

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
November 16, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 16, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly called the meeting to order at 10:00am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, absent; Commissioner Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the October 19, 2010 regular meeting be approved with an amendment to include the approval of Resolution #10-09 and the swearing in of Apprentice Maritime Pilot James Britton.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the Treasurer's report dated November 2010 be approved.

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that Captain Frank Boslet, Sr. passed away on November 6, 2010. Captain Boslet was a retired New York Maritime Pilot.

Mr. Licata informed the Commission that the comment period for the Rule Proposal expired on November 7, 2010 and two comments were received. He is in the process of reviewing the

comments and will have a recommendation for the Commission at its December 21, 2010 regular meeting.

The Commissioners were given a copy of a memo from the Governors office requesting information from all State Authorities. Mr. Licata will draft a response for the President to approve prior to the November 30, 2010 deadline.

The Commissioners were given a copy of the agenda for the upcoming November 17, 2010 Harbor Ops Meeting. Mr. Licata will attend the meeting.

Mr. Licata informed that Commission that all New Jersey State licensed pilots that retired during the calendar year 2010 will be invited to the December 21, 2010 regular meeting to be recognized for their years of service.

The Commissioners were given a copy of an article regarding the Coast Guard's new policy to ban "substandard" foreign vessels.

The Commissioners were given a copy of an article regarding the Waterfront Commission and the recent hearings on alleged inefficient and illegal practices.

Public Comment

Commissioner Daly informed everyone that Captain Flannery was injured while disembarking a tug and was not able to attend the meeting.

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

MACOORA had its annual meeting on October 28 & 29th in Hoboken at Steven's Institute. The group is currently working to make data more easily accessible. Captain Flannery spoke on one of the panel discussions. His real world approach was appreciated by MACOORA's academic community. They are bringing their wind observation tools into the Harbor; although they will be used commercially they will also be made available to the port community.

The Metropolitan Waterfront Association will hold its Annual Conference on November 30, 2010 in Manhattan. They will look at issues that affect the New York Harbor.

The Harbor Ops Committee is accepting donations of books to be given to the American Merchant Library Association. The Coast

Guard has volunteered to deliver the books once they are collected.

The New York City Waterfront Vision 20/20 will become available to the public on December 8, 2010. It is expected to have a substantial impact on the way the harbor operates.

Comments from Captain Edward Sweeney, Vice President, The New Jersey Sandy Hook Pilots Association:

Captain Francis Reil will retire on December 7, 2010.

The pilots met with a representative from the MOLPAC Dutch Group. They are purchasing Hess State Street. They plan to bring ships in within the next couple of years. The pilots discussed the size of the ships, how to tie them up and other safety issues with them. They are planning to attend the Harbor Ops meeting this month.

Committee Reports

A. Investigation Committee:

- I. **Anna M.** - June 14, 2010 - Grounding (TFD). Informal hearing will take place in Executive Session.
- II. **British Serenity** - September 9, 2010 - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilots 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.
- III. **Kiel Express** - September 28, 2010 - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilots issued a letter of non-culpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.
- IV. **Zhen He** - October 2, 2010 - Bridge Strike. This incident is still under investigation by Commissioner Daly and has been carried.
- V. **Hanjin Vancouver** - October 11, 2010 - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilots 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. Commissioner Wiklinski pointed out that since the reports indicate that the pilots did an outstanding job in handling the incident, he would like the letter to reflect this.

Resolution #10-11 To Adopt An Operating budget for FY11

A draft of the budget was submitted to the Commissioners and the Governor's office prior to the meeting for review. The Governor's office suggested a few minor changes to line items that did not affect the bottom line. The Commissioners were given a copy of the budget with the revisions.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to pass Resolution #10-11 to adopt an operating budget for FY11.

The motion was put to a vote and all voted in favor.

Resolution #10-12 To Adjust Fees Charted to Maritime Pilots

The FY11 Operating Budget that was adopted by the Commission shows a substantial decrease in the Commission's operating expenses. As a result, the Commission is proposing to reduce the amount of fees it collects from maritime Pilots to have the fees align more closely with its operating expenses.

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to adopt Resolution #10-12 to reduce fees charged to Maritime Pilots.

Commissioner Wiklinski questioned the purpose of reducing the Commission's expenses and subsequently reducing the pilotage revenue if neither caused a burden to the State.

Captain Edward Sweeney informed the Commission that the pilots are comfortable paying pilotage fees because they understand that the fees allow the State to appoint Commissioners with the expertise necessary to run the Commission. He noted that the pilots are uncomfortable with the way things were recently done and are concerned with the type of persons that will be appointed to regulate them in the future. He feels in that in order for the State to get the best possible candidates some remuneration should be offered. He would like to meet with someone from the Governors Office to discuss this issue. Mr. David Reiner, Representative from the Governor's Authorities Unit took note of Captain Sweeney's comments.

Mr. Licata pointed out that an adjustment to the rate will be required in FY12.

The motion was put to a vote and all voted in favor.

Resolution #10-13 to Set the Meeting Dates for Calendar Year
2012

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to adopt Resolution #10-13 to set the meeting dates for the calendar year 2011. Per the attached list, the Commission will continue to meet on the third Tuesday of each month.

The motion was put to a vote and all voted in favor.

Old Business

Mr. Licata reported on the following items:

Ship Information Recording System - There are some technical difficulties with getting this done through the Commission's website and will take more time to try to work it out.

Update on Rule Proposal - Two comments were received. Mr. Licata should have a proposal for the Commission to vote on at its December meeting.

Status of MOA with U.S. Coast Guard - Remains at district level.

Budget - Completed at today's meeting.

Update on Database of questions for pilot exams - Mr. Licata and Commissioner Daly are currently working on this.

Publish Soundings on Commission Website - The process has been started through DOT's Office of Technology and Development.

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 Wowkanech and seconded by Commissioner Wiklinski that the Commission go into Executive Session.

All voted in favor.

The Commission took a break at 11:35am.

Return to Public Session

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

The Commission returned to Public Session at 12:45pm.

Anna M Investigation

The matter was carried until the December meeting.

Adjournment

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

The meeting was adjourned at 12:46pm.