

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
December 15, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 15, 2009 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 11:20am.

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.

Minutes of Prior Meetings

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster that the minutes of the November 17, 2009 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 December 2009 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the Transition Report that was sent to James Carey, Director, Authorities Unit. Another request was received from Governor Elect Christie's Transition Team for additional information. Mr. Licata will gather the information requested and submit it to the Transition Team by Tuesday, December 22<sup>nd</sup>. Commissioner Daly and

Commissioner Dacey will review the information before it is sent.

The Commissioners were given a copy of the newly readopted revised regulations. They were posted in the New Jersey register on December 7, 2009 and have also been posted on the Commission's website. Mr. Licata anticipates one to two rule proposals a year to keep the regulations current.

The Commissioners were given a copy of the Withdrawal Form from AOL regarding the Orange Sun matter. The settlement of this matter was approved at the Commission's November 17, 2009 regular meeting.

The Commissioners were given a copy of the agenda from the November 18, 2009 Harbor Ops Meeting. Mr. Licata attended the meeting. The largest issue discussed at the meeting was safety concerns at port facilities and Captain O'Brien's (USCG, COTP) letter on the subject.

The Commissioners were given a copy of the letter from the COTP sent to law enforcement agency heads and port partners regarding current safety practices and recommendations on improving them. Mr. Licata has been directed to send a copy of the letter to all New Jersey State licensed pilots with a cover memo from the Commission advising them to comply with the safety recommendations.

The Commissioners were given a copy of a letter from the New York Board to Dr. Delloroso the Medical Review Officer they contracted with. Mr. Licata is scheduled to meet with Dr. Desantis the Commission's medical expert from UMDNJ to discuss terms and provide copies of the information on two pilots for her review and medical opinion.

#### Public Comment

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

New York is the official host of the first annual combined National Conference of the Area Maritime Security Committee and Harbor Ops Committees. The conference will take place on June 8-10, 2010 at the Hyatt in Jersey City. The committee is getting support from the Federal Government and also looking for local support. The Maritime Association of the Port of New York/New Jersey is the local fiduciary agent and is trying to keep cost down for participants. They are anticipating approximately 500 attendees.

The issue of unsafe gangways will be discussed at the next oil terminal/pilot roundtable meeting. Captain McGovern feels that a pilot may have to refuse to board a vessel with an unsafe gangway before the problem is taken seriously by the terminals.

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

Captain Flannery informed the Commission that all of Metro's pilots comply with terminal regulations.

IMTT has a couple of gentlemen that work well with the pilots. The pilots give these gentlemen a call ahead of time and the problem is usually taken care of.

Preliminary discussions concerning the proposed width of the lift on the Bayonne Bridge went from 600 feet down to 400 feet. Captain Flannery believes 400 feet will not be wide enough to allow the larger ships to enter the port. The pilots organizations are getting together to discuss their concern on the proposal with the Port Authority. The Commission will write a letter in support of the pilot's position on this matter.

Captain Jonathan Miller is waiting to get the results of the test he took in November from the Coast Guard. Captain Flannery is hoping to have him appointed as an apprentice for Metro Pilots in January, 2010.

Captain Flannery feels that some pilots should receive letters of commendation when they handle difficult incidents instead of a letter of non-culpability. Commissioner Daly pointed out that the investigation reports usually point out the pluses and minuses of a pilot's performance during an occurrence.

Comment from Captain Simon Zorovich, Senior Pilot, McAllister Towing:

If a pilot refuses to board a vessel because of an unsafe gangway the pilot should be prepared to handle rebuttal from the companies. He suggested the pilot find another way of handling the issue i.e. boarding from a tugboat or pilot boat.

Comment from Genevieve Boehm Clifton, Manager, Maritime Resources:

Maritime Resources included the following issues that they intend to focus on in their Transition Report: the Port Jersey Channel; Delaware River and the Port Authority Bridge.

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

At the request of the COTP his letter was relayed to all Harbor Ops and MAPONY members.

The Shipping 101 course was completed in early December. They plan to offer it again in the spring. They are also exploring the possibility of offering HAZMAT training in the port.

MAPONY has on record with the Transition Team that the Bayonne Bridge is a top priority. They are disappointed with the Port Authority's timeline and feel that they are 5-10 years behind in their planning.

### Committee Reports

#### A. Investigation Committee:

- I. **Aurora** - 9/8/09 - (TJD) - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- II. **Saga Ruby** - 10/10/09 - (TJD) - Allision. This incident is still under investigation and has been carried.
- III. **High Nefeli** - 10/22/09 - (TFD) - Parted mooring line on tanker. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter stating that the current evidence does not warrant a finding of culpability, however in the event additional information comes to the attention of the Commission the case may be reopened. A copy of the letter with the investigation report should be sent to the New York Board and the docking pilot association. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.
- IV. **USS New York** - 11/12/09 - (TFD) - Allision. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A copy of the letter and investigation report should be sent to the New York Board and the docking pilot association. A motion was made by Commissioner Wowkanech and seconded

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

- V. **APL Beijing** - 12/3/09 - (TFD) - Allision with Bayonne Bridge. This incident is still under investigation and has been carried.
- VI. **Jo Ask** - 12/7/09 - (TJD) - Power loss. This incident is still under investigation and has been carried.

Upgrade of Pilot C.M. Quinn - Sixth Grade Part A to Sixth Grade  
Part B

Captain Quinn appeared in October for her annual appearance; however, her upgrade was delayed because she had been out on sick leave for 70 days.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that Captain Coleen Quinn be promoted from a Pilot of the Sixth Grade Part A to a Pilot of the Sixth Grade Part B effective January 10, 2010. All voted in favor

New Business

Commissioner Wiklinski read into the record a short essay written by a ten year old about the life of a pilot. The essay was submitted by Captain Richard Schoenlank.

There will be a Pension Surcharge Committee meeting on Thursday, December 17, 2009 at 1pm at the Sandy Hook Pilot's Headquarters in Staten Island.

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 investigation 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.

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

All voted in favor.

The Commission went into Executive Session at 12:13pm.

Return to Public Session

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

The Commission returned to Public Session at 12:40pm.

Adjournment

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

The meeting was adjourned at 12:41pm.