

## **APPROVED MINUTES**

### **RI STATE PILOTAGE COMMISSION MEETING**

**April 7, 2011**

**Held at 235 Promenade Street, Room 300**

**Providence, Rhode Island 02908**

#### **MEMBERS IN ATTENDANCE:**

**Capt. E. Howard McVay Jr., Chair**

**Capt. J. Peter Fritz, Member**

**Larry Mouradjian, Member**

**Chief Steve Hall, Member**

#### **OTHERS IN ATTENDANCE:**

**Joanne Scorpio, Recording Secretary**

**Atty. Gary Powers, Legal Counsel**

**Hank Nelson, Goff & Page Co.**

**Tom Sullivan, Sr. VP, Moran Shipping**

**Capt. Paul Costabile, Ex. Director, NMP**

**Capt. Rick Comeau, Maritime Simulation Institute**

#### **I. REVIEW OF PREVIOUS MEETING MINUTES:**

**Quorum being present, the chair called the meeting to order at approximately 9:30 a.m. Capt. Fritz made a motion to approve the minutes of the February 3, 2011 meeting. Chief Hall seconded the approval. The minutes were approved by assent.**

## **II. OLD BUSINESS**

**A. Apprentice Pilot Update:** The Chair read a letter sent from Capt. Kirby to the RI State Pilot Board that states the current status of the RI apprentice and probationary pilots. A copy of the letter will be posted and filed with the Secretary of States Office with the April minutes. (See attached letter)

**B. Probationary Pilot Capt. Bogus Update:** (See attached letter).

**C. Annual Report Update:**

The Chair stated that he started drafting the annual report and once approved by the Commission at the May 2011 meeting, he will send it to Terri Bisson for formatting. Chair McVay said that he may add a section on pilot training to the report.

## **III. NEW BUSINESS**

**A. Northeast Pilots to Invoice a Reduced Fee for Mapis Arrow:** The Chair explained an incident that took place when Capt. Walker attempted to bring a car ship into Davisville. He stated that there were high winds that day so Capt. Walker contacted two tugs to assist him into the pier. Right after one of the tugs confirmed that they were manned and underway he got a call from the other tug reporting that they could not start the engine. Capt. Walker decided

that the winds were too high to bring the ship into the pier with just one tug so he turned the vessel around and brought the ship back out to sea. The Chair said that the Pilot Association called him and asked if they could charge one rate instead of a full round trip because of the delay. The Chair brought this to the Commission to get their approval for reducing fees on trips that the pilots can not accomplish.

Chair McVay explained that a fee reduction for an incident like this would be in the best interest of the state. In this case it was a major corporation (VW) that has brought large amounts of business into the state and he would like to see them continue doing business with the state.

Member Mouradjian made a motion for the Chairman to take appropriate and reasonable action to reduce a pilot fee by one-half if the pilot is not able to make a full trip because of sudden imminent danger. The Chair seconded the motion. Voted 4-0 in favor.

Attorney Powers remarked that the regulations should address this issue. Member Mouradjian stated that he feels that the Commission already has that authority but asked Atty. Powers if he would like to add specific language to the regulations providing that authority.

Chief Hall replied that he thought it was unnecessary and didn't think that any regulatory board needed regulations that allow them to use discretion. Chair McVay said that he would like to clarify that without putting it in regulation.

**B. Regulatory and Statue Review: The commission reviewed Title 46 Waters and Navigation, Chapter 46-9 Pilots-RI Sound, Narragansett Bay , Sakonnet River and Tributaries, for comments and discussion**

**on whether or not to rewrite any language.**

**1. §46-9-1 (Declaration of policy) Chair McVay said he did not think this part of the statute needed any revising. Chief Hall agreed and said the language looked appropriate and complete.**

**2. §46-9-2 (Vessels required to employ state licensed pilot-Vessel defined) Chair McVay said he would like to rewrite “vessel” so it would define what the state needs to employ a pilot. He continued on and said he would send an email to agents and pilots and ask them for their input on what they think defines the criteria for a yacht to acquire a pilot. After he receives responses, he will forward them to the Commission members for discussion at the next (May) RPC meeting. He also recommended that the Commission begin working on the definition of a vessel and also have that ready for the May meeting. Capt. McVay asked Atty. Powers to “clean-up” the definition.**

**3. § 46-9-3 (Vessels exempt from chapter) The members briefly discussed this section and will continue this discussion at the May meeting.**

**C. Commission Meeting Schedule Changes: The Chair inquired if the schedule for 2011 was sent out and posted with the Secretary of States Office. The Commission secretary will follow-up.**

**D. Capt. Bogus Statement on Delayed Docking of MV Ruby Ace: The Chair previously sent the Commission members a copy of Captain Bogus’s statement . The Commission members commended Capt. Bogus for his job performance.**

**E. Commission Meeting Access Review for the Disabled:** The Chair inquired the outcome of the inspection done of the conference room for the Commission's open meetings. The commission secretary sent Chair McVay a copy of the report which sites DEM conference rooms in violation of the Disabilities Act. Chief Hall said the DEM is waiting for clarification from Terry Maguire, Chief of Finance and Contract Mgmt. who is looking into this. Mr. Maguire has not gotten a response yet from the Governor's office.

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**F. Brenton Reef Proposed Anchorage Update:** Chair McVay previously emailed Commission members a copy of the proposed anchorage regulations for their review. The chair then updated the Commission on the Coast Guard's proposed offshore anchorage site south of Brenton Pt. He went on to explained about an incident that took place when a vessel proceeded up to Jamestown anchorage without a pilot. The pilots then asked the Coast Guard to designate an anchorage outside the bay for vessels waiting to come in. As it stands now the ships coming in are anchoring right next to the pilot station.

**G. Block Island Sound USCG Water Analysis:** Chair McVay stated that the Coast Guard is doing a study of BI Sound to determine if there are any problems or issues that need resolving. They are asking the pilots and/or Commission for any comments. The Chair said that the state pilots have not expressed any concerns. Capt.

**Fritz inquired about the navigable channel between Block Island and Montauk Point and would those channels be indicated on the charts. The Chair replied that the channel was put in. He also explained that Captain Maco had previously expressed that a lane there may encourage ships to pass through this area. Former Commission Chair Mike Scanlon sent a letter to the Coast Guard opposing the lane, but the lane was eventually put in. The Chair then asked the Commission if they wanted to make any comments or send a letter to the Coast Guard. The members declined to make any comments; no action will be taken.**

#### **IV. ADDITIONAL COMMENTS**

**A. The Chair stated that he has received Capt. Kirby's acceptance letter as Chairman of the State Pilot Board.**

**B. Members Mouradjian and Chief Hall requested that Capt. Costabile send them a cost breakdown on fees assessed, expenditures, and also a ballpark figure on a pilot's income.**

#### **V. PUBLIC COMMENTS**

**A. Capt. Comeau of the Maritime Simulation Institute introduced himself and gave a brief description of the institute and simulation training that they provide to the pilots. Capt. Comeau also invited the Commission members to the institute to show them the level of training in New England and other parts of the country.**

## **VI. EXECUTIVE SESSION**

**No executive session**

## **VII. ADJOURNMENT**

**Meeting Adjourned**

### **Next Scheduled Meeting:**

**The RI Pilot Commission plans to hold the next regular monthly meeting in the conference room of the Division of Law Enforcement (Rm. 250) at DEM headquarters located at 235 Promenade Street, Providence, RI on May 5, 2011 starting at approximately 9:30 a.m.**

**Rhode Island State Pilot Board**

**April 1, 2011**

**Capt. E. Howard McVay, Jr., Chairman**

**Ms. Joanne Scorpio, Secretary**

**RI State Pilotage Commission**

**c/o Division of Law Enforcement**

**235 Promenade Street**

**Providence, RI 02908**

**Dear Capt. McVay and Commission Members,**

**The RI State Pilot Board reports the current status of all pilots under training and evaluation as of April 1, 2011 as follows:**

- o Capt. Sean Bogus continues to work under evaluation on his RI Probationary License and is scheduled to be considered for a Full Branch license approximately June 2011.**

- o Capt. Bruce Barnaby continues to train under evaluation for consideration for acceptance into the RI Pilot Apprentice Program.**

- o Capt. Patrick Donovan began initial pilot safety and familiarization training in July 2010, and is currently under evaluation for acceptance into the RI Pilot Apprentice Program.**

- o Capt. John Jamroga began initial pilot safety and familiarization training in July 2010. He withdrew from all RI pilot training in February 2011 on his own accord, citing the large time commitment required to become a pilot.**

- o Capt. Jarrod Cavicchi began initial pilot safety and familiarization training in February 2011 and is currently under evaluation for acceptance into the RI Pilot Apprentice Program. It is planned that he will attend an upcoming RI Pilotage Commission meeting for an initial introduction to the Commission.**

**The pilot training program has been very active during the past year. The state pilots are working diligently in the training of new pilots to insure there will be a sufficient number of qualified pilots to maintain a safe and efficient pilot system for Rhode Island going forward.**

**Respectfully,**

**Capt. Vincent Kirby, Chairman  
RI State Pilot Board**

**Cc: Joanne Scorpio**

**Rhode Island State Pilot Board**

**April 1, 2011**

**Capt. E. Howard McVay, Jr., Chairman  
Ms. Joanne Scorpio, Secretary  
RI State Pilotage Commission  
c/o Division of Law Enforcement  
235 Promenade Street**

**Providence, RI 02908**

**Dear Capt. McVay,**

**The RI State Pilot Board met yesterday, March 31, 2011. The Board is agreed that due to the upcoming retirement of Capt. Bracy (effective October 2011) and reduced workloads of Capt. Maco (effective immediately) and Capt. Lemke (effective earliest opportunity), additional Block Island Sound licenses are necessary to further the safety and efficiency of the RI State Pilotage System.**

**The state training program has been very active the past year in recognition of the above changes. There are currently three pilots under evaluation for acceptance into the RI Apprentice Program and one RI probationary pilot currently working under evaluation. The Commission will be updated periodically regarding the status of these pilots.**

**Respectfully,**

**Capt. Vincent Kirby, Chairman**

**RI State Pilot Board**

**Cc: Joanne Scorpio**