

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
August 19, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 19, 2008 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:40am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, absent; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, absent.

Minutes of Prior Meetings

On a motion by Commissioner Amster and seconded by Commissioner Wiklinski that the minutes of the July 15, 2008 regular meeting was approved. All voted in favor.

Treasurers Report

On a motion by Commissioner Daly and seconded by Commissioner Amster that the Treasurer's report dated August 2008 was approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a draft MOA between the New Jersey Department of Transportation and the Commission. The MOA will define the financial relationship between the two entities. A final document will be on the Commissions September 16, 2008 agenda for approval and execution.

The auditors are scheduled to come in on August 20, 2008. The final report should be available at the Commission's September 16, 2008 regular meeting.

The Commissioners were given a copy of a letter from Captain Frank Wall regarding possible wake damage caused by a vessel he was piloting.

The Commissioners were given a copy of the Sandy Hook monthly apprentice training report. Apprentice Colleen Quinn is scheduled to take her state licensing exam the week of September 8, 2008. Commissioner Wiklinski will proctor the exam.

The Commission's current regulations have been updated on the website to include the newly adopted recurrent training regulations and the rate rule proposal has been posted with the deadline date for comments.

Captains A. Braendly, N. Tribus, J. Graham and D. Walsh are out on sick leave. Captains C. Weiss and K. Gadow have taken a leave of absence.

Captain McGovern reported to the Commission that he has received a letter from Captain Braendly's physician that he will not be able to return to work. He will get in touch with Captain Braendly to follow up.

The Commissioners were given a copy of the advance registration form for Port Industry Day. Mr. Licata has attended this event each year and finds it to be a great networking opportunity. Any Commissioner interested in attending was asked to notify the Commissions staff.

The Commissioners were given a copy of an article from the Professional Mariner regarding the Coast Guard's new medical rules. Captain McGovern informed the Commission that the status of the NAVICK is still an issue.

The Commissioners were given a copy of an article from the Star Ledger regarding the proposed Marina in Carteret.

Ms. Genevieve Clifton informed the Commission that the permit application was pulled out of DEP. The Mayor has hired Stevens Institute of Technology to do a surge analysis. In the meantime they are continuing to talk to Maritime Resources regarding funding for the Marina. She stated that it would be helpful if the Commission wrote a letter to the Mayor stating their concerns.

The Commissioners were given a copy of an article from the Professional Mariner regarding the incident aboard a vessel in Maryland that involved a knife threat.

The Commissioners were given a copy of an article from the National Retail Federation regarding a projected drop rate in 2008 for retail container traffic.

Resolution to approve the issuance of a license to Captain  
Richard Jermak

Captain Richard Jermak sat for his state license exam on July 14, 2008 and passed with high marks. Commissioner Daly proctored the exam.

On a motion by Commissioner Wiklinski and seconded by Commissioner Daly, Resolution #08-10 was passed to approve the issuance of a New Jersey State License to Captain Richard Jermak.

Captain Jermak was sworn in by Commissioner Timothy Dacey.

Public Comment

Report from Captain Robert Flannery, President, Metro Pilots Association:

The IMTT Docks will be closed during dredging; however, a plan was put into place last year to allow vessels to work around the closures.

There will be a Pilots/Terminals roundtable meeting following the September 17, 2008 Harbor Ops Meeting.

The pilots asked that tires be put into place at Berth 17. The terminal responded with small tires. The pilots found this to be unacceptable and asked that they be replaced with truck or airplane tires.

Comment from Andrew McGovern, President, The New Jersey Sandy Hook Pilots Association:

Captain McGovern attended the International Maritime Pilots Association meeting in Bangkok. There were numerous conversations regarding the incident aboard the Cosco Busan. Captain Cota, the pilot aboard that vessel, attended the meeting but did not speak publically.

The EPA has requested a reduction of the speed of large vessels in the Ambrose Channel. They feel as if this will balance the air credits currently used by the dredging equipment and help speed up the dredging process.

Ms. Genevieve Clifton informed the Commission that a regional air team consisting of the Port Authority, Maritime Resources and the EPA worked on the issue and came up with actual computations to support this theory.

The Pilots feel as if this is not a safety issue and will make the necessary adjustments.

The Sandy Hook Pilots will hold a tabletop exercise with the Executive Committee to look at the new pilot station and try to determine how it will affect the operations of the pilot station.

#### Resolution to approve the hiring of the Maritime Pilot Institute

Mr. Licata informed the Commission that he has been in touch with the Maritime Pilot Institute the company that designed the programs for the laptops currently in use by maritime pilots, to provide training to docking pilots. The course will run for one-day and will familiarize the docking pilots with the system. Mr. Licata will meet representatives from the docking pilots and the maritime pilots immediately following the meeting to coordinate joint training.

On a motion by Commissioner Amster and seconded by Commissioner Daly the Commission approved Resolution #08-09 to approve the hiring of the Maritime Pilots Institute. All voted in favor.

#### Committee Reports

##### A. Capital Construction Meeting - Commissioner Amster:

During a conference call meeting the Committee voted to maintain the present level which will generate a modest surplus by 2010. This surplus will rapidly escalate because a lot of obligations will be paid off by that time. There is a concern over what to do with the pilot boat New Jersey. Sandy Hook will have a meeting in the fall with industry representatives to discuss this issue. They were asked to keep the Commission involved.

##### B. Investigation Committee:

- I. ***M/V Orange Sun*** - (TFD) - 1/24/08 - Collision. The incident is currently under investigation by Commissioner Daly, the U.S. Coast Guard and the NTSB. Commissioner Daly has been informed that the Coast Guard hired a hydrologist to examine the haul shape and the pitch problems. Commissioner Daly will

- monitor the Coast Guards progress. He would like to see this incident closed by year's end.
- II. **Eagle Birmingham** - (TJD) - 4/26/08 - Ship departed with tug tied to port side. This incident is still under investigation and has been carried.
- III. **Baltic Merchant** - (TJD) - 5/4/08 - Loss of Steering. Based on the attached investigation report Commissioner Dacey recommended that the pilots be sent a letter of nonculpability. A motion was made by Commissioner Amster and seconded by Commissioner Daly to accept the recommendations in the report. All voted in favor.
- IV. **Qatari Ibn Al Fujaa** - (TJD) - 5/5/08 - Power Loss. Based on the attached investigation report Commissioner Dacey recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- V. **Qatari Ibn Al Fujaa** - (TJD) - 5/6/08 - Loss of Engine. Based on the attached investigation report Commissioner Dacey recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- VI. **Ballengen** - (TFD) - 5/15/08 - Near Miss. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter informing him that (1) his license is restricted to preclude him from piloting ships bound for or departing South Amboy via the Raritan Cutoff and Ward Point Bend (West) or otherwise bound to or from South Amboy or the Raritan River until such time as he has observed from the bridge of a ship, of not less than 10,000 gross tons, bound for or departing South Amboy or the Raritan River via the Raritan cutoff and Ward Point Bend five such movements either with or without tug assistance, (2) or, the pilot completes a manned model training program approved by the Executive Director (3) A copy of this Review and the Board's findings and actions should be sent to the Sandy Hook Pilot, his attorney, the President of the NJ Sandy Hook Pilots Association, the Docking Pilot, a representative of his Association and the USCG and (4) The Executive Director is authorized to notify the Sandy Hook Pilot and his attorney in writing that they have 30 days to contest the Board's actions and request a formal hearing. A motion was made by Commissioner Amster and

seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.

VII. **Norwegian Spirit** - (TJD) - 5/25/08 - Allision. Based on the attached investigation report Commissioner Dacey recommended that the pilots be sent a letter of nonculpability. A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.

VIII. **British Integrity** - (CAL) - 6/28/08 - Loss of Power. This incident is still under investigation and has been carried.

#### New Business

Commissioner Wiklinski asked the Commission to authorize the Executive Director to send Bob Pouch, Executive Director of the New York Commissioner a letter of congratulations on his retirement.

Mr. Licata informed the Commission that a letter has been sent to Mr. Pouch inviting him to the December 9, 2008 regular meeting. At that time the Commission will present him with a formal resolution. Mr. Pouch accepted the invitation and will be accompanied by members of the New York Board.

#### Old Business

Commissioner Dacey informed the Commission that the book by Frank Duffy, **Always on Station, the Story of the Sandy Hook Pilots** has been published and is available for purchase. He found the book to be interesting and recommended that all present purchase it.

#### Executive Session

WHEREAS, the Open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss personnel and litigation matters.

WHEREAS, the Commission desires to retire to closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy.

A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten-minute break at 11:45am.

#### Return to Public Session

A motion was made by Commissioner Daly and seconded by Commissioner Amster that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:25pm.

#### Upgrade of Pilot W.A. Speiser from a Pilot of the Second Grade to a Pilot of the First Grade.

A motion was made by Commissioner Daly and seconded by Commissioner Amster that Captain William A. Speiser be promoted from a Pilot of the Second Grade to a Pilot of the First Grade effective September 7, 2008. All voted in favor

Captain Speiser was sworn in as a First Grade Pilot by Commissioner Wiklinski.

#### Adjournment

A motion was made by Commissioner Daly and seconded by Commissioner Amster that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 12:35pm.