

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
April 19, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 19, 2011 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

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 March 15, 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 April 2011 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a letter from Captain Frank Boslet's attorney, Darren Gelber, Esq., requesting a postponement of the hearing because Captain Boslet is scheduled to appear in court in PA on the same date. Mr. Gelber also informed the Commission that Captain Boslet's trial is scheduled for May 3, 2011.

Mr. Licata provided the Commission a copy of his response in which he informs Mr. Gelber that the Commission has granted the postponement and the hearing has been rescheduled for May 17, 2011.

The Commissioners were given a copy of the return to work authorization for Captain Peter Kanenbley. Captain Kanenbley had been out on sick leave.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report.

The Commissioners were given a copy of a letter written to Richard Gonzales, Esq. in answer to his request that the Commission recommend a buoy be placed at Dimond Reef. The letter also contained a copy of the 2000 Risk Assessment from Harbor Ops indicating why it would be unsafe to do so.

The Commissioners were given a copy of a letter from the Port Authority with a pamphlet outlining the environmental initiatives they have launched.

The Commissioners were given a copy of the open ad that was placed in the Professional Mariner Magazine for the Docking Pilot Apprentice Training program. To date one complete application has been received and several inquires have been made.

The Committee has tentatively scheduled interviews for May 25 & 26, 2011.

The RFP has been sent out to the nine auditors that were approved by the Department of Treasury. To date we have received follow-up phone calls from four of them.

Resolution to Issue a Deputy Pilot License to Michael C. Chambers

Commissioner Wiklinski reported that Apprentice Michael Chambers has passed his state pilots examination and recommends him for licensure as a Deputy Maritime Pilot.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to issue a Deputy Maritime Pilot's license to Apprentice Michael C. Chambers.

All voted in favor.

Swearing in of Michael C. Chambers

Apprentice Chambers was sworn in as a Deputy Maritime Pilot by Commissioner Daly.

Captain Chambers expressed his delight at having completed his apprenticeship and stated that he looked forward to a great career as a Sandy Hook Pilot.

Public Comment

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

Captain McGovern met with the people at KMI regarding protective equipment that they are requiring all pilots to wear when entering the terminal. The pilots have agreed to utilize hard hats, safety glasses, gloves (these items will be provided by terminal) and PFDs (already required by the Commission) but do not believe it is safe to wear steal toe shoes. Captain McGovern asked the Commission to send a letter to KMI stating why it would be unsafe for New Jersey licensed pilots to wear steal toe shoes.

The pilots have started to get contacted by the shipping companies with concerns regarding the larger ships that will be coming into port. They have put together a Committee to contact the companies. The larger ships will be able to carry as much as 18,000 TEU's of cargo. Captain McGovern also reported that the Bayonne Bridge is expected to be completed within months of the opening of the new locks in the Panama Canal.

The Coast Guard has received a request from a wood chip supplier to put a barge and ship in the Arthur Kill Channel south of Tersely Highway for 3 ½ days each month. The pilots have written a letter to the Coast Guard detailing why it would be unsafe.

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

Captain Flannery traveled to Vicksburg with pilots from Sandy Hook and Interport to participate in a simulator study on dredging scenarios on Shooters Island Reach. A meeting is scheduled for later today for the pilots to provide feedback on the study.

Captains Reinbold and Brown met with the people at Claremont channel to advise them of pilots concerns. As a result, the range lights have been replaced and are now visible.

Shipping companies are calling about concerns regarding larger ships. They are getting deeper not wider. Currently Port Elizabeth is the only berth able to handle the larger ships. The pilots, with the use of tugs, can back the larger vessels into the berth. A subcommittee of Harbor Ops has been appointed to analyze the channel and determine the size of the largest vessel the channel can currently handle. There is also some concern regarding surge of the larger vessels.

Captain Flannery has asked that the Commission write a letter in support of the 50 foot dredging project in the anchorage.

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

The series of videos DOT is working on in conjunction with Harbor Ops is coming along well. They are pushing to complete the one on Operation Clear Channel. The video has an aggressive tone, which is needed to keep the channel clear of recreational boaters. She will bring the videos in for viewing at a future Commission meeting once they are complete.

There will be an EPA General Vessel Permit Stakeholders meeting on May 11, 2011 at NJIT. They want to make sure industry is ready to meet the Federal deadlines.

Maritime Resources is working on the New Jersey portion of the recently completed EDC Marine Services study. They are currently analyzing what has been previously done, what needs to be done in the future and what will be needed in addition to commerce. Ms. Clifton is heading the study and plans to be done within a month.

Comments from Ed Kelly, Executive Director, The Maritime Association of the Port of NY/NJ:

The New York EDC report is deeply flawed. He advised Maritime Resources not to follow their template.

The Port Authority has asked the Maritime Association not to aggressively pursue dredging in the anchorage at this time, but rather to wait until it is a single issue and then get aggressive.

Comment from Captain Douglas Walsh, Sandy Hook Pilot:

The pilots don't get paid for the larger Panamax ships that will be entering the ports. He was advised by the Commission to bring up this issue with his Executive Committee.

Committee Reports

A. Investigation Committee:

- I. **CMA CGM Puget** - March 9, 2011 - Steering loss.
Based on the attached investigation report,
Commissioner Daly recommended that the incident be

closed and the pilot issued a letter of non-culpability. Commissioner Dacey also reviewed the incident and came to the same conclusion. 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 - This incident is currently being investigated by Commissioner Daly and has been carried.
- 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 investigate by Commissioner Daly and has been carried.
- V. **Atlantic Cartier** - March 12. 2011 - Power Loss. This incident is currently under investigation by Mr. Licata and has been carried.
- VI. **YM Eminence** - March 27, 2011 - Power Loss - This incident is currently being investigated by Commissioner Daly and has been carried.
- VII. **Felixstone** - April 1, 2011 - Allision with Bayonne Bridge - This incident is currently under investigation by Commissioner Dacey and has been carried.

Annual Report

This item has been tabled and will be discussed at the May 17, 2011 regular meeting.

Request for Authorization to Hire a Maritime Expert as a Full-Time Employee

This item has been tabled and will be discussed at the May 17, 2011 regular meeting.

Draft of FY2012 Budget for Discussion

This item has been tabled and will be discussed at the May 17, 2011 regular meeting.

Discussion Re. Adjustment of Pilotage Fees

This item has been tabled and will be discussed at the May 17, 2011 regular meeting.

Old Business

Mr. Licata reported on the following:

Update on database of questions for pilot exams - New questions were incorporated in the recent exam given to Michael Chambers. Members of the Docking Pilot Apprentice Selection Committee will be asked to work with the Commission on updating the database of questions for docking pilot exams.

Minutes & Records Digitizing - Ms. Stuckey has been in touch with the State Archives to find out what procedures the Commission has to follow to get the records digitized.

Publish Berth Soundings on Commission Website - the application has been submitted to DOT's Office of Information and Technology to get permission to have a password protected section on the Commission's website.

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 Wowkanech that the Commission go into Executive Session.

All voted in favor.

The Commission took a break at 11:06am.

Return to Public Session

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

The Commission returned to Public Session at 11:59am.

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 12:00pm.