

**Connecticut Pilot Commission  
Summary Report November 18, 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 10:05 a.m. by Chairman Bill Gash. Pilot Commission members/designees Chuck Beck, Alan Blume, Wynne Bohannon, Mike Eisele, Phil Gaughran, Ralph Gogliettino and Dave Pohorylo were also present. Also attending were Paul Costabile, Tom Dubno, Charlie Jonas, Joe Maco, Dave Rossiter and Alan Stevens.

2.) Approval of Minutes - A motion was made to approve the summary report of the October 21, 2014 meeting by Wynne Bohannon seconded by Mike Eisele, and passed by unanimous affirmative votes.

3.) Public Comments – None.

4.) U.S. Coast Guard Comments – No CG representative was present, no report given.

5.) Connecticut Department of Transportation – Dave Rossiter clarified comments made by him at the October CPC meeting relative to the legal authority of the CPC to request an opinion from the CTAG. He clarified the difference between seeking an advisory opinion and a legal opinion. The former could be requested and offered by an Assistant AG, the latter only from the CTAG. The CPC could request either based on its standing as administratively attached to CTDOT.

6.) Continuing Business:

Before starting the Continuing Business started, the Chair asked that an agenda item concerning CPC action on Mike Peszke's request to be licensed to pilot in Western Long Island Sound be inserted as new item A. No objections were voiced.

A. The Chairman asked Charlie Jonas to provide an overview of pilotage in the Western End of Long Island Sound (WLIS). Jonas displayed a chart on the table commenting that the 28 mile run between Stratford Shoals and City Island was for the most part wide open and plenty deep making the hardest challenge for a pilot staying awake. There are no concerns with tides or currents. He stated that Mike Peszke documented that he has 18 eastbound and 24 westbound trips through WLIS. Chuck Beck reminded all that the requirement in the CT General Statutes (CGS) is 12 round trips as a pilot of record and 24 round trips as a pilot observer or a combination of the two. He also reminded all that the trips were required to be on a vessel not less than 4,000 GT and had to be made within 36 months of the license request. Phil Gaughran added that the 10 mile run between the Byrum River and City Island is 5 miles across. Jonas added that foreign flag yachts have been told that no pilot was available but made the transit on their own. He asked why a person with a Federal First Class Pilots license for WLIS couldn't provide the pilotage service adding that it would be better to have a Federal pilot than no pilot at all. The Chairman reviewed the timeline summary of actions that had already taken place relative to Peszke's request that had been provided to the CPC Commissioners by Chuck Beck previous to the CPC meeting. He concluded that when discussed at the October meeting, the conclusion was that a change to the trip requirements specified in the CGS was the best course to offer relief not only to Mike Peszke's situation but to other pilots in light of the decreased vessel traffic through WLIS and other parts of the MOA waters. Mike Eisele stated that the issue is not the experience or capability of Mike Peszke but one of meeting the requirements specified in the CGS. Alan Blume and Wynne Bohannon agreed. Follow-on discussion centered on the ability or lack of authority of the CTDOT to grant a waiver to the CGS requirements vs changing the CGS. Wynne Bohannon stated that a mechanism needed to be found to accommodate the request. Ralph Gogliettino commented that the CPC is supposed to enable things to move along and that too much time had already been spent on the topic. The last thing that was needed was more discussion and

meetings. The CPC's job is to move commerce safely. He stated that according to information provided by Phil Gaughran apparently DOT had granted extension of routes to other CT licensed pilots in 2007. He concluded by stating that perhaps legal action needed to be taken. Mike Eisele reminded all of past correspondence submitted to the DOT by Peszke's, his attorney and the CPC on the issue and the responses from DOT indicating that the solution was a change to the CGS requirements. Dave Pohorylo stated that the DOT response letters were of no help and questioned why the CPC couldn't act upon Mike Peszke's request. Chuck Beck provided a short overview of the letters submitted to the DOT, meetings that the pilots had with the CTDOT Commissioner without his presence and promises that were made. He advised that it was CTDOT legal that advised the DOT Commissioner of his legal limitations to grant a waiver to the CGS. The Chairman ended the discussion indicating that Item C on the original agenda (Changes to the CGS) would pursue the acknowledged solution.

B. Investigative Process for Incidents/Accidents – Prior to the meeting the Chairman deferred discussion on the topic to the January 2015 CPC meeting.

C. P.O.R.T.S. – The Chairman reported that the September, October and November Bond Commission meetings had been canceled deferring any action on the bond request to fund P.O.R.T.S. Chuck Beck added that the P.O.R.T.S. Bond request had been forwarded by the CTDOT to OPM for consideration on the December Bond Commission agenda.

D. Draft Changes to CGS Chapter 263 Harbors and Rivers – The Chairman asked Chuck Beck to summarize the topic. Beck stated that there had been a lengthy discussion on draft changes submitted by Phil Gaughran on behalf of the CT Pilots at the October CPC meeting. It had been agreed that the changes submitted needed additional clarification and perhaps better placement than what had been recommended. Phil was asked by the Chairman to take recommendations made at the October meeting back to the pilots for consideration and resubmission. When asked by the Chairman, Phil Gaughran stated that of the 4 changes provided in October the priority was to change the CGS to allow virtual trips to count. When it was suggested that trying to define a virtual trip was more problematic than the other three recommendations, Gaughran commented that there would be no problem if a Federal license could be used. He also brought into question the "extension of routes" granted to other pilots in the past (McVay, Mulligan, Jonas and himself). When the Chairman desired to push forward, Gaughran indicated that he had. Mike Eisele thought that the discussion should focus on changes to CGS Sec 15-13, specifically the trip requirements (12/24), the vessel size limitation (4K GT) and the time period (36 mo.) within the trips had to be taken. He asked what would expand the universe sufficiently to compensate for the lack of vessel traffic. Ideas discussed were to reduce/eliminate the 4K GT requirement possibly to 1,600 GT, expand the 36 months to 60 and/or reduce the 12/24 trip requirement. It was noted that the requirements for a Federal First Class Pilot License were trips made within a 5 year (60 month) period on a vessel of at least 1,600 GT. Mike Eisele offered and Alan Blume agreed that a basic premise of a state pilot license is that it is better/more restrictive than a Federal license. Chuck Beck offered that perhaps the specifics in CGS Sec 15-13 should be replaced with the same language in CGS Section 15-15 Vessels Requiring Pilots. After a bit more discussion, Mike Eisele made a motion that CGS Sec 15-13 be changed in two respects: the reference to 4K GT be deleted and replaced with "vessel requiring compulsory pilotage in accordance with CGS Sec 15-15" and adding "or American vessels under enrollment" in paragraph (a) sub paragraph (2) after "foreign or registered vessels". Alan Blume seconded the motion. During discussion Joe Maco stated that he had served on a state pilot license task force in the 1970s. The end result of the task force work is reflected in the present CGS and regulations. Prior to the task force work, licensing was a free for all. A license could be obtained by only requiring proof of a Federal license and payment of a fee at a Superior Court. He cautioned against watering down the licensing standards as it would be a step backwards. He also questioned allowing trips made on tugs without supervision of a CT licensed pilot. Charlie Jonas interjected that the discussion was going too far. All that is needed is an extension of route for WLIS. Upon being asked for input, Paul Costabile stated that some states reduce the trips required to get an original license (24) to a lower number of trips (15) after receiving a Federal First Class Pilot License provided the 15 trips are made under the supervision of a state licensed pilot. That returned the discussion to defining/allowing an "extension of route"

as a solution. Mike Eisele proposed that a new paragraph (b) be inserted that would define/allow for the DOT Commissioner to grant an extension of route. In response to a question from the Chairman, Eisele withdrew his original motion. Blume withdrew his second to the original motion. Concern was expressed about a pilot obtaining a state license for the least challenging section of the MOA waters then immediately requesting an extension of route for other branches. Agreement was reached that in order for a pilot to request an extension of route, he had to hold a state license for the transit of Long Island Sound and at least one of the three CT deep draft ports. Mike Eisele made a motion that a new paragraph (b) be inserted into CGS Sec 15-13 as follows:

*"An extension of route for waters of this state for which application is being made shall be granted provided he has a Federal First Class Pilot's license for and makes 12 round trips over the route with a pilot licensed by the state on vessels requiring compulsory pilotage as required by Section 15-15 and American vessels under enrollment provided the pilot is currently licensed for Eastern Long Island Sound and at least one of the three major ports of Bridgeport, New Haven or New London".* Alan Blume provided a second and the motion passed unanimously without further discussion. The Chairman asked Mike Eisele to draft the change to the CGS.

E. Draft Changes to the CT State Agency Regulations – Given the hour, the Chairman asked that the topic be deferred to the December meeting. All agreed.

F. Connecticut Port Authority Working Group (PAWG) - Update Dave Pohorylo provided a summary stating that there had been 2 PAWG meetings; the first held in Hartford on October 1st and the second held at Fort Trumbull in New London on November 5th. He stated that two subgroups were created at the November meeting; one to tackle Structure/Governance and the other to tackle Geography/Responsibilities of the CPA. The moving of functions from CTDOT to the CPA falls under Geography/Responsibilities which includes potential reassignment of the CPC. Chairman Gash pointed out that he had sent a list of possibilities of CPC alignment to the CPC Commissioners for their review/consideration. He stated that the CPC should come to a consensus and recommend where the CPC should land. Dave Pohorylo stated that the purpose of the CPA is to focus on economic development. Thus, he did not believe that moving the CPC administratively under the CPA was a good idea. Mike Eisele felt that there would be big problems with trying to make the CPC a standalone entity like the NY Board as there wouldn't be the resources available to support such an entity. Alan Blume agreed that a standalone CPC was not a good idea due to the lack of identifiable resources particularly funding and the responsibilities that would have to be undertaken. He pointed out that there are examples in the US where the pilot commission is a subset of the port authority. Dave Pohorylo stated that the CPA already has funding issues. Chuck Beck reminded all about the language in the PA 14-222 (the CPA legislation) that tasks the PAWG with developing a plan to transfer all maritime functions from the DOT to the CPA. Beck added that it had been reported back to him that at the first PAWG meeting the DOT Commissioner stated during his remarks that his desire is to transfer all maritime functions (with the possible exception of the CT River ferries) from the DOT to the CPA as indicated in PA 14-222. Dave Pohorylo responded that that is not going to happen. Tom Dubno expressed concerns about the CPA being a dumping ground adding that he had attended a meeting of harbor masters a program which by the legislation will move from DOT to the CPA or perhaps some other state agency. The Chairman wondered out loud about the link between the pilots and economic development of CT Ports. He thought it best for DOT to retain the regulatory licensing authority or even the CPC taking over the licensing of the marine pilots. Blume commented that for the CPC to take on the regulatory and/or licensing authority for pilotage staff support would be needed at an expense. The idea was floated that the staff support could continue to be provided by DOT. It was mentioned that the 4 staff members in the State Maritime Office would most likely be transferred to the CPA. Mike Eisele reiterated the resource problem associated with a standalone CPC. Upon Phil Gaughran mentioning the possibility of the 6% of pilotage presently being paid to the State moving to the CPC, Mike Eisele stated that with the current volume of vessel traffic, the 6% amounted to \$50K last year which wasn't enough to hire one staff person. Dave Pohorylo restated his concerns that administratively attaching the CPC to the CPA would be too much of a burden on the CPA. Chairman Gash thought that perhaps the CPC could stay within DOT for a year or two to allow the CPA BOD an opportunity to decide on a possible transfer of the CPC from the DOT to the CPA. He was concerned that if the

pilotage function was transferred to the CPA immediately there could be a gap in regulatory control. He thought it should be up to the DOT Commissioner to decide if and when the CPC should move out of DOT and then so advise all concerned. Dave Pohorylo added that even though the DOT Commissioner might want to move the CPC out of DOT that doesn't mean that's what's going to happen. Dave Pohorylo added that the PAWG is to generate recommendations not decisions on the structure of the CPA to then be decided upon by the CPA BOD after it becomes effective on October 1, 2015.

The Chairman stated that now that the CPC has a more clear understanding of an extension of route, he wanted to return the discussion to the Mike Peszke license request. He stated that Peszke would most likely meet the requirements of the suggested changes to the CGS Sec 15-13. If so should the CPC could send a letter to the CTDOT Commissioner suggesting Peszke be granted a license for the WLIS now while the change makes its way through the process. After some discussion including the timing of submission of a statutory change and the arrival of a letter, Alan Blume made a motion that the CPC send a letter to the CTDOT asking that Mike Peszke's request for an extension of route be reconsidered in light of the proposed statutory changes. Ralph Gogliettino provided a second. Beck commented that the letter previously drafted but never approved, signed or sent would need to be modified since it does not mention anything about statutory changes. Dave Pohorylo stated that the fact that the DOT approved extensions of route in the past should be added to the letter and agreed that the letter should be sent after modification to force the DOT to act. The motion passed by unanimous vote.

#### 7.) New Business

A. Pilotage Training Fee – Due to the lateness of the hour, the Chairman stated that the topic would be deferred to the December CPC meeting. Chuck Beck pointed out that he had drafted some ideas on how the Training fund might be distributed merely as a starting point and had provided a copy to the CPC Commissioners before the start of the meeting.

Alan Blume distributed copies of his draft document on CPC Procedures for Conducting Investigations asking that the Commissioners review and provide feedback to him prior to the January 2015 CPC meeting. The Chairman reminded all that the document was brought about by the DOT Commissioner's response to the CPC request for funds to hire an on-call investigator. The DOT Commissioner indicated that he would consider the request if a process could be provided. Blume reminded all that the CPC has a statutory requirement to conduct investigations but does not have the resources to do so.

#### 8.) Executive Session – None called

9.) Adjourn – The Chairman asked if any Commissioners had any additional business before adjourning. Hearing none and with a unanimous approval of the Commissioners, the Chairman adjourned the meeting at 12:31 PM.

All were reminded that the next CPC meeting is scheduled for **10:00 a.m. on Tuesday December 16, 2014 at the New Haven Regional Fire Training Academy located at 230 Ella Grasso Blvd. in New Haven, CT.**