

APPROVED MINUTES  
RDE ISLAND STATE PILOTAGE COMMISSION MEETING  
 Thursday, December 6, 2018  
 Held at 235 Promenade Street, Room 250  
 Providence, RI 02908

<u>MEMBERS IN ATTENDANCE</u>	<u>OTHERS IN ATTENDANCE</u>
Capt. E. Howard McVay, Chair Capt. Peter Fritz, Vice Chair Frank Floor, RIDEM, Member Dean Hoxie, RIDEM, Member	Atty. Hoefsmit, RIDEM, Legal Counsel to the Commission Capt. Paul Costabile, Ex. Director, NEMPA Jo-Anne Scorpio, Commission Secretary

I. REVIEW OF PREVIOUS MEETING MINUTES

A regular monthly meeting of the RI State Pilotage Commission was called to order at approximately 9:30am on Thursday, December 6, 2018 at the headquarters of the RIDEM, Division of Law Enforcement. A quorum was present; the October 11, 2018 minutes were reviewed. After revisions were made, Member Frank Floor **MOVED** to accept the minutes; Vice Chair Peter Fritz **SECONDED** the **MOTION**. Vote was **UNANIMOUS**, 4-0 to approve.

II. OLD BUSINESS

- 1) **State Pilot Board:** Chair McVay stated that Capt. Harper’s apprentice training in Narragansett Bay has come to an end and is ready for examination. The State Pilot Board sent a letter recommending that Capt. Harper be examined for Narragansett Bay. The Chair stated all pilots were given the opportunity to review Capt. Harper’s trip sheets to bring forward any concerns. He then advised that he wanted the commissioners to review Capt. Harper’s file before they vote to approve his exam. Capt. Costabile then distributed Harper’s trip sheets to the commissioners. Commissioners and Capt. Costabile discussed Capt. Harper’s progress over the last five years apprenticing in Massachusetts and Rhode Island waters. Member Frank Floor **MOVED** to accept the Pilot Board’s recommendation certifying Capt. Harper for the Narragansett Bay exam. Vice Chair Fritz **SECONDED** the **MOTION**. Vote was **UNANIMOUS**, 4-0 passed. Commissioner Floor then made another **MOTION** to Schedule the exam. Commissioner Hoxie **SECONDED** that **MOTION**. Vote was **UNANIMOUS**, 4-0 to approve.
  
- 2) **Commission Meeting Schedule for 2019:** The Chair stated that he previously sent out the 2019 monthly meeting schedule. Member Floor advised that any conflicts will be subject to change. Commissioners approved the draft schedule.

Scheduled meetings for 2019

Jan. 3	Apr. 4	Jul. 11	Oct. 3
Feb. 14	May 2	Aug. 1	Nov. 7
Mar. 7	Jun. 6	Sep. 5	Dec. 5

- 3) Pilot Training Advisory Panel: Vice Chair Fritz said the panel members should have recommendations for training to bring to the Commission after the first of the year. Once that is brought forward, the Commission members can then decide whether to regulate the training.
- 4) Pilot Medical Certificates: Commission secretary advised of the remaining pilots that have *not* submitted their state medical form to the Commission. The Chair recommended that the Commission secretary send out another reminder to those pilots before the December 31<sup>st</sup> deadline.
- 5) State Pilot Accident Investigation Procedure/Protocol and VDR Data Recovery: Members Dean Hoxie and Frank Floor advised that they can discuss the protocol sometime after January. Commissioners and Atty. Hoefsmit then discuss briefly what action the state should take in the event of an incident whereby the ship's data needs to be retrieved. Commissioner Floor advised that an EPO who is already on the water should be called for that assignment.
- 6) RI State Pilotage Commission Regulations: Atty. Hoefsmit advised that the recodified Pilotage regulations were approved and filed as of November 13, 2018. The only revisions going forward are the licensure requirements.
- 7) Communications Received from ACLU: Atty. Hoefsmit stated that when the regulations were sent out for final approval, the ACLU sent their comments to the Commission but were not recognized. Another email from ACLU was sent directly Atty. Hoefsmit advising her that their comments were submitted and that her statement about the Commission "*not*" receiving them was inaccurate. Atty. Hoefsmit stated that she advised the Secretary of State's office of the issue and was able to promulgate the regulations. She sent back her comments and an invitation for the ACLU to discuss their concerns regarding penalties for drug offenses. To date the ACLU has not replied to the Commission.

Chair McVay said that he will look into the distinction of drug offenses and decide if the regulations need to be modified. He advised that if the Commission has a public hearing in April, the regulations need to be modified in January.

### III. NEW BUSINESS

Nepotism within the NEMP: Commissioners and Atty. Hoefsmit discussed nepotism issues that can impact how candidates are selected and trained. They agreed that the Commission will draft policy addressing nepotism in the form of an advisory letter to all active pilots.

### IV. PILOT ON LEAVE

The Chair advised that he is on leave from rotation for three months and will return for duty in March. He advised that he will remain serving on the Commission during his leave.

## V. OTHER COMMENTS

- 1) Licensure and criminal offences: Commissioners discussed the following: • What action the Commission should take in the event a state pilot is criminally charge and how this will affect licensing and renewals. • What the requirements are, if any, for an active pilot to notify the Commission of any charges or revocations. • Should the Commission differentiate marijuana offences from other drug offences, etc. The Chair stated that he will investigate how criminal charges affect a pilot's active TWIC card and if the pilot can continue to work. Discussions will continue at the next meeting.
  
- 2) Additional Designee to Receive Public Comments: The Chair stated that he wanted to avoid a situation as the one where the ACLU's comments (to the proposed regulations) were not recognized. The Commission Secretary advised that during the time the ACLU sent their comments to the Commission, she was on leave for two weeks and unavailable for an immediate or timely reply. She recommended that perhaps adding a CC: notation (to Chair and Vice Chair) in addition to her name as contacts to receive public comments. The Commissioners and Atty. Hoefsmit agreed.

## VI. ADJOURMENT

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

## VII. NEXT SCHEDULED MEETING

The next scheduled meeting will take place on January 3, 2019, beginning at 9:30am at RIDEM, Law Enforcement., Rm. 250, 235 Promenade Street, Providence, RI 02908