

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
November 17, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 17, 2009 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

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

A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski that the minutes of the October 21, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Daly and seconded by Commissioner Amster that the Treasurer's report dated November 2009 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the return to work authorization for Captain John Bates. Captain Bates has completed his 50 break-in trips after being out of work for ten months recovering from an illness.

Mr. Licata informed the Commission that the signed consultant agreement from Dr. Hermes Desantis the medical expert

from the Department of Pharmacy Practice and Administration from Robert Woods Johnson University has been received. He will set up a meeting with Dr. Hermes Desantis to go over the process and begin the review of the pilot files that require additional attention.

Mr. Licata informed the Commission that the New York Board has awarded a contract to an FAA approved physician located near Newark airport.

The Commissioners were given a copy of a flyer from Captain Robert Flannery outlining a 16 hour Bridge Resource Management refresher course for pilots offered by MarineSafety International. Mr. Licata has also received correspondence from Captain Robert Ellis from McAllister. Captain Ellis is coordinating the training for all three docking pilot associations to participate in the 16 hour course. The training will take place at McAllister's training yard.

The Commissioners were given copies of the revised Coast Guard Physical Form. The revised form has been placed on the Commissions website. The new form is currently optional until January 1, 2010. As of that date the new form will be mandatory.

The Commissioners were given copies of correspondence sent to OAL with the notice of re-adoption of the Commission's current regulations. The regulations with amendments will be published in the New Jersey Register on December 7th and will become effective on that date. At that time the revised regulations will be posted on the Commission's website.

The Commissioners were given copies of correspondence sent to James Carey, Director, Governor's Authorities Unit, stating that the Commissioners have completed their on-line ethics training and that the Commission is in compliance with E.O. #41.

The Commissioners were given copies of correspondence sent to Mr. Jerry Escover thanking him for the book containing the Commission's regulations from 1882. The book has been placed in an acid free envelope and is stored in Mr. Licata's office.

The Commissioners were given copies of correspondence from Captains Andrew McGovern and Lou Bettinelli regarding current practices in reporting ship anomalies. Each agency has informal practices in place. Questions have arisen as to whether a more formal procedure is necessary, what that procedure is and how it would be shared. Mr. Licata will continue to work with the Associations on this issue.

The Commissioners were given copies of the draft MOA between the Coast Guard and the New York Board to formalize accident investigation and information sharing procedures. The current relationship with the Coast Guard is excellent; however, both sides would like to memorialize the procedures in case of a change in personnel in either agency. Mr. Licata will meet with Frank Keane and the Coast Guard in early December regarding an MOU with the Commission and the Coast Guard.

The Commissioners were given copies of the agenda for the Harbor Ops Committee meeting on November 18, 2009. Mr. Licata will attend the meeting.

The Commissioners were given copies of correspondence between the NTSB and the New York Board regarding New York's petition for reconsideration of their brief on the **New Delhi Express**. The NTSB has found no grounds to grant any modification to their report based on the issues raised by New York and has denied the petition.

The Commissioners were given copies of correspondence between the NTSB and the Coast Guard regarding safety recommendations. Mr. Licata pointed out that the revised Coast Guard Physical form addresses the recommendations.

The Commissioners were shown a brief video presentation of the maiden voyage of the USS New York. The video was submitted to the Commission's office by Captain John Bates.

Public Comment

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

Captain Flannery informed the Commission that the Port Authority is studying plans to fit the Bayonne Bridge with a lift mechanism to allow larger vessels to enter the port. The work could be completed by 2014 to ensure that the bridge is ready in time for the opening of the new channels in the Panama Canal.

The three docking pilot organizations are working together on the recurrent training of their pilots. The training is being coordinated by Captain Robert Ellis and will take place at McAllister's training yard in Staten Island. The 2-day refresher course will be completed over a three year cycle.

Everything is going well with the dredging.

The situation with the cranes has gotten better.

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

Captain McGovern apologized to the Commission for not being able to attend the last two meetings due to scheduling conflicts.

New York will host the first joint national Area Maritime Security Committee and Harbor Safety Committee Conference in the spring of 2010. The Committee is currently soliciting bids from hotels. They are also looking for sponsors.

Captain McGovern informed the Commission of an incident involving the Coast Guard's release of information that was part of a closed interview to an independent writer doing a story on the *M/V Barkald*. He has asked the Commission to keep this type of situation in mind when negotiating the MOU with the Coast Guard.

The state of New Jersey has provided a grant to the Harbor Ops Educational Sub-Committee to produce a video on safety in the port.

Committee Reports

A. Investigation Committee:

- I. **Aurora** - 9/8/09 - (TJD) - Power loss. This incident is still under investigation and has been carried.
- II. **Saga Ruby** - 10/10/09 - (TJD) - Allision. This incident is still under investigation and has been carried.
- III. **Cosette** - 10/16/09 - (TFD) - Steering failure. Based on the attached investigation report, Commissioner Daly recommended that this incident be closed and the pilot be issued a letter on non-culpability. A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- IV. **High Nefeli** - 10/22/09 - (TFD) - Alleged surge caused mooring lines to part on the tanker **Seamarine**. This incident is still under investigation and has been carried.

Resolution to Approve the issuance of a New Jersey State License to Captain Fred Dashkoff

Captain Dashkoff is the first apprentice pilot to go through the interview process and complete the Commission approved two-year apprenticeship training program with Metro Pilots Association. He sat for his New Jersey State License

exam at the Commission's office on November 4, 2009 and passed with high marks.

Commissioner Wiklinski proctored the exam. He found Captain Dashkoff's performance to be exemplary and feels that he will be a real asset to Metro Pilots Association. He was especially impressed when Captain Dashkoff challenged an answer to one of the questions during the grading of the exam.

Commissioner Daly voiced his appreciation of the challenge and found it to be helpful.

A motion was made by Commissioner Daly and seconded by Commissioner Amster to pass Resolution #09-17 to approve the issuance of a New Jersey State License to Fred Dashkoff. All voted in favor.

Captain Dashkoff thanked the Commission and was sworn in by Commissioner Dacey.

Resolution to approve the statement for the Master Pilot Exchange Card

This statement comes as a result of a request by the Sandy Hook Pilots Association to give pilots a statement to use when a master attempts to displace him. Initially, Mr. Licata was hoping to be able to work with the New York Board to come up with a joint statement; however they could not come up with language that would include all state licensed pilots since New York does not license docking pilots. The attached statement has been drafted to include all state licensed pilots and will be published in the Sandy Hook MPX Brochure.

A motion was made by Commissioner Daly and seconded by Commissioner Amster to approve Resolution #09-16. All voted in favor.

New Business

The Commissioners will hold its annual holiday luncheon immediately following the December 15, 2009 regular meeting. As in past years, the Commissioners will share in the cost of the luncheon and invite the Presidents of all the pilot associations.

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

All voted in favor.

The Commission took a break at 11:00am.

Return to Public Session

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

The Commission returned to Public Session at 12:10pm.

Resolution in Settlement of Litigation

A motion was made by Commissioner Daly and seconded by Commissioner Amster to pass Resolution #09-18 to accept the terms of the settlement agreement in the matter of Captain Doug Brown and the **Orange Sun** incident of January 24, 2008. All voted in favor.

Resolution to Approve Settlement

A motion was made by Commissioner Daly and seconded by Commissioner Amster to pass Resolution #09-19 to accept the terms of settlement in the matter of Captain Arthur Biagi and the **APL Japan** incident of July 9, 2009 in lieu of litigation or further proceedings. 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 12:15pm.