

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
June 21, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 21, 2011 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly called the meeting to order at 9:32am.

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.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the May 17, 2011 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner Daly that the Treasurer's report dated June 2011 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a Notice of Administrative Correction to the Commission's Regulations. Mr. Licata pointed out that it has not yet been filed, pending additional review.

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

The Currency Rule Proposal will be listed in the July 5, 2011 edition of the New Jersey Register with a comment period that expires on September 3, 2011.

Public Comment

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

The Army Corp of Engineers is hosting a meeting on the Arthur Kill dredging project on June 22, 2011.

Representatives from NOAA attended the Harbor Ops meeting to discuss the enforcement of the Right Whale Speed Restrictions issue. The representative would not comment on what investigative techniques they were using. Pilots believe they are using the AIS data. Mr. Licata asked them whether their investigations included some type of communication with the vessel to verify whether the violations were logged and justified in the interest of safe navigation. The representative was not able to give an answer to the question. To date no one within the port of New Jersey/New York have been cited, but have received warnings. Captain McGovern also pointed out that the Notices of Violation and Assessments are usually received a year after the alleged violation has occurred.

Kevin Walsh, a New York apprentice was highlighted in an article in the New York Times.

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

Port Jersey is putting plates down on the PVSC outfall line. They have proposed giving the pilots 250 ft for transit. The pilots found this unacceptable and requested 400ft which they were given.

Blasting will begin at the south edge of the channel to make it wider.

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

The Port Authority held a meeting with different groups within the maritime industry to discuss the Bayonne Bridge issue on June 10, 2011. The plan is to raise the road within the current arch. The Port Authority set aside one billion dollars for the project. There is a video available on-line with the presentation.

Comments from Ms. Genevieve Clifton, The Office of Maritime Resources:

The Port Authority is negotiating with Federal Highway Administration to acquire some of the funds needed for the Bayonne Bridge.

Committee Reports

A. Investigation Committee:

- I. **OSG Vision/OSG Barge** - February 12, 2011 - Near miss. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. He also recommended that the pilot be advised that his protest as to the jurisdiction of the Commission is without merit. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- II. **Faust** - March 9, 2011 - Allision with Buoy. Based on the attached investigation report Commissioner Daly recommended that pilots be mindful when they board vessels to afford themselves sufficient time to asses the performance of the vessel, the report sent to Metro Pilots and the pilot issued a letter of non-culpability. Captain Flannery pointed out that pilots do board vessels earlier than Robbins Reef but use Robbins Reef as a point of embarkation for billing purposes. He was advised to instruct pilots to put their actual boarding location on future incident reports. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- III. **Grande Guinea** - March 10, 2011 - This incident is currently being investigated by Commissioner Dacey and has been carried.
- IV. **Faust** - March 10, 2011 - Allision with Buoy - This incident is currently being investigated by Commissioner Daly and has been carried.
- V. **YM Eminence** - March 27, 2011 - Power Loss. Based on the attached investigation report Commissioner Daly recommended that the docking pilot be reminded that all power losses must be reported to the Commission and the pilot not be fined under the prevailing circumstances. A motion was made by Commissioner

- Dacey and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- VI. **Oleander** - May 5, 2011 - Allision - This incident is still under investigation by Commissioner Dacey and has been carried.
- VII. **New York** - May 25, 2011 - Allision. Based on the attached investigation report Commissioner Daly recommended that the incident be closed, the pilot issued a letter of non-culpability and a copy of the report be sent to McAllister with a suggestion to forward it to the appropriate Navy facility. Commissioner Wiklinski also recommended that the vessels haul number be included in the report to properly identify the vessel. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- VIII. **Sequoia** - June 5, 2011 - Near miss. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and the docking pilot and apprentice issued letters of non-culpability. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- IX. **Celebrity Summit** - June 8, 2011 - 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 motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.

Resolution #11-10 to Approve the 2010 Annual Report

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to approve the draft of the 2010 Annual Report. All voted in favor.

Resolution #11-08 to Approve the FY2012 Budget

The budget has been amended from the one previously sent to Commissioners to decrease transportation expenses from \$4000 to \$1000 at the request of the Governor's office.

A motion was made by Commissioner Dacey and seconded by Commissioner Daly to approve the FY2012 Budget.

Commissioner Wiklinski expressed his desire to see that word gets to the Governor and State Legislature that the State of New Jersey is being hurt by the defunding of the Commission.

He does not see any intellectual reason why such a move was made. He cited the work reported to the Commission earlier in

the meeting by Commissioner Daly on the accident investigations. This type of work takes numerous hours and expertise in order to properly investigate pilot incidents. He feels that the Commission will deteriorate and it will become a burden on the state if this important work is not properly funded.

Commissioner Daly is concerned about the absence of the Commissioners having the ability to be fully reimbursed for their out of pocket expenses linked to the work they perform on behalf of the Commission. The \$100 per month allocated by legislature is unrealistic. If there is urgency to an investigation expenses can rapidly increase. Change might be needed to the legislative language which he will continue to discuss with the Authorities Unit.

Commissioner Wiklinski pointed out that after twenty years no one on the Commission acts politically and all approach their duties from a leadership stand point. Things have definitely gotten better and the current legislation undid what was put into place by the 1837 legislature. He feels that it is his duty to speak out since he took an Oath of Office. He will vote to pass the budget with reluctance.

The motion was put to a vote and passed unanimously.

Resolution #11-09 to Adjust Pilotage Fees

Resolution #11-09 will increase the fees paid by maritime pilots to fund the Commission's operations from .50 percent to 1.50 percent. This increase will enable the revenue to meet budgetary expenses.

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski.

Commissioner Dacey does not want to see the Commission build up a surplus. He suggested the Commission watch the budget closely and adjust pilotage fees as needed.

The motion was put to a vote and passed.

Resolution #11-11 to Approve the Docking Pilot Apprentice Selection List

Commissioner Wiklinski reported that the Committee which consisted of Captain Robert Flannery, Captain Louis Bettinelli, Captain Jeffrey McAllister and Mr. Licata interviewed nine candidates. All were very impressive, but only six of them meet the statutory requirements. A summary of each applicant was included in the report from the Apprentice Selection Committee attached to Resolution #11-11.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to approve the Docking Pilot Apprentice Selection List.

All voted in favor.

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, legal 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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission took a break at 10:26am.

Return to Public Session

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

The Commission returned to Public Session at 12:05pm.

Resolution in the Matter of Captain Frank Boslet, Jr.

Resolution #11-12 was read into the record by DAG Schwartz in the matter of Captain Frank Boslet in his presence and the presence of his attorney.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to pass Resolution #11-12.

The motion was put to a vote as follows: Commissioner Dacey-yes; Commissioner Daly-yes; Commissioner Wiklinski-yes. The motion passed unanimously.

Report of the Pension Surcharge & Capital Construction Surcharge Committees

Commissioner Daly attended Pension Surcharge Committee and Capital Construction Surcharge Committee meetings on June 14, 2011.

The Capital Construction Committee determined that it would be more cost effective to rebuild the existing Motorboats instead of replacing them. As a result, the Committee reduced the Capital Construction rate from \$99 to \$105.

At the Pension Surcharge Meeting the Committee reviewed the actuaries reports for years ending 12/31/11, 12/31/10 and the five month period ended 5/31/11, 5/31/10, and forecasted schedules for 12/31/11, 12/31/12 and 12/31/13. The Committee agreed to leave the surcharge as it stands and to revisit the issue in the fourth quarter.

Resolution #11-07 to Honor LCDR Mark A. Bottligieri

Commissioner Daly expressed the Commission's appreciation for the services of LCDR Bottligieri in his leadership of the Marine Investigations Division of the U.S. Coast Guard Sector New York and his help in establishing the MOA between the US Coast Guard and the Commission.

Ms. Stuckey read Resolution #11-07 honoring LCDR Mark A. Bottligieri into the record.

The Resolution was presented to LCDR Bottligieri by Commissioner Daly.

LCDR Bottligieri expressed his appreciation to the Commission for the presentation and stated that his replacement, LCDR William Grossman is prepared to continue in the spirit of cooperation between the Commission and the Marine Investigations Division.

Adjournment

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

The meeting was adjourned at 12:14pm.