

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
September 18, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 18, 2012 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech that the minutes of the July 17, 2012 regular meeting be approved.

All voted in favor.

Treasurers Reports

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech that the Treasurer's report dated September 2012 be approved.

All voted in favor.

Resolution to Elect a Treasurer

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to approve Resolution #12-22 to elect Commissioner Wowkanech as Treasurer.

All voted in favor.

## Executive Director's Report

Captain Sarubbi welcomed retired Commissioners Daly and Amster to the meeting.

Captain Sarubbi welcomed Captain Christopher Baker and his family to the meeting. Captain Baker passed his state licensing exam on July 23-24, 2012 and was at the meeting to be sworn in as a state licensed Docking Pilot.

Captain Sarubbi informed the Commission that the National Maritime Historical Society was honoring retired Commissioner Thomas Daly at the Society's annual dinner on October 10, 2012 at the New York Yacht Club. Each of the Commissioners were given the information and encouraged to attend.

Captain Sarubbi informed the Commission that Port Industry Day will be held on Tuesday, October 16, 2012 at the New Jersey Performing Arts Center in Newark. The event will take place on the same day as the Commission's October meeting and he recommended that the Commissioners attend the afternoon activities.

At the Commission's July 17, 2012 meeting the idea of contracting with Dr. John Dellorso a senior FAA Aviation Medical Examiner to review prescription and over the counter medications used by pilots was discussed. There was a question as to what, if any state contract procedures or rules needed to be complied with. DAG Elaine Schwartz informed Captain Sarubbi that if the Commission entered into an agreement with Dr. Dellorso it would be considered a Professional Services Contract. As such, three telephone quotes would have to be obtained before entering into any agreements. The Commissioners were given a copy of the quote from Dr. Dellorso. Staff will obtain the necessary competitive quotes before making a recommendation to the Commission.

The Commissioners were given a copy of an administrative change that was made to its regulations. The change became effective on September 4, 2012 and corrects an error in 16:64-7.15(g).

## Public Comment

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

Captain McGovern attended the National Convention of the Harbor Safety and Area Maritime Security Committee in Pittsburgh last month. He felt it was a good meeting. A caucus was put together which includes representatives from different ports to help with dredging projects and other issues.

A preliminary report is being circulated on the Coast Guards' Port Access Routes Study. The report is open for comment and the comment period expires on October 11, 2012. The report will be reviewed at the September 19, 2012 Harbor Ops meeting.

Captains McGovern and Flannery met with KMI to address the safety restrictions they instituted several months ago. They have taken out the requirement for pilots to wear steel tipped shoes.

The pilots are meeting with Carteret to try to work out a compromise for the building of the proposed ship marina. They feel as if it is not a good idea. The Mayor is in favor of the marina; however, KMI is unofficially against it. The pilots believe the town will move forward with the marina and want to get their objections on record.

The Coast Guard wants to take the Deep Water Range down while the city redoes the piers.

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

The Coast Guard wants to put a temporary range in the East River while the Deep Water Range is down. The pilots don't see any problems in doing so and will work with the Coast Guard on future plans.

The Coast Guard will install a Wind Gauge on Shooters Island in the near future.

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

There is still no funding for the O&M Ports system.

There is a 50/50 chance that the ILA will strike. The deadline for negotiations is September 30, 2012. There will be a severe impact on ship arrivals. The current plan is to prioritize vessels looking to get in or out of the port.

A. Investigation Committee:

- I. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- II. **Maersk Wiconsin** - December 5, 2011 - Collision with Ruth Reinhauer. This incident has been carried.
- III. **Cape Wrath** - April 20, 2012 - Allision. Captain Sarubbi recommended that the Commission find no fault on the part of the pilot and that the pilot be reminded to notify the Commission of all occurrences pursuant to N.J.A.C. 16:64-8.6. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- IV. **Chrysoula S** - June 23, 2012. Soft Grounding at Berth 28 Port Newark. This incident has been carried.
- V. **Norwegian Star** - July 8, 2012 - Parted line/damage to gangway. Captain Sarubbi recommended that the Commission find no fault on the part of the pilot. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendation. All voted in favor.
- VI. **Disney Magic** - July 8, 2012 - Allision. This incident has been carried.
- VII. **Polaris J** - July 16, 2012 - Bridge strike. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the recommendation. All voted in favor.
- VIII. **Maersk Georgia** - July 31, 2012 - Power loss. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the recommendation. All voted in favor.
- IX. **Teesta Spirit** - August 26, 2012 - Bridge Strike. This incident has been carried.
- X. **Mare Alticum** - September 5, 2012 - Power loss. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to accept the recommendation. All voted in favor.

Resolution #12-16 to Approve the Issuance of a Docking Pilot License to Captain Christopher Baker

Captain Baker took his state licensing exam on July 23-24, 2012 and did well on all sections.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to approve Resolution #12-16 to issue a New Jersey State Docking Pilot License to Captain Christopher Baker.

All voted in favor.

Captain Baker was sworn in by Commissioner Dacey.

Resolution #12-17 honoring retired Commissioner Thomas F. Daly

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to pass Resolution #12-17 honoring retired Commissioner Thomas F. Daly.

All voted in favor.

The resolution was presented to Commissioner Daly by Commissioner Wiklinski.

Commissioner Daly was presented with a photo of the Pilot Boat New Jersey by Captain Andrew McGovern.

Retired Commissioner Richard L. Amster expressed his appreciation to Commissioners Daly and Wiklinski and outlined some of the accomplishments that were made by the Commission during their tenure. He thanked them and wished them well in their retirement.

Commissioner Daly thanked everyone. His final address to the Commission is attached.

Resolution #12-18 honoring Commissioner Stanley E. Wiklinski n his pending retirement

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to pass Resolution #12-18 honoring retiring Commissioner Stanley E. Wiklinski.

All voted in favor.

The Resolution was presented to Commissioner Wiklinski by Commissioner Stapleton.

Commissioner Wiklinski was presented with a photo of the Pilot Boat New Jersey by Captain Andrew McGovern.

Commissioner Wiklinski thanked everyone. His farewell address to the Commission is attached.

Commissioner Stapleton expressed his appreciation to Commissioners Amster, Daly and Wiklinski and cited how in the wake of the 9/11 tragedies they were extremely cooperative in helping the Commission establish a new way of doing things by licensing all pilots in the state of New Jersey and making significant changes to its existing regulations.

Commissioner Dacey thanked Commissioners Amster, Daly and Wiklinski for their dedication to the Commission and the pilots.

Resolution #12-20 to grant a training request to the Sandy Hook Pilots Association

Captain Andrew McGovern explained to the Commission that Maritime Pilots Institute has created an affordable five day simulator-based, decision-making and ship handling program for apprentice pilots. They would like to send two New Jersey apprentices for this training and have requested a training grant from the Commission from the surplus funds on account.

Captain Sarubbi feels this is an excellent opportunity for the apprentices and recommended that the Commission approve the request.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to approve Resolution #12-20 to approve a training grant to the Sandy Hook Pilots Association in the amount of \$10,000.

All voted in favor.

New Business

- A. Captain Louis Bettinelli gave the attached report on Interport's current apprentice, Alexander Woodworth. He stated that Captain Woodworth should be ready for licensing within the next 1 ½ years. Apprentice Woodworth summarized some of the training he has taken to date.
- B. Captain Robert Ellis gave a verbal report of the status of McAllister's current apprentice, Kirk Pinto. He states that Captain Pinto will be ready to sit for

his state licensing exam in the spring of 2013. He also stated that McAllister has three additional candidates for the apprentice training program.

- C. Commissioner Wiklinski reported on the Sandy Hook Apprentice Selection process. He feels as if the current list contains some of the strongest candidates that he has seen to date and recommends that the Commission approve the apprentice selection list.

#### Resolution #12-21 Approving the List of Qualified Apprentices

A motion was made by Commissioner Wiklinski and seconded by Commissioner Stapleton to pass Resolution #12-21 approving the list of qualified maritime pilot apprentices.

All voted in favor.

Commissioner Dacey thanked Commissioner Wiklinski for the time he put into helping put the list together.

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

All voted in favor.

The Commission took a break at 11:45am.

#### Return to Public Session

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

The Commission returned to Public Session at 12:51pm.

Upgrade of Pilot James R. Britton to a pilot of the Fifth Grade  
Part A.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to promote Captain James R. Britton to a Pilot of the Fifth Grade Part A to become effective October 1, 2012.

All voted in favor.

Resolution #12-19 to Award the Audit Contract

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to pass Resolution #12-19 to award the audit contract to the firm of Kayode Agunbiade & Co, CPAS.

All voted in favor.

Jennifer Wiklinski gave remarks in honor of retiring Commissioner Stanley Wiklinski.

Stanley Wiklinski, II, invited all present to stay for a brief reception in honor of Commissioner Wiklinski.

Adjournment

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

The meeting was adjourned at 12:59pm.