

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
December 20, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 20, 2011 at One Penn Plaza East, 9th 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, present (via teleconference); 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 November 15, 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 December 2011 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of correspondence written to the Governor's Authorities Unit certifying that all the Commissioners have completed their mandated on-line ethics training.

The Commissioners were given a copy of a letter authorizing Captain Richard Seeth to return to work.

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

Mr. Licata pointed out that Maritime Pilot Apprentice Len Evans will be ready to sit for his state licensing exam in May, 2012.

Captain Flannery also informed the Commission that Docking Pilot Apprentice Jonathan Miller will complete his apprenticeship training program in January 2012 and will be ready to take his state licensing exam at that time.

The Commissioners were given a copy of the agenda from the November 16, 2011 Harbor Ops meeting. He pointed out that Deputy Chief Lathey Wirkus of the Elizabeth Fire Department made an interesting presentation on Emergency Training and how the fire department would need to receive specialized training in order to be prepared to properly respond to fires aboard vessels. Mr. Licata felt that the presentation was well received and that some of the terminals will schedule this type of training in the near future.

The Commissioners were given a copy of the 2011 Economic Impact report from the New York Shipping Association.

The Commissioners were given a copy of an article from the Professional Mariner Magazine about a deck hand that fell overboard from a car carrier and was rescued by his fellow crewmen.

Mr. Licata read the attached statement into the record.

Public Comment

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

The Coast Guard reopened the comment period for the Atlantic Coast Core Raritan Study that deals with Marine Spatial planning. The study focuses on how the Coastal Waters will be used. He suggests that anyone wishing to comment on the proposal do so by the end of January.

The shoaling in the Sandy Hook Channel is being addressed. The dredging is scheduled to be completed by the end of the month.

NOAA is working within the Hudson River surveying for berths that will accommodate the larger vessels that will be entering the ports of New Jersey and New York for OpSail. The event will take place during the weekend of Fleet Week in May 2012. The city of New York has not signed on to provide security for the

event. If they do not participate the shore side vessels will not be open to the public. New Jersey is expected to provide security; however, there is less space to accommodate the larger vessels on the New Jersey side.

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

The dredging at Shooters Island is on-going. The Dredging Committee met with Northeastern Dredgers regarding major navigation concerns. It was decided that each pilot would spend a day at a simulator in Boston prior to piloting a vessel in the dredge zone.

Captains Flannery, McGovern and Mahlmann met with the 39th Street Pier to discuss the possibility of 360 feet car ships utilizing the berth.

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.

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

All voted in favor.

The Commission went into Executive Session at 10:32am.

Return to Public Session

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

The Commission returned to Public Session at 11:19am.

Resolution #11-23 to hire an Executive Director

A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey to pass Resolution #11-23 to hire Andre

Stuckey as the Commissioners Executive Director effective January 17, 2012 with a 10% increase in salary.

Ms. Nicole Crifo from the Governor's Authorities Unit asked that the record be reflected to show that "The Governor's Office requested that the Resolution be tabled to allow them sufficient time to allow for all the candidates to be properly vetted prior to making any decision on appointing anyone to run such an important agency, however, the Commission choose to move forward."

Commissioner Dacey also requested that the record reflect "The Governor's office was given ample time and was notified following the November 3, 2011 interviews the potential candidates that were being considered for the position with copies of their resumes."

Ms. Crifo then requested that the record reflect the "different viewpoints of filling the vacancy that was provided by the different Commissioners to her office."

Mr. Licata also reminded Ms. Crifo that the Governor's Office was informed, given the names of the both candidates and advised of the Commission's intent to hold a vote to determine which would be offered the position following the November 3, 2011 interviews.

The motion was put to a vote and passed as follows:
Commissioner Dacey - yes; Commissioner Daly - yes; Commissioner Stapleton - no; Commissioner Wiklinski - yes; Commissioner Wowkanech - yes.

Resolution #11-24 to Adjust Fees charge to Maritime Pilots

A motion was made by Commissioner Wowkanech and seconded by Commissioner Daly to pass Resolution #11-24 to adjust fees charged to Maritime Pilots to reflect the cost savings that were realized as a result of the delay in getting the approval to hire an Executive Director.

All voted in favor.

Resolution 11-25 to propose amendments to the Commissions Regulations

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to pass Resolution #11-25 to propose amendments to the Commissions regulations.

Mr. Licata explained that the amendments would change the tonnage levels of certain classes of Deputy Pilots.

All voted in favor.

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.
- IV. **Stolt Innovation** - November 4, 2011 - Alission. This incident has been carried.
- V. **Maersk Wiconsin** - December 5, 2011 - Alission. This incident is still under investigation.
- VI. **Kara Sea** - December 8, 2011 - Power Loss. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

New Business

A. Proposed changes to ATONS in Raritan Bay

Commissioner Dacey provided the Commission with a proposal he received from the Coast Guard proposing various changes to the Aids to Navigation in the Raritan Bay.

Captain McGovern informed the Commission that the shifting of the buoys is viewed as positive by the pilots. He also stated that the removing of the bells from the lighted buoys is a cost saving measure for the Coast Guard.

Presentation to honor retired pilot: Captain Peter Kanenbley

Captain Kanenbley was not able to attend the meeting. A presentation was made to Captain Andrew McGovern on his behalf honoring him for 31 years of service to the Sandy Hook Pilots Association and the Maritime Community.

Resolution #11-26 to honor Charles Licata

Resolution #11-26 was read into the record by Commissioner Dacey honoring Charles Licata for his service to the Commission.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to pass Resolution #11-26. All voted in favor.

The Resolution was presented to Mr. Licata by Commissioner Dacey.

Mr. Licata thanked the Commission and stated how honored and proud he was to have been a part of such an important agency.

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

All voted in favor.

The Commission went into Executive Session at 11:38am.

Return to Public Session

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

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

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 12:16pm.