

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
October 21, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 21, 2008 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:15am.

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, present; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, absent (Commissioner Azzolina was sick at the time of the meeting).

Minutes of Prior Meetings

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that the minutes of the September 16, 2008 regular meeting be approved. All voted in favor.

Treasurers Report

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that the Treasurer's report dated October 2008 be approved.

All voted in favor.

Executive Directors Report

Mr. Licata visited the state archives where there were several boxes containing Commission files dated back to the 1850's. One of the oldest documents found was a letter dated May 2, 1850 from the Commission to the Governor informing him that John Young was appointed a Deputy Pilot. The letter was displayed on the overhead projector.

Mr. Licata is in the process of having all the original documents in the state archives digitized. He is also trying to locate missing annual reports from 1985 - 1994. Commissioner Amster has provided copies of some of the missing reports.

Mr. Licata informed the Commission that the Memorandum of Understanding between the Department of Transportation and the Commission has been fully executed. Effective immediately the Commission will send all invoices directly to DOT instead of Maritime Resources.

Mr. Licata reminded the Commission to complete the on-line ethics training as mandated by the Governors office by November 1, 2008.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report.

Mr. Licata gave the Commissioners a brief summary of the first Docking Pilot training seminars. Two out of the four contracted sessions have been completed. In general the feedback has been good. After the first session the course was "tweaked" to make it more hands on. The Commissioners were given a summary of the training objectives along with a biography on the conductor of the seminar, George Burkely.

The Commission received an authorization from Sandy Hook's physician for Hudson River pilot Nils Tribus to return to work effective November 7, 2008. Captain Tribus will have to complete refamiliarization trips as mandated by the New York Board. Mr. Licata has been in touch with the New York Board and will keep the Commission posted.

The Commissioners were given a copy of the agenda from the Harbor Ops Meeting on September 17, 2008. Mr. Licata attended the meeting in which a chartlet of the Ambrose Channel and proposed buoy changes was distributed. The Chartlet has been displayed on the overhead projector and Mr. Licata asked Captain Edward Sweeney to give the Commission a summary of the changes.

The Commissioners were given a copy of correspondence from Carnival Cruise Lines in response to a letter they received from the New York Board regarding masters docking vessels at the New York Passenger Ship Terminal.

The Commissioners were given a copy of a Homeport Announcement stating that the TWIC compliance date has been moved up three weeks.

Public Comment

Comment from Edward Sweeney, Secretary, The New Jersey Sandy Hook Pilots Association:

Captain Sweeney attended Port Industry Day on October 20, 2008 with Mr. Licata. The Bayonne Bridge issue and dredging issues were discussed. These items need to be addressed in order to avoid dangerous situations in the future.

The members of the Sandy Hook Executive Committee are in Hawaii at the American Pilots Association conference.

Sandy Hook will give an Education Cruise on Thursday, 23rd up the Hudson River.

Comment from Genevieve Boehm-Clifton, Manager, Maritime Resources:

Maritime Resources have been getting inquiries from recreational boaters in the Delaware River regarding the need to take on a state licensed pilot. She was referred to the Commissions statute, which requires any vessel over 200 feet to take on a state pilot.

Resolution to Approve the Adoption of Regulations

These regulations were proposed after the Commission received a request from Sandy Hook to change intra harbor movement rates. Counsel has recommended that the rates be changed via regulations. The rates were published in the July 21, 2008 edition of the New Jersey Register. Two comments were received from The Sandy Hook Pilots Association and Interport Pilots. Per the attached response to comment document, Mr. Licata recommended that the Commission adopt the rates as proposed.

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster Resolution #08-13 was passed to approve the adoption of regulations to adjust intra harbor and other ship movements. All voted in favor.

Resolution to set meeting dates for the calendar year 2009

Per the attached list, the Commission has agreed to continue to meet on the Third Tuesday of each month, with the exception of January in which they will meet on the second Tuesday of the month.

On a motion by Commissioner Amster and seconded by Commissioner Wiklinski Resolution #08-14 was passed to set the meeting dates for the calendar year 2009. All voted in favor.

Resolution to adjust pilotage fees

Based on the previous two years financial records Mr. Licata has recommended that the Commission reduce its pilotage fees from 2.75% to 2.5%. This amount would be consistent with the percentage received by the New York Board.

Commissioner Amster inquired about whether the Commission could mandate that the reduction in fees be used for recurrent training. After open discussion it was determined that the Commission's authority to mandate how uncollected fees are spent is unclear.

On a motion by Commissioner Amster and seconded by Commissioner Wowkanech Resolution #08-17 was passed to reduce fees charged to maritime pilots. All voted in favor.

A. Pension Surcharge Committee

The Committee met on October 7, 2008. Commissioner Amster and Mr. Licata attended the meeting. Commissioner Amster reported that the Committee voted to maintain the present fees. They will meet again in February of 2009 at which time a detailed actuarial report will be presented. The meeting was also attended by industry representatives who were very cooperative.

B. Apprentice Selection Committee

Commissioner Wiklinski reported that the Committee interviewed a total of 37 applicants. Most of the applicants were well prepared and enthusiastic. It was a difficult task to pick a list of the top ten candidates with five alternates.

Commissioner Daly also participated in the interview process and found the candidates to be impressive.

A resolution to adopt the list is on the agenda.

C. Audit Committee

Each Commissioner was sent a copy of the audit to review prior to the meeting. The Committee met this morning to review the financial statements. This was the first time in an independent audit has been conducted and the Committee reported that it has turned out as expected.

A resolution to adopt the audit is on the agenda

D. 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 waiting on a report from the hydrologist hired by the Coast Guard and was also having problems with a corrupted VDR disk. He will move forward with his investigation and anticipates having a completed report at the next meeting.
- II. ***Eagle Birmingham*** - (TJD) - 4/26/08 - Based on the attached investigation report, Commissioner Dacey recommended that Cautionary Letters be sent to both pilots reminding them of their responsibility to advise the pilot that they are relieving of the total situation that the ship is in. A motion was made by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- III. ***Baltic Merchant*** - (TJD) - 5/4/08 - Steering Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- IV. ***British Integrity*** - (CAL) - 6/28/08 - Power Loss. Based on the attached investigation report, Mr. Licata recommended that the pilot be sent a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.
- V. ***Maersk Driscoll*** - (TJD) - 8/29/08 - Power Loss. Based on the attached investigation report, Commissioner Dacey recommended that the pilot be sent a letter of non culpability. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.
- VI. ***Caribbean Princess*** - (TJD) - 10/5/08 - Power loss. This incident is still under investigation by Commissioner Dacey and has been carried.

Resolution to approve the list of qualified maritime pilot apprentices

On a motion by Commissioner Daly and seconded by Commissioner Wowkanech Resolution #08-15 was passed to approve the list of qualified apprentices. All voted in favor.

Resolution to approve the FY 08 Audit

On a motion by Commissioner Amster and seconded by Commissioner Daly Resolution #08-19 was passed to approve the FY 08 audit. All voted in favor.

New Business

Commissioner Dacey was aboard the maiden voyage of the QEII along with maritime pilot Captain Raymond Keanan and docking pilot Captain Walter Russell. Commissioner Dacey commended both pilots for doing a terrific job and working well together.

Old Business

The Commission received an appeal request re: the Ballengen incident. Given that the matter is now being litigated, the discussion will be held in Executive Session. There is the possibility that a resolution regarding the matter will be presented when the Commission returns to public session.

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 meet 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 11:15am.

Return to Public Session

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

The Commission returned to Public Session at 1:00pm.

Upgrade of Pilot D.C. Boylan from Third Grade to Second Grade

A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski that Captain D.C. Boylan be promoted from a Pilot of the Third Grade to a Pilot of the Second Grade effective November 1, 2008. All voted in favor

Upgrade of Pilot D. Graves from Sixth Grad A to Sixth Grade B

A motion was made by Commissioner Wiklinski and seconded by Commissioner Daly that Captain D. Graves be promoted from a Pilot of the Sixth Grade A to a Pilot of the Sixth Grade B effective November 6, 2008. All voted in favor

On a motion by Commissioner Daly and seconded by Commissioner Amster Resolution #08-18 settling the **M/V Ballengen** matter was passed. All voted in favor.

Adjournment

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

The meeting was adjourned at 1:10pm.