure of the vessel vs the license held by the pilot was the focus of the discussion. Dave Rossiter offered some historical background dating back to 2004 on how the current distribution scheme came to be. The issue came about because of the dual license status (CT and NY) of some of the pilots. Initially pilots holding a CT license who worked on the CT side of the rotation were supposed to pay 6% of their fee to CT. Pilots holding a NY license working on the NY side of the rotation were to pay 3% of their fee to NY. Pilots holding both a CT and NY license were supposed to pay the appropriate percentage of the fee to the state where the ship landed/departed. That latter morphed into the current method of the destination of the fees being determined by the port of arrival/departure of the vessel. Bill Gash made a motion to place the distribution of pilotage fees issue on the agenda of the next (December) CPC meeting. The motion was seconded by Alan Blume. The motion was approved by a unanimous vote. Chuck Beck was asked to collect data relative to the where ships have arrived and under whose license for the December meeting package.

D. Joint Rotation Statistics – Chuck Beck provided copies of a summary of ship arrival statistics that had been provided by the Joint Rotation Administrator (JRA). Dave Pohorylo had requested the information at the October CPC meeting. The data showed that over the past 5.5 years a low of 73.4 and a high of 84.79% (average of 79.94%) of the ships called upon a CT port vs a NY port. Chuck Beck was asked to provide the information electronically to the CPC Commissioners and interested parties.

E. Connecticut State Pilot Association – The CPC Commissioner had received an e-mail dated October 30, 2009 from Charlie Jonas requesting that the Connecticut State Pilots (CSP) be placed on the monthly agenda to allow for comments like is done for the U.S. Coast Guard and the CTDOT. Alan Blume stated that he was not sure doing so was necessary. Bill Gash stated that the CPC meetings were public meetings thus the CSP could make comments as needed once recognized by the Chairman. No motion was made thus no action was taken.

5. CONNDOT Comments – Chuck Beck stated that the pilot license renewal letters had recently been sent out. Joe Maco asked if there would be any flexibility on the recency requirements due to a lack of ship visits to Bridgeport and points west. He specifically asked about pilots monitoring of ferry transits. Chuck Beck stated that the review process would be as flexible as possible. Dave Rossiter asked Joe Maco if there were any plans to bring the Sandy Hook Pilot Station ship into Long Island Sound to provide familiarization trips of the western end of LIS as has been done in years past. Joe Maco stated he didn't know but would check into it.

6. USCG Comments – CDR Oditt introduced Dan Coleman of the FBI. Special Agent Coleman has been assigned to be the maritime security liaison within the CG Sector Long Island Sound area. SA Coleman made stated that he intended on attending meetings such as the CPC meetings to learn more about maritime issues in CT. CDR Oditt provided an update on the FY 2008 Port Security Grant application process. He stated he will e-mail material to Chuck Beck for distribution to the CPC Commissioners and interested parties. CDR Oditt provided an update on the Port Access Routing Study (PARS) stating that since an adjoining CG Sector (CG SECTOR SE NEW ENGLAND) was involved, another Public Notice would be issued to cover all bases. He anticipated that the new public notice will be out by the first of December and allow for a 30 day comment period. CDR Oditt stated that the LIS anchorage regulation is on a temporary hold to address an issue raised by the New England District of the Army Corps of Engineers; an uncharted dredge material disposal site within the Bridgeport anchorage area. There was a short discussion on the possibility of abandoning establishment of the proposed anchorage areas which was thought by most not to be a good idea. CDR Oditt advised that a new system may be employed by the CG to activate fog horns on various aids to navigation. The WINTEC system will replace fog detectors with a radio receiver tuned to channel 79A. If a mariner selects channel 79A and keys the microphone 5 times within range of the fog signal receiver, the fog signal will activate. In fact, any fog signal within range that has a similar receiver will activate.

7. Executive Session – No Executive Session was held

8. A motion to adjourn was made by Bill Gash, seconded by Alan Blume and approved by unanimous vote. The meeting adjourned at 1035.

The Commission's next public meeting is scheduled for **8:30 a.m. on Tuesday December 15, 2009 at the Coast Guard Sector Long Island Sound in New Haven, CT**

Peter Boynton
Chairman, Connecticut Pilot Commission