

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; Member Capt. J. Peter Fritz;
Member Larry Mouradjian; Member Chief Steve Hall**

OTHERS IN ATTENDANCE:

Capt. Paul Costabile, Ex. Director, NMP

Tom Sullivan, Sr. VP, Moran Shipping

Capt. Rick Comeau, Maritime Simulation Institute

Joanne Scorpio, Recording Secretary

Atty. Gary Powers, Legal Counsel

Hank Nelson, Goff & Page Co.

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: (Copy of letters forwarded upon request)

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 Maxis 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.

.

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.