

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

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

Commissioner Dacey called the meeting to order at 10:07am.

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, present.

Minutes of Prior Meetings

A motion was made by Commissioner Azzolina and seconded by Commissioner Wowkanech that the minutes of the February 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 March 2009 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given copies of correspondence with Captain Kevin Gadow authorizing him to begin his break in trips after returning to work from a leave of absence.

The Commissioners were given copies of correspondence with Captain Peter Kanenbley authorizing him to begin his break in trips after returning to work from sick leave.

The Commissioners were given copies of correspondence with the NTSB regarding their willingness to share information with the Commission in relation to accident investigation. Mr. Licata reported that things are progressing well and this is the first time the NTSB has entered into an information sharing agreement with a state agency.

The Commissioners were given copies of correspondence received from Stuart Lederman the attorney for Captains Baker, Hershey and Pinto. Mr. Licata informed the Commission that a list of trips with back-up was already received from Captain Hershey. He will go through the information and hopes to have a recommendation for the Commission at the April meeting.

The Ad for Docking Pilot Apprentices has been published in the April issues of the Professional Mariner and Workboat Magazines. The deadline for receiving applications is May 15, 2009.

Commissioner Daly reported that he received a certificate of completion for the training course he took at the NTSB.

Public Comment

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

Captain McGovern provided the Commission with a written response to the letter received from Captain Wood regarding the relocation of the pilot station and the reinstatement of the Ambrose Tower. Captain McGovern summarized the response by noting that the current situation makes it unsafe to move the pilot station inshore, the triangle shape is no longer relevant and the Ambrose Tower will not be replaced.

The Sandy Hook Pilots Association received a complaint that Captain Frank Boslet breached security at one of the terminals in Albany. A report has been made to the U.S Coast Guard. Captain McGovern will keep the Commission advised.

Captain McGovern, at the request of Commissioner Wiklinski, explained the dredging process.

Comment from Edward Kelly, President, The Maritime Association of the Ports of New York/New Jersey:

Mr. Kelly advised the Commission that only the 50 foot (draft) ships that can fit under the Bayonne Bridge will be able to

enter our ports because the Bridge is not high enough to accommodate larger ships. There will be a meeting on March 30, 2009 in Port Newark to discuss next steps in getting the problem resolved.

There have been some questions regarding the issue of who will receive the summonses regarding the right whale regulations. To date NOAA has not responded.

There is a federal initiative to ban grey water discharge.

The Journal of Commerce named Mr. Kelly one of the fourteen most influential leaders in the Maritime Industry.

Comment from Genevieve Bohemn Clifton, NJ Marine Trades Program Manager, Office of Maritime Resources:

Maritime Resources will put resources into the initiative to ban gray water discharge.

Resolution in the matter of Captain Douglas Brown

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to pass Resolution #09-02 in the matter of Captain Douglas Brown. All voted in favor.

Resolution to adopt the DWI/DUI Rule Proposal

The comments received on the rule proposal require additional review; therefore, the resolution has been tabled.

Committee Reports

- A. Pension Surcharge Committee:
Commissioner Amster and Commissioner Daly attended a Pension Surcharge meeting on February 24, 2009. A detailed analysis was provided by the actuary. The Committee authorized an increase from 2.28 to 2.59. To date there are 85 retired pilots at $\frac{1}{2}$ pay and 20 widows at $\frac{1}{4}$ pay. These funds come from current pilot revenues. Eventually the pension will be self funded by pilots. Commissioner Dacey appointed Commissioner Daly to replace Commissioner Wiklinski on the Pension Surcharge Committee as Commissioner Daly was involved in the initial establishment of the Committee.
- B. Investigation Committee:

- I. **Shan He** - (TJD) - 11/20/08 - Power Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- II. **Tug Glen Cove** - (TFD) - 12/2/08 - Allision. This incident is still under investigation by Commissioner Daly and has been carried.
- III. **President Truman** - 12/20/08 - (CAL) - Power Loss. This incident is still under investigation by Mr. Licata and has been carried.

Old Business

Mr. Licata is in the process of setting up a meeting with the New York Board and representatives from the pilots regarding the recent directive issued by New York Board regarding the Master/Pilot exchange.

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 litigation 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 Wowkanech that the Commission go into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:50am.

Return to Public Session

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

The Commission returned to Public Session at 11:00am.

Upgrade of Pilot from Sixth Grade Part A to Sixth Grade Part B

A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech that Captain J.S. Paulis be promoted from

a Pilot of the Sixth Grade Part A to a Pilot of the Sixth Grade Part B effective April 1, 2009. All voted in favor

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

All voted in favor.

The Commission returned to Executive Session at 11:03am.

Return to Public Session

On a motion by Commissioner Daly and seconded by Commissioner Wowkanech the Commission returned to public session at 2:22pm.

Notice was given that a settlement agreement was reached by the Commission and Captain Flannery. Formal action will be taken at the Commission's April 21, 2009 regular meeting to memorialize the terms of the settlement.

Adjournment

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

The meeting was adjourned at 2:24pm.