

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
November 15, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 15, 2011 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:09am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Thomas F. Daly, absent; Commissioner Charles Stapleton, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski that the minutes of the October 18, 2011 regular meeting be approved.

All voted in favor.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski that the minutes of the November 3, 2011 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the amendments to the Commissions regulations regarding route currency that will be published in the New Jersey Register on November 21, 2011. The regulations will become effective on that date.

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

The Commissioners were given a copy of a letter from Lieutenant Brent J. Pounds, the NOAA Navigation Manager of the Northeast Region addressed to Captain Andrew McGovern thanking him and Captain Flannery for the efforts of the pilots in getting the port re-opened after Hurricane Irene.

The Commissioners were given a copy of a postcard announcing the annual Port Economic Briefing hosted by the Port Authority of New York and New Jersey. The guest speaker was Dr. Norman Behravesh. Dr. Behravesh indicated that the ports of New Jersey/New York looked better in comparison to other ports. There is a link on the postcard in which to download a copy of the presentation.

#### Public Comment

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

The rules have changed for the dredging project at Shooters Island. It began allowing vessels that were 450 ft and larger to transit the channel at slack water and had been changed to 650 and is now 600. These changes were made because the Committee recognized that on paper it looked as if they were giving pilots enough space to transit larger vessels, but with the dredgers, barges and buoys the channel is actually smaller. In addition, the dredgers were working on both sides of the channel. The Committee which consists of members from pilot organizations, the Coast Guard, Northeastern Dredging Co, the Port Authority and the Army Core of Engineers recognized they made a mistake and are now rectifying that mistake.

The pilots meet with the dredgers every two weeks. They are trying to minimize the impact on business while ensuring the safety of navigation.

Currently the Coast Guard gives a two day notice if they intend to change the location of a buoy. The changes are not made on electronic charts but sent via email and are posted on HomePort. The pilots then post them at the pilot stations and on the pilot boats.

Mr. Licata was instructed by the Commission to bring up the issue of buoy movements and the 25 ft swing at the Harbor Ops meeting.

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

New York Shipping produced a study of the Economic Impact on the maritime industry in the port of New York/New Jersey last month. The study is available as a pdf document on their website.

When the dredging first began the dredgers asked for an area to place their drill boat while the dredging was going on. Since then a buoy has been placed in that area and more space has been taken away. In addition the buoys have a 25 yard swing circle.

Comment from Captain Louis Bettinelli, President, Interport Pilots Agency, LLC:

Captain Bettinelli wanted clarification on the effective date of the currency amendments and how the six months would be calculated. He was advised that the amendments would become effective on November 21, 2011 and the six month period would begin from that date forward.

Comment from Captain Simon Zorovich, Senior Docking Pilot, McAllister Towing:

There are issues in getting the Coast Guard to move the buoys in a timely fashion. The buoys are never moved when they are scheduled to be moved and the pilots find this unacceptable.

The Coast Guard was offered a solution to help with the placement of the buoys. The crane companies offered them the use of larger cranes for a \$1 annual fee. The Coast Guard informed them that it is currently being reviewed by their attorneys.

Comment from Ms. Genevieve Clifton, Manager, Maritime Resources: The Marcussa Annual Conference will be held in Washington, DC on December 14-15<sup>th</sup>. The Committee plans to invite Captain Andrew McGovern to do a presentation on the need for updated maritime technology. The Committee also plans to invite NOAA and Stephen's Institute to do a combined presentation on the advancements made to the PORTS system.

New York and New Jersey had an onsite visit to discuss vessel discharge with the EPA on cruise ships. The cruise lines offered a good argument as to why the regulations would not be effective. New York and New Jersey talked about raising the 79ft rule to exclude larger vessels. The EPA is actually looking to lower the number to include a larger number of vessels. They are not offering a rationale for this decision.

The first priority is to get the two states on the same page. Then the EPA will be approached in an effort to get the regulations changed to something that would make more sense locally.

The new rules are expected to come out any day.

### Committee Reports

#### A. Investigation Committee:

- I. **Maersk Wyoming** - September 6, 2011 - Power Loss. This incident has been carried.
- II. **High Wind** - October 28, 2011 - Alission. This incident has been carried.
- III. **M/V Imari** - October 28, 2011 - Alission. This incident has been carried.

### Resolution #11-21 to Award Audit Contract

A Request for Proposal was sent the twenty-three auditors on Treasury's list of Approved Cooperative Purchasing Participants. Ten proposals were received.

The Audit Committee met and went over the ten proposals and recommended to the Commission that they hire Hutchins, Farrell, Meyer & Allison PA to perform the FY11 audit of the Commission's financial statements.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the recommendations of the Committee and pass Resolution #11-06 to hire Hutchins, Farrell, Meyer & Allison PA.

All voted in favor.

### Resolution #11-22 to hire an Executive Director

At the request of the Governor's office, Resolution #11-22 has been carried.

### New Business

- A. Discussion on the request from Sandy Hook to adjust Deputy Pilots increase in grades and tonnage:

Captain McGovern explained to the Commission that the attached recommended changes to the regulations would allow them to better utilize Deputy Pilots while enabling for a more gradual increase in tonnage levels.

Mr. Licata has been instructed to prepare the changes in regulatory format for the Commission to vote on at the December 20, 2011 meeting.

- B. Discussion - Rhode Island Online DMV Annual Billing and monthly charges:

Ms. Stuckey explained to the Commission that Rhode Island has instituted an annual on-line access fee of \$75 (much like is done in New Jersey) and a \$20 per abstract fee to be billed monthly. She suggested that the Commission include a line item for MVR abstracts on future budgets as more and more states are beginning to charge these fees.

#### Old Business

Mr. Licata gave the following updates:

- A. Status of MOA with U.S. Coast Guard - still in Boston under legal review.
- B. Publish Berth Soundings on Commission Website - will not be in place prior to his departure. There are technical difficulties on both sides that need to be worked out.

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

All voted in favor.

The Commission took a break at 10:51am.

#### 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 11:42pm.

#### 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 11:43am.