

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
January 15, 2013**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 15, 2013 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:12am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, absent.

Election of Officers

A motion was made by Commissioner Dacey to nominate Commissioner Stapleton as President, Commissioner Dacey as Vice President, Commissioner Wowkanech as Treasurer and Commissioner Wowkanech as Secretary. The nominations were seconded by Commissioner Stapleton.

All voted in favor.

Committee Assignments

Commissioner Stapleton will take the Committee Assignments under advisement and make appointments at the February 19, 2013 regular meeting.

### Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the minutes of the December 18, 2012 regular meeting be approved.

All voted in favor.

### Treasurers Reports

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the Treasurer's report dated January 2013 be approved.

All voted in favor.

### Executive Director's Report

Captain Sarubbi informed the Commission that he will be making an attempt to visit other government agencies and commercial entities on a regular basis to make other organizations aware of the Commission, learn about other government agencies and private organizations and foster communications. On Tuesday, January 8, 2013 he attended the New York Commission Board meeting. On Wednesday, January 9, 2013 he attended a meeting at the Manhattan Cruise Terminal with the President of the State University of New York and her staff to discuss career opportunities in the cruise industry and brief them on the Commission. On Friday, January 11, 2013 he attended the quarterly meeting of the Maryland Board of Pilot Commissioners in Baltimore.

The clean-up of the Commission's regulations is ongoing. They are essentially completed and have to be formatted for submission. At the Commission's last meeting they were given three scenarios to address the issue regarding the post-occurrence chemical drug and alcohol testing section. Captain Sarubbi will get back to the Commissioners with his recommendation on this section shortly.

Captain Sarubbi provided the Commission with a summary of all incidents that occurred in 2012 along with two charts. The first chart broke the incidents down by type and the second by probable cause. He summarized the information and pointed out that in light of the 32 incidents that occurred in 2012 the pilots in the ports of New Jersey and New York share an excellent safety record.

Public Comment

Comments from Retired Commissioner, Stanley E. Wiklinski:

Commissioner Wiklinski gave the attached address.

Comments from Commission President, Charles Stapleton:

Commissioner Stapleton thanked Retired Commissioner Wiklinski for his comments. He addressed some of the concerns that were raised by Commissioner Wiklinski. Commissioner Stapleton informed all that the Commission was created under state statute by the Governor and that the Governor's office is in charge of determining how all state authorities and boards are operated. He also pointed out that although the Maritime Pilot and Docking Pilot Commission were included in the general statement made by the Authorities Unit's November 9, 2010 memo regarding excessive spending, the administration is attempting to curb spending at all boards and authorities. In light of the current financial restrictions placed on the Commission, there has been no back sliding of the Commission's work. The lack of appointments to the board is due to a back log in Trenton and does not mean that the Commission is being neglected by the current administration.

Comments from Ed Kelly, Executive Director, the Maritime Association of the Ports of New York/New Jersey:

Mr. Kelly informed the Commission that the public comment period for the Carteret Marina has expired and that the maritime community is against it being built. He would like to see the Commission get involved and state their objections to the marina as it presents a danger to the state pilotage system.

The contract to provide funding for the PORTS system will expire in March 2013. NOAA has sent a letter to the Port Authority informing them that if funding is not identified by that time, the system will be taken off-line. \$138,000 is needed to keep the system on-line. The Maritime Association has been lobbying in Trenton and Washington in an attempt to get the system funded. Mr. Kelly expressed his desire to see the Commission get involved in the fight to keep the system on line.

The issue with the Bayonne Bridge is underway but still has not been completely resolved. The Coast Guard has published an environmental assessment report which is currently out for public comment. They are accepting written comments and will also hold public hearings at Bayonne High School on February 4, 2013 and Sailors Snug Harbor on February 7, 2013. If the environmental assessment is not approved the project to raise the bridge will not move forward.

The Sandy Recovery Bill is being voted on today in Washington, DC. The Maritime Association sent representatives to petition for funds from the bill to go toward repairing the NOAA high frequency radar systems and replacing displaced buoys.

Mr. Kelly asked that the Commission get more involved in these types of issues because they affect the safety of the ports of New York and New Jersey.

The Maritime Association is offering its Shipping 101 Course the week of April 15' 2013.

Commissioner Stapleton asked Captain Sarubbi to follow-up on the issues raised and contact the Commissioners with his recommendations.

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

Captain Flannery expanded on Captain Sarubbi's comments regarding the pilot's safety record and pointed out that the pilots were able to maintain an excellent safety record while utilizing only ½ of the channel.

The dredging at Shooters Island Reach is almost complete. Great Lakes has been given the contract to do the 2<sup>nd</sup> phase of the dredging project.

There are seven fenders missing at Port Newark Container Terminal.

There will be a Harbor Ops meeting on January 16, 2013.

The pilots met with the Port Authority and the Army Corp about making the draft at Global Terminal 47 feet.

#### Committee Reports

A. Investigation Committee:

- I. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- II. **Maersk Wiconsin** - December 5, 2011 - This discussion was held in Executive Session.
- III. **Miramarin** - December 13, 2012 - Allision. This incident has been carried.
- IV. **Liberty Service** - December 15, 2012 - Loss of Gyro Compass. Captain Sarubbi's investigation of this case concluded that it did not fall within the Commission's regulatory definition of an investigatable occurrence and recommended that the case be closed to file.
- V. **Stena Primorsk** - December 20, 2012 - Loss of Steering/Grounding. Captain Sarubbi informed the Commission that this incident is being investigated by the New York Commission since the pilot was piloting on the Hudson River under his New York license.

B. Audit Committee:

The Audit Committee met via teleconference with the Auditor and found the FY12 Audit Report to be acceptable. The auditor recommended that the Commission's personnel maintain a local personnel file with time input for future audits. The staff will implement this practice ASAP.

Resolution #13-01 to Approve the FY13 Audit

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to approve the FY13 Audit.  
All voted in favor.

Discussion with Chuck King, Deputy General Manager, New Jersey Marine Terminals re: Port Authority Soundings and how they are Disseminated

The Commissioners raised their concerns regarding how often the soundings are completed at Port Authority Terminals and the speed at which they are distributed.

Mr. King informed the Commission that the soundings are completed twice a year and distributed to the community at the Harbor Ops meetings. The Commission wanted to know if there was any way to speed up the process between the soundings being completed, submitted to the Port Authority and distributed at

the meetings. Mr. King informed them that he usually receives them 4-5 weeks after they are done and if a Harbor Ops meeting is not scheduled that he would then distribute them via mail.

Captain Flannery stated the pilots want to get one controlling number from the Port Authority and not the chart of numbers that is hard to read.

Mr. King suggested a new format that would show the soundings every 25 feet, thereby making the charts easier to read. He has the revised charts and plans to discuss it with the pilots at the January 16, 2013 Harbor Ops meeting.

Mr. King also pointed out that the Port Authority is in charge of maintaining the fenders at Port Newark Container Terminal and will make the necessary repairs. He stated that the terminal agents did not report the missing and damaged fenders to them. He finds it difficult to get the information he needs from the terminal agents in order to complete necessary maintenance.

The Commission thanked him for coming to the meeting and expressed their desire to continue to work cooperatively with the Port Authority.

#### 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 legal matters.

WHEREAS, the Commission desires to meet in 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 or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton that the Commission goes into Executive Session.

All voted in favor.

The Commission took a break at 11:17am.

#### Return to Public Session

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

The Commission returned to Public Session at 12:47pm.

Pilot Upgrades

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to promote Captain Coleen Quinn to a Pilot of the Fourth Grade to become effective February 18, 2013.

All voted in favor.

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to promote Captain Ronald Perry to a Pilot of the Fifth Grade Part A to become effective February 1, 2013.

All voted in favor.

Maersk Wisconsin

A motion was made by Commissioner Dacey and seconded by Commissioner Stapleton to approve the settlement agreement reached by Captain Tooker and his Attorney.

All voted in favor.

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to revise the Opinion and Order regarding Captain Edward Sweeney deleting the recommendation of a Cautionary Letter for his failure to submit to a post-incident drug test.

All voted in favor.

Metro Pilot Association's Apprentices

Staff has been directed to send a letter to Apprentice Joseph Casais informing him of his pending dismissal from Metro's Apprentice Training program giving him sixty days to appeal the decision and request a hearing.

Staff has been directed to send a letter to Apprentice Kevin Walsh informing him of his dismissal from Metro's Apprentice Training program for violating the Commissions regulations.

Captain Frank Boslet, Jr.

Staff has been directed to publish a notice pursuant to N.J.A.C. 16:64-6.4(d) informing the public that Captain Frank

Boslet, Jr. is no longer a pilot in good standing with the New Jersey Maritime Pilot and Docking Pilot Commission.

Adjournment

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

The meeting was adjourned at 12:52pm.