

APPROVED MINUTES

RI STATE PILOTAGE COMMISSION MEETING

February 7, 2013

held at 235 Promenade Street, Room 250

Providence, Rhode Island 02908

MEMBERS IN ATTENDANCE:

Capt. E. Howard McVay Jr., Chair

Capt. Peter Fritz, Member

Chief Steve Hall, Member

EXCUSED FROM ATTENDANCE:

Larry Mouradjian, Member

OTHERS IN ATTENDANCE:

Atty. Gary Powers, Legal Counsel

Joanne Scorpio, Recording Secretary

Tom Sullivan, Moran Shipping Agencies

Craig Ibbotson, Moran Shipping Agencies

Capt. Paul Costabile, Ex, Dir., NEMP Assoc.

Ed LeBlanc, US Coast Guard

Aidan Williams, Mass. Maritime Academy

Evan Mathews, EDC, Quonset Pt. Development

Hank Nelson, Goff & Page Co.

I. REVIEW OF PREVIOUS MEETING MINUTES

A. Quorum being present, Chair McVay called the meeting to order at approximately 9:30 a.m. Commissioners then reviewed the January 10, 2013 minutes. Member Chief Hall made a motion to approve the minutes; Member Capt. Fritz seconded the motion. The January minutes were approved by assent.

B. Chair McVay made revisions to Section III. New Business, 3) Communications Received. Revision was in reference to discussions of State Pilot Regulation 15.04 B., “Absence of Pilot from Duty: Active and Inactive Status” (See January minutes). Member Chief Hall then made a motion to accept the revision. Member Capt. Fritz seconded the motion.

II. OLD BUSINESS

A. Final Review of Statutes: Chair McVay stated that he sent out a compilation of all the statutes (comments and notes included) that the commissioners reviewed this past year. Discussions will continue at next meeting.

B. State Pilot Board Quarterly Report: Chair McVay read the January 7, 2013 report to the members (for details see report in commission files [State Pilot Board]).

C. RI Pilot Commission Regulation Review, Rules 1-4: Chair McVay advised that some of the rules and regulations were outdated and

wanted to begin reviewing them. McVay then read the first four rules to the members to begin discussions. Revisions were made to the following:

Member Capt. Fritz stated that the commission member names need to be updated in the opening paragraph above Rule 1. Chair McVay said he would like to make those changes when they address Section D.

Rule 1. Administrative Procedures Act 42-35 as Amended

1.01. Definitions: Draft revisions were made to the second paragraph that refers to the location of the “commission office”. The Division of Coastal Resources was deleted from the rule and the Division of Law Enforcement was added as a unit of the Department of Environmental Management.

Rule 2. Organization and Method of Operations:

2.01, Organization: No changes.

2.02, Function: “protection of the environment” was added.

2.03, Method of Operation and Powers, A-I: No changes.

Rule 3. Practice before the Commission:

3.01, No changes.

3.02, No changes.

3.03, No changes.

Rule 4. Preliminary Investigations:

No changes.

Chair McVay requested that Atty. Powers send the members a list of topics for the public hearing and also to include draft proposals that were currently made to Pilot Rules and Regulations 1-4. Atty. Powers said that he will then send the required statement to Economic Development Corp. on the proposals. After EDC reviews and approves the proposals, Powers will then send out a notice that will be posted for the general public.

III. NEW BUSINESS

A. PUBLIC HEARING: Atty. Powers informed the commissioners that the Governor has issued an Executive Order that mandates all state agencies to file a statement for the EDC's review (Office of Regulatory Reform [ORR]) with any regulatory changes, adoptions, and/or repeals. If the commission is making proposed regulatory changes, those changes must be put down in a statement (Referred to as the Small Business Impact Statement) for EDC to review before it goes before the public hearing. After EDC reviews the proposals, they will then give the approval to move forward with the public hearing. Atty. Powers advised that the statements should be presented to EDC by March the very latest.

Member Chief Hall then made a motion to modify State Pilot Rule 1.01 by deleting Division of Coastal Resources and adding Division of

Law Enforcement. Member Capt. Fritz seconded the motion. Voted 2-0 in favor.

B. COMMISSION 2013 MEETING SCHEDULE: March 2013 meeting has been rescheduled from Thursday, March 14 to Thursday, March 21, 2013. Chair McVay will email a revised 2013 schedule.

C. Pilot Roster Review: The Chair advised that Capt. Lemke had surgery and will start physical therapy in the next few weeks. Capt. Lemke has conveyed that he is optimistic about returning to work soon. McVay also informed members that he too is on medical leave and will be returning to duty as soon as his doctor gives him clearance which should be in the next week or so.

D. State Pilot Board Members Review and Changes: McVay advised that Capt. Maco sent a letter to the Commission stating that he will be stepping down from the State Pilot Board. Capt. Walker also sent a memo requesting that he be appointed to the Board as soon as a vacancy is available. A motion was made by Member Capt. Fritz to accept Capt. Maco's resignation from the Board and to approve Capt. Walker's appointment. Member Chief Hall seconded the motion. Voted 2-0 in favor.

IV. COMMUNICATIONS RECEIVED

A. Both Capt. Maco and Capt. Walker of the State Pilot Board sent

letters to the Pilot Commission (See copies in commission files [State Pilot Board file folder]).

V. PUBLIC COMMENTS

A. Capt. Costabile addressed the members and read a letter from the Northeast Marine Pilots Association that explained the necessities and justification for a rate increase (See letter filed in State Pilot Commission files). The Pilots are requesting a 12% rate increase that would extend over a five-year period beginning January 2014. The proposed adjustment would be divided in the following increments:

January 1, 2014-2%

January 1, 2015-3%

January 1, 2016-2%

January 1, 2017-3%

January 1, 2018-2%.

Member Chief Hall requested that the Chair provide documentation of what pilot rates are in other New England states (NH, ME, MA) and to include NY-NJ and Baltimore. Hank Nelson (Goff & Page) requested a comparison on time for various ships.

VI. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 a.m.

VII. 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 at DEM headquarters located at 235 Promenade Street, Rm. 250, Providence, RI on Thurs, March 21, 2013 starting at approximately 9:30am.