

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
January 17, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 17, 2012 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:03am.

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, present.

Election of Officers

A motion was made by Commissioner Wowkanech to nominate Commissioner Dacey as President. The nomination was seconded by Commissioner Wiklinski. All voted in favor.

A motion was made by Commissioner Wiklinski to nominate Commissioner Stapleton as Vice President. The nomination was seconded by Commissioner Wowkanech. All voted in favor.

A motion was made by Commissioner Wiklinski to nominate Commissioner Wowkanech as Secretary. The nomination was seconded by Commissioner Stapleton. All voted in favor.

A motion was made by Commissioner Stapleton to nominate Commissioner Wiklinski as Treasurer. The nomination was seconded by Commissioner Wowkanech. All voted in favor.

Committee Assignments

This item has been tabled until February 21, 2012.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech that the minutes of the December 20, 2011 regular meeting be approved.

All voted in favor.

### Treasurers Report

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

All voted in favor.

### Staff Report

The Deputy Pilot Rule Proposal has been submitted to the Office of Administrative Law and will be published in the New Jersey Register on February 6, 2012 with a 60 day comment period. At that time a notice will be sent to the Presidents of the Associations, posted on the Commissions website and sent to all Newspapers that have an office in the State House.

Ms. Stuckey met with Hutchins, Farrell, Meyer & Allison on January 11, 2012 to begin the process of the FY11 Audit. The Audit should be completed by the February 21, 2012 regular meeting.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report. Ms. Stuckey pointed out that Len Evans has been scheduled to take his state exam April 30-May 3, 2012.

The Commissioners received a notice from Captain Robert Flannery informing them that Jonathon Miller has completed his apprenticeship and is ready to sit for his state exam. His exam has been scheduled for February 9-10, 2012. Pending his passing of the Exam, he will be licensed at the Commissions February 21, 2012 meeting.

The Commissioners were given copies of Conflict of Interest forms. They have been asked to update them and return them to Ms. Stuckey.

Ms. Stuckey is currently working on a draft of the 2011 Annual Report. The Commissioners were asked to update their bios and return them to Ms. Stuckey ASAP.

### Public Comment

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

Sandy Hook had their annual elections on Monday, January 16, 2012. The Officers will remain the same, Captain Andrew McGovern, President; Captain Richard Schoenlank, Vice President and Captain John Oldmixon, Secretary. There are two new members on the Board of Trustees, Captains Elizabeth Miller and Harold Cavagnaro. They are replacing Captains George Smith and James Britton.

The City of New York has still not signed on to host OpSail which is scheduled to take place during Fleet Week. NOAA and NRT surveyed possible berths that could be used for the exercise. They will have their first meeting next week. Currently nine Class A vessels are scheduled to participate.

The pilots met with Diane Savino and Michael Cusik, Legislatures from Staten Island regarding the ballast water issues. They have been assured by DEC that New York will adhere to the Federal Standards which are the same as the IMO standards. This will resolve the ballast water issues within New York and Canada.

The dredging in the Global Channel is going slower than anticipated. The dredgers are having an issue with placing plates over the sewer pipes that are 50 feet down. If the plates are not properly placed they could blow out the sewer lines.

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

Metro Pilots Association will hold their annual elections on January 18, 2012.

Captains McGovern and Flannery met with New York Container Terminal and Baltimore regarding the Shooters Island Reach Terminal.

Captain Flannery will have the second phase of his surgery completed next week.

Captain Karl Gadow will be out for the next 1-3 months recovering from surgery on his Achilles tendon.

Comment from Ed Kelly, President, the Maritime Association of the Ports of New York and New Jersey:

The Maritime Association met with several members of Parliament. Congressman Lobiondo introduced and passed a resolution that turned into law. The resolution prohibits any individual state from passing higher ballast water guidelines than the Federal

standard. The law passed in the house and is expected to pass in the Senate. DEC is okay with adopting the New York standard.

### Committee Reports

#### A. Investigation Committee:

- I. **Maersk Wyoming** - September 6, 2011. Based on the attached investigation report Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- II. **High Wind** - October 28, 2011 - Allission. This incident has been carried.
- III. **M/V Imari** - October 28, 2011 - Allission. This incident has been carried.
- IV. **Stolt Innovation** - November 4, 2011 - Allission. This incident has been carried.
- V. **Maersk Wiconsin** - December 5, 2011 - Allission. This incident has been carried.
- VI. **Caroline Maersk** - December 12, 2011 - Power Loss/Allission. This incident has been carried.
- VII. **APL Tourmaline** - December 16, 2011. Based on the attached investigation report Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. He also recommended that the pilot be advised to stay closer to the center of the channel when navigating in this area and also to incorporate his noted difficulties in any future Master/Pilot exchanges. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- VIII. **Feyza** - December 28, 2011 - Allission. This incident has been carried.

#### Resolution #12-01 to Appoint Docking Pilot Apprentice Kevin Walsh

The Commission received a letter from Metro Pilots Association requesting to call Kevin Walsh from the Apprentice Selection List.

Captain Walsh gave the Commission a brief description of his background.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to approve Resolution #12-01 to appoint

Captain Kevin Walsh into the Metro Pilot Associations apprentice training program. All voted in favor.

Captain Walsh was presented with a Certificate of Appointment by Commissioner Dacey.

#### New Business

- A. Review of Authorities Annual Obligations under Executive Orders

The Commissioners received correspondence from the Governor's Authorities Units outlining their annual obligations under Executive Orders. Ms. Stuckey went down the list point by point to advise the Commission where they stood in complying with each item.

- B. The Commissioners reviewed a Resolution from the Ocean County Board of Freeholders authorizing the dredging of Toms River.

#### Old Business

Ms. Stuckey reported on the following items:

Status of MOA with U.S. Coast Guard - Captain Fagan has been promoted to Admiral and will be leaving the port. The MOA has been put on hold pending the arrival of the new COTP.

Minutes & Records Digitizing - Ms. Stuckey has been in touch with Barbara Gozscha the Director of the Division of Records Management. They can scan the records and put them on a disk and will help the Commission identify a searchable software program that will be able to read the information. Based on a preliminary quote the Commission can get this done for under \$1,000.

Publish Berth Soundings on Commission Website - The IT Department will have the password protected portion of the Commission's website completed by March 1, 2012. At that time the username and password will be communicated to all New Jersey State Licensed Pilots.

Purchase of Live Ships Real Time Position Information - Ms. Stuckey received a quote from PortVision to purchase a subscription to their AIS program. This is one of the only programs that allows you to access up to five years of data, has on-screen playback which can be accessed over and over again, data can be exported into reports, and reports can be accessed by port/region, vessel, terminal or point of interest. The subscription is \$8,500 per year. Ms. Stuckey will invite the representative to do a live presentation at the February 21, 2012 meeting.

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

All voted in favor.

The Commission went into Executive Session at 10:33am.

Return to Public Session

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

The Commission returned to Public Session at 11:42am.

Upgrade of Pilot C. Quinn from a Pilot of the Fifth Grade Part A to a Pilot of the Fifth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to promote Coleen Quinn to a Pilot of the Fifth Grade to become effective January 18, 2012.

All voted in favor.

Upgrade of Pilot R. Perry from a Pilot of the Sixth Grade Part A to a Pilot of the Sixth Grade

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to promote Ronald Perry to a Pilot of the Sixth Grade to become effective February 1, 2012.

All voted in favor.

## Adjournment

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

The meeting was adjourned at 11:45am.