

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
May 20, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 20, 2008 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

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, present.

Minutes of Prior Meetings

On a motion by Commissioner Wiklinski and seconded by Commissioner Azzolina that the minutes of the April 8, 2008 regular meeting was approved. All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that Commissioner Wowkanech called to express his regrets for not being able to attend the meeting.

Each Commissioner was given a copy of a memo sent to all New Jersey State Licensed pilots with a copy of the newly adopted safety regulations.

The Commissioners were given copies of correspondence with Rob Jones from the National Transportation Safety Board regarding the Orange Sun incident.

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

Mr. Licata informed the Commission that Coleen Quinn is scheduled to take her State Licensing Exam the week of September 8, 2008. Commissioner Wiklinski will proctor the exam.

Mr. Licata informed the Commission that Richard Jermak an apprentice with Interport was scheduled to take his state licensing exam on May 13, 2008, however, due to his scheduling error the exam will have to be rescheduled.

Mr. Licata attended a Harbor Safety Committee meeting on May 14, 2008. Various items were discussed.

The Commissioners were given copies of articles regarding Senator Lautenberg and his involvement in maritime and port issues.

The Commissioners were given copies of Bill #S2699 proposed by Senator Lautenberg requiring the NTSB to cooperate with State agencies investigating maritime accidents when the NTSB is the lead Federal investigator and requiring the USCG to study and report to the Committee on the use of tractor tug escorts for vessels carrying petroleum products or with large supplies of fuel on board.

The Commissioners were given a copy of an article from the MarEx Newsletter regarding an extension in the compliance date for the TWIC.

The Commissioners were given a copy of a Port Authority Press Release regarding Growth in the Ports.

The Commissioners were given a copy of an article and editorial from the Star Ledger regarding the Bayonne Bridge.

The Commissioners were given a copy of an article from the MarEx Newsletter regarding the growth in container traffic.

Captain Alan Braendly, Nils Tribus and John Tooker are currently out on sick leave. Captains Christopher Weiss and Kevin Gadow have taken a leave of absence.

Public Comment

Comment from Edward Kelly, Executive Director, The Maritime Association of the Port of New York/New Jersey:

Mr. Kelly has been appointed as the Vice Chair of MAKORA.

The Maritime Association offered their Shipping 101 course in the beginning of May. The class was well attended. They also did a course for the Waterfront Commission that was specific to that organization.

The Hall of Fame dinner was held on May 14, 2008. the event was well attended.

\$1.5 million was allocated to PORTS. NOAA took possession of the funds but they have not been appropriated. The Federal Government has allocated funding for PORTS up until the year 2009.

In New York, \$8.5 million was taken from the dredging fund to pay back rent for ports. The Association feels that the money was taken from the wrong fund and are meeting with the Governors office to try to get the situation rectified.

The New York Economic Development Corporation is doing a study on maritime support services.

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

The bridge clearance sensors on the Verrazano Bridge have been installed. They are not on line yet. Captain McGovern spoke with the head of the PORTS to ask for a ball park figure for the air-draft. He gave him a figure of 233'.

Fleet Week will begin on May 21, 2008. Participation will be minimal this year.

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

The fish windows will cause a delay in the dredging in Port Jersey.

Royal Caribbean Cruise Lines and Stevens Institute are getting together to do a surge study.

The openings and closings of the AK Railroad Bridge have been working well so far. There is another test deviation for

the next 180 days. Vessel Traffic Service is no longer overseeing the operation of the bridge. The railroad will be in charge of raising and lowering the bridge. The battle to keep VTS involved has been lost and the pilots are very concerned.

Committee Reports

A. Pension Surcharge Committee:

The Committee met last week. The actuaries and accountants have been asked to do a study and come up with a picture of where the surcharge will be in the future. In the meantime the Board voted to maintain the \$2.19 level. The Committee will meet again in September.

B. Docking Pilot Apprentice Selection Committee:

The Committee interviewed two applicants. Although both applicants were strong candidates, neither was statutorily eligible to be put on the list. The Committee recommended sending each applicant a letter encouraging them to reapply at a later date when they become eligible.

Commissioner Dacey questioned the need to start a new application process. The floor was opened for discussion. The following persons presented opinions regarding the need for a new list:

Captain Robert Flannery, President, Metro Pilots and member of the Docking Pilot Apprentice Selection Committee - There are persons at Moran that are working and will become eligible within the next year. He believes that as time progresses more mariners will express an interest in the program. He recommended that the Commission wait until 2009 before beginning the process again.

Captain Lou Bettinelli, President Interport Pilots Assoc. - There are currently a number of mariners working with Interport to put themselves in the position to become eligible for the apprenticeship. Currently they are not in need of more apprentices and felt comfortable knowing that he could approach the Commission if the need arises.

The Commission wanted to make sure that the Docking Pilot companies/associations had adequate pilot apprentices before making a decision on whether to start another application process.

Representatives were present from Metro Pilots Assoc., Interport Pilots Assoc. and McAllister Towing. All present assured the Commission that each had a sufficient number of apprentices.

The Commission accepted the report of the Committee and authorized Mr. Licata to send the necessary letters to the applicants. The Commission will advertise for new docking pilot apprentices in 2009 unless there is a request to start the process sooner.

C. Investigation Committee:

- I. **Zim Xiamen** - 11/2/07 - Allision. Based on his previous report Commissioner Daly has requested additional information from the Ship Company and to date it has not been received. Commissioner Daly recommended that the incident be closed and both pilots issued letters of nonculpability. A motion was made by Commissioner Dacey and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- II. **M/V Orange Sun** - 1/24/08 - Collision. The incident is currently under investigation by Commissioner Daly, the U.S. Coast Guard and the NTSB and has been carried.
- III. **Daquing 452** - 3/23/08 - Allision. Based on the attached investigation report, Commissioner Daly made the following recommendations: A letter be issued to the docking pilot informing him that the Commission has not found him culpable, but to remind him that he is expected to check the NOAA PORTS data prior to conducting a ship movement, send copies of the report to the docking pilot, his attorney, the Coast Guard and the New York Commission. A motion was made by Commissioner Azzolina and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- IV. **Stolt Span** - 4/15/08 - Allision. Based on the attached investigation report Commissioner Daly made the following recommendations: The Docking Pilot Apprentice be permitted to take his state licensing examination, however, be required to perform additional dockings/undockings under the supervision of a licensed pilot as detailed in the report; the Docking Pilot Apprentice be reprimanded for his failure to report a July 27 occurrence; the Docking Pilot be reprimanded for his failure to ensure that the ship was safely navigated and to fine him \$100 for

his delay in verbally reporting the Occurrence to the Commission; the Sandy Hook Pilot be fined \$100 for his delay in verbally reporting the Occurrence to the Commission; The Executive Director send a reminder to all pilots that they are entrusted with the safe navigation of the vessels they are piloting and that all New Jersey licensed pilots or apprentices is required to report all occurrences to the Commission when piloting a vessel or otherwise conducting the navigation of a vessel, even if they are not acting under the authority of a New Jersey license. A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski to accept the recommendations in the report.

Captain Louis Bettinelli from Interport Pilots made a request to the Commission to table the voting on the motion until the next meeting to give him a chance to forward written comments to the Commission with additional information regarding the occurrence. The Commission welcomed his comments and informed him that if any of the information he submitted changed the findings in the report the Commission would revisit the incident and make the necessary adjustments via resolution. Captain Bettinelli also asked the Commission to consider appointing a Pilot Review Board to work with the Commission and give their professional input to the investigating officer. The Commission will take the request under advisement. The Executive Director pointed out that all pilots have the opportunity to come before the Commission to appeal any decisions. The Recommendations were put to a vote. All voted in favor.

- V. ***Eagle Birmingham*** - 4/26/08 - Ship departed with tug tied to port side. This incident is still under investigation and has been carried.
- VI. ***Baltic Merchant*** - 5/4/08 - Loss of Steering. This incident is still under investigation and has been carried.
- VII. ***Qatari Ibn Al Fujaa*** - 5/5/08 - Power Loss. This incident is still under investigation and has been carried.
- VIII. ***Qatari Ibn Al Fujaa*** - 5/6/08 - Loss of Engine. This incident is still under investigation and has been carried.
- IX. ***Akashi Bridge*** - 5/9/08 - Broken Spring on Moored ship. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Daly and seconded by Commissioner Amster

to accept the recommendations in the report. All voted in favor.

- x. **Golden Taka** - 5/12/08 - Allision. The incident is still under investigation and has been carried.

Resolution to Appoint Maritime Pilot Apprentice - Christine M. Razukas

The Sandy Hook Pilots Association sent a letter to the Commission expressing the need to call Christine Razukas, the next candidate on the list of qualified apprentices into duty. Ms. Razukas appeared before the Commission and gave a brief summary of her background.

On a motion by Commissioner Azzolina and seconded by Commissioner Amster, Resolution #08-06 was passed to appoint Christine M. Razukas as a Maritime Pilot Apprentice effective May 1, 2008. All voted in favor.

Ms. Razukas was presented with a certificate of appointment by Commissioner Dacey.

Resolution to Hire an Auditor

On a motion by Commissioner Wiklinski and seconded by Commissioner Amster Resolution #08-05 was passed to hire an auditor for fiscal year 08. All voted in favor.

New Business

Safety Concerns:

The Commission stressed the need to the pilot organizations/associations to remind all pilots that the safe navigation of a vessel supersedes commercial concerns. They would like to see a system put into place whereby the pilots are periodically reminded that he/she is required by regulation to refuse to pilot a vessel if they have a reasonable basis to believe that the vessel's intended passage cannot be conducted safely.

Rate Making Matters:

The Commission's statute provides that the Commission shall in consultation with the New York Board establish rates for ports south of Sandy Hook, including Atlantic City. Sandy

Hook has recently requested that the New York Board update the rates for intra-harbor movements. New York has proposed the rate increase and provided for a public comment period. Mr. Licata has also been in discussion with Mr. Pouch regarding the rate increase. DAG Little has advised Mr. Licata that both sets of rates should be established by regulation. Mr. Licata will attend the New York Board meeting on June 3, 2008 to further discuss this issue. Upon completion of the meetings and subject to the approval of the Commission, Mr. Licata will prepare a regulatory proposal for the Commission's consideration at the June 17, 2008 regular meeting.

Revised Physician's Certification Form:

Mr. Licata presented the Commission with a revised Physician's Certification form. The revised form requires the physician to specifically list what medications they have prescribed and to further certify that the use of the prescription medications will not impact on the pilot's ability to perform his/her duties.

Captain Andrew McGovern pointed out that as part of MERPAC he is working with the U.S. Coast Guard to change the language on their current physical form regarding the use of prescriptions medications to include "all medications taken or prescribed within the last 30 days" and suggested that the Commission utilize the same language to make the forms universal. Captain McGovern will send the exact language to Mr. Licata.

On a motion by Commissioner Daly and seconded by Commissioner Amster the Commission authorized the Executive Director to change the form and post the revised form on the Commission's website pending the receipt of the Coast Guard language from Captain McGovern. All voted in favor.

Old Business

Four comments were received on the Recurrent Training Rule Proposal. Mr. Licata gave the Commission a summary of each comment. He recommended that the Commission proceed with the adoption of the proposal without change. He will prepare a comment to response document with a resolution for the Commission to be voted on at the June 17, 2008 regular meeting.

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 Amster that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten-minute break at 11:58am.

Return to Public Session

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

The Commission returned to Public Session at 12:58pm.

Upgrade of Pilot Brendan Foley - Fifth Grade to Fourth Grade

A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski that Captain Brendan Foley be promoted from a Pilot of the Fifth Grade to a Pilot of the Fourth Grade effective June 7, 2008. All voted in favor.

Adjournment

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

The meeting was adjourned at 1:05pm.