

BOARD FOR BRANCH PILOTS MEETING

MINUTES

The Virginia Board for Branch Pilots met on Wednesday, May 2, 2007, at Hampton City Council Chambers, 22 Lincoln Avenue, Hampton, Virginia, with the following members present:

Captain Robert H. Callis, III
Bruce R. Cherry
Captain J. William Cofer
Captain Milton B. Edmunds
Douglas E. Miller
Captain W. Hugh McCrory, Jr.

Staff present for the meeting was:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Mark N. Courtney, Executive Director
Nick Christner, Deputy Director of Compliance and Investigations Division (CID)
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant

Cynthia Norwood, Assistant Attorney General, was present at the meeting.

Board members William M. Martin, III, and Meade G. Stone, Jr., were not present for the meeting.

Finding a quorum of the Board present, Mr. Cherry, Vice-President, called the meeting to order at 9:32 a.m.

Call to Order

Captain Callis moved to approve the agenda as written. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Approval of Agenda

Mr. Cherry extended a warm welcome from the Board to the Spratley family, the Massenburg family, Mrs. Cherry, and Captain Watkins.

Welcome Guests

Captain McCrory welcomed the Spratley family and remembered P. Warren Spratley's service to the Board. Mr. Cherry presented the resolution in memory of Mr. Spratley to his children, Catherine S. Favre and Philip W. Spratley, III, and their spouses.

Presentation of Resolutions

Captain Cofer welcomed Judge and Mrs. Massenburg and remarked on his long and distinguished service to the Board. Mr. Cherry presented the

resolution to Judge and Mrs. Massenburg.

Captain Callis moved to approve the minutes from the February 2, 2007, Board meeting as written. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Approval of Minutes

Mr. Cherry welcomed Mr. Miller and informed the Board members that Mr. Miller had been appointed by the Hampton Circuit Court to succeed Judge Massenburg.

Welcome Mr. Miller

Mr. Cherry designated Mr. Miller as President pro tempore.

Transfer of Presidency

Mr. Cherry made the following motion:

Consideration of Term Limits for Officers

This Board is served by three officers: President, Vice President and Secretary. The President and Vice President are elected by the membership and the office of Secretary is efficiently filled by the Director of DPOR as mandated by § 54.1-304 of the *Code of Virginia*. Mr. Hasler, President of this Board for a number of years, recently retired. The Board must, therefore, elect a President. I respectfully submit that the Board would be better served, and leadership opportunities for its members would be enhanced, if terms of office were established. Therefore I move the following:

- That the Board establish terms for the offices of President and Vice President;
- That elections to either office shall be for a term of four years;
- That a person may serve more than one term;
- That, should a vacancy occur in either office, the Board shall conduct an election to fill the office for the remainder of the unexpired term;
- That any election to the office of President or Vice President, subsequent to the adoption of this resolution shall be for a term ending May 31, 2011; and
- The Secretary shall cause the matter of election of officers to be placed on the Board's agenda for the meeting next preceding May 31, 2011.

Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Captain Edmunds nominated Mr. Cherry as President of the Board for a term of May 2, 2007, through May 31, 2011. Captain Callis seconded the motion which was unanimously approved by Messrs. and Captains: Callis,

Election of Officers

Cofer, Edmunds, Miller, and McCrory. Mr. Cherry abstained from the vote.

Mr. Cherry nominated Mr. Stone as Vice President of the Board for a term of May 2, 2007, through May 31, 2011. Captain Cofer seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

The Board congratulated Mr. Cherry on being elected President of the Board for Branch Pilots.

Mr. Miller relinquished his position as President pro tempore and Mr. Cherry continued the meeting as President.

**Transfer of
Presidency**

Captain Callis provided the Board with a report of the examinations conducted by the Examination Administrators on May 1, 2007. The following report was made:

**Examination
Administrators
Report**

Clarence M. Young

Captain Young answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, safe vessel speed, the effects of wind on high profile containerships, under keel clearance, timed arrivals, vessel squat and surge, bank cushion and suction. Captain Young stood a good examination and was found to be qualified. Captain Callis moved that Captain Young be raised from the Golf classification (625 ship units and 38 feet maximum draft or 450 ship units and 42 feet maximum draft) to the Hotel classification (725 ship units and 41 feet maximum draft or 550 ship units and 45 feet maximum draft). Captain McCrory seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Torrence A. Rogers

Captain Rogers answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven and Sewell's Point, safe vessel speed, the effects of wind on high profile containerships, under keel clearance, timed arrivals, vessel squat and surge, bank cushion and suction. Captain Rogers stood a good examination and was found to be qualified. Captain Callis moved that Captain Rogers be raised from the Golf Classification (625 ship units and 38 feet maximum draft or 450 ship units and 42 feet maximum draft) to the Hotel classification (725 ship units and 41 feet maximum draft or 550 ship units and 45 feet maximum draft). Captain Edmunds seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Mr. Courtney updated the Board and provided them with a handout as to the status of House Bill 2522 and Senate Bill 992.

**Review of HB 2522
and SB 992**

After discussion, Captain Cofer made the following motion:

At Richmond, Virginia, on the 11th day of September 2006, the State Corporation Commission entered its Final Order in the matter of J. William Cofer, et al., Case Number PUE-2006-0046. The commission heard evidence regarding Ship Units v. Gross Tonnage methodology when determining the volumetric measurement of vessels; whereupon, it was ORDERED that "...the Association's proposal to begin assessing pilotage charges based on gross tonnage as determined in accordance with the International Convention on Tonnage Measurement of Ships, 1969 should be approved."

In consequence of this ruling, HB 2522 was passed by the 2007 General Assembly, which amended § 54.1-909 of the *Code of Virginia* by removing references to draft or ship units as the basis for determining size of vessels that limited branch pilots may conduct; wherefore,

To comply with the State Corporation Commission's ruling, and, pursuant to § 54.1-909 of the *Code of Virginia* as amended, I move that branch pilot licenses issued by this Board on and after July 1, 2007, be classified and limited as follows:

License	Minimum Interval	Gross Tonnage	Draft
ALPHA	3 months	16,000 GT	25'
BRAVO	3 months	24,000 GT	28'
CHARLIE	6 months	28,000 GT	30'
DELTA	6 months	32,000 GT	32'
ECHO	6 months	36,000 GT	34'
FOXTROT	6 months	40,000 GT	38'
GOLF	3 months	50,000 GT	42'
HOTEL	3 months	60,000 GT	46'

Captain McCrory seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Captain McCrory moved to adopt the following resolution to honor the years of dedicated service by former Board member Robert T. Hasler, Jr., to the Board:

**Consideration of
Resolution**

RESOLUTION IN HONOR OF

Robert T. Hasler, Jr.

WHEREAS, **Robert T. Hasler, Jr.**, did faithfully and diligently serve as a member of the Virginia Board for Branch Pilots from June 1972 to February 2007; and

WHEREAS, **Robert T. Hasler, Jr.**, did devote generously of his time, talent and leadership to the Board and did ably serve as President of the Virginia Board for Branch Pilots from June 1982 to February 2007; and

WHEREAS, **Robert T. Hasler, Jr.**, did at all times render decisions with fairness and good judgment so as to promote and preserve the best interests of our citizens and the profession of piloting in Virginia; and

WHEREAS, the Virginia Board for Branch Pilots acknowledges its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, this second day of May 2007, that the Virginia Board for Branch Pilots expresses utmost regard and respect for **Robert T. Hasler, Jr.**, and his professional legacy to this Board; and, so that all may know of the Board's depth of its expression, it is ORDERED that this resolution be spread upon the official minutes of the Board and that a copy hereof be presented to **Robert T. Hasler, Jr.**

Mr. Martin seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

Captain Cofer informed the Board and its guests that the boat tour of Fort Wool would be postponed until the next meeting on July 27, 2007.

Other Business

Mr. Cherry thanked Mr. Tucker, BPOR Board Liaison, for his assistance in procuring the meeting room as well as the breakfast refreshments.

Captain Callis noted that Captains Rogers and Young were both examined on the new higher gross tonnage limits so therefore, as of July 1, 2007, their licenses should automatically be modified to reflect the new limits, based on gross tonnage, for the Hotel classification. Captain McCrory seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Cofer, Edmunds, Miller, and McCrory.

The Board members were provided with the Department's Biennial Report for 2004-2006.

Mr. Courtney provided the Board with information on the new location that the Department will be moving to later this year.

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms
Adjourn

There being no further business, the meeting was adjourned at 10:20 a.m.

Bruce R. Cherry, President

Jay W. DeBoer, Secretary