

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
October 21, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 21, 2009 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:00am.

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, present; Commissioner Richard L. Amster, absent; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that the minutes of the September 22, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that the Treasurer's report dated October 2009 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the authorization to begin break-in trips for Captain John Bates. Captain Bates was out for ten months recovering from an illness. He provided the necessary physicians certifications stating that he is competent to return to duty.

The Commissioners were given pledge cards for DOT's charitable campaign drive.

Fred Dashkoff, an apprentice with Metro Pilots has completed all the requirements of his apprenticeship training program and is scheduled to take his state licensing exam on Wednesday, November 4, 2009. Commissioner Wiklinski will proctor the exam.

Mr. Licata thanked the Docking Pilot Apprentice Selection Committee and Commissioner Daly for their work in updating the state exam.

The Commissioners were given copies of the Monthly Apprentice Training report from Sandy Hook.

The Commissioners were given copies of correspondence that was sent to the Presidents of all the associations requesting their recurrent training plans for 2010.

The Commissioners were given copies of correspondence that was sent to the Presidents of all the associations requesting their current procedures in sharing information on ships with any problems/issues and soliciting ideas on how the information can be shared on a broader basis.

The Commissioners were given copies of a directive from James Carey, Director, Governors' Authorities Unit requiring all the members of the Commission to undergo electronic ethics training.

The Commissioners were given copies of correspondence from the NTSB which indicated the Commissions compliance and their closure of a recommendation issued June 12, 2007 for joint training of maritime and docking pilots.

The Commissioners were given copies of correspondence from the New York Board with suggested language for the proposed Master's Information Card. The language does not reflect the role of docking pilots in the New York ports. Mr. Licata will continue to work with Frank Keane on this issue.

Geltrude and Associates are scheduled to come to the Commission office on Friday, October 23, 2009 to go over the Commissions records for the annual audit.

Mr. Licata informed the Commission that Captain Andrew McGovern called to apologize for not having any representation from Sandy Hook's Executive Board at the meeting due to prior engagements.

DAG Elaine Schwartz is arguing a case in the Appellant Division and could not make the meeting. She gave Mr. Licata her input for the meeting and offered her apologies.

Port Industry Day will be on October 26, 2009 aboard the Intrepid. Mr. Licata will attend.

Public Comment

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

Captain Flannery informed the Commission that the VTS Advisory Board met this month. The Board consists of pilots, representatives from the tug companies, the ferries and the Coast Guard.

There was a Marine/Terminal Roundtable meeting on October 7, 2009. They discussed the issues of cranes moving while ships are being tied up.

The controlling depths of the berths are still an issue. The Port Authority is reluctant to provide an individual controlling depth. Mr. Licata reported that the Commission is ready to move forward with publishing the depths on its website once all the issues are worked out.

The docks on berths 23 and 25 in Port Newark are damaged and in need of tires. The pilots will refuse to dock ships if the problem is not fixed.

Comment from Genevieve Boehm Clifton, Manager, Office of Maritime Resources:

The National Harbor Ops meeting will be held in the port of New York/New Jersey next year.

Committee Reports

A. Pension Surcharge Committee:

There was a meeting on September 24, 2009. Commissioner Amster and Mr. Licata attended. The Net Pension Report shows a depletion in the reserve fund. There was some discussion of raising the rate. A decision was made to put off an increase until January of 2010. The next meeting is scheduled for December 17, 2009 at which time the Committee anticipates that there will be an increase.

B. Investigation Committee:

- I. **Orange Sun** - 1/24/08 - (TFD) - a revised report was presented to the Commission. The Commission has put off the discussion of this report pending a tentative settlement offer received from the pilot's attorney.
- II. **Maersk Yoming** - 8/20/09 - (TJD) - Lost Engine. Based on the attached investigation report, Commissioner Dacey recommended that this incident be closed and the pilot issued a letter of nonculpability. A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- III. **Grey Shark** - 8/11/09 - (TJD) - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that this incident be closed and the pilot issued a letter of nonculpability. A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- IV. **Aurora** - 9/8/09 - (TJD) - Power loss. This incident is still under investigation and has been carried.
- V. **Saga Ruby** - 10/10/09 - (TJD) - Allision. This incident is still under investigation and has been carried.
- VI. **Timashevnik** - 10/15/09 - (TFD) - Power loss. Based on the attached investigation report, Commissioner Daly recommended that this incident be closed and the pilot issued a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Azzolina to accept the recommendations in the report. All voted in favor.

Resolution to Appoint Docking Pilot Apprentice Joseph Casais

The Commission received correspondence from Metro Pilots requesting that Captain Joseph Casais be called into duty as a Docking Pilot Apprentice. The Commissioners were given a copy of Captain Casais' resume and Mr. Licata gave a brief description of Captain Casais' background.

A motion was made by Commissioner Azzolina and seconded by Commissioner Wiklinski to pass Resolution #09-14 to appoint Captain Joseph Casais as an Apprentice for Metro Pilots. All voted in favor.

Captain Casais thanked the Commission and was presented with a Certificate of Appointment by Commissioner Dacey.

Resolution to approve the Re-Adoption of the Commissions Current
Regulations with Amendments

Four comments were received regarding the proposed readoption. The Commissioners were given a copy of a Comment to Response document prepared by Mr. Licata.

Mr. Licata went over each comment with his recommendations to the Commission.

The Commission reviewed and discussed proposed Resolution #09-15 to re-adopt the current regulations with certain amendments and additions.

Commissioner Wiklinski urged that the reference to the Executive Director in 16:64-2.3(b) be deleted.

After discussion about changes proposed by Commissioner Daly a motion was made by Commissioner Daly and seconded by Commissioner Wiklinski to amend Resolution #09-15 by deleting sections 16:64-6.4(a)(8) & (9). The motion to amend was approved by roll call vote: Azzolina (yes); Dacey (no); Daly (yes); Wiklinski (yes) and Wowkanech (no).

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to approve Resolution #09-15 as amended authorizing the Executive Director to proceed with the adoption process. All voted in favor.

Commissioner Dacey appointed Commissioners Daly and Wiklinski to a Committee to propose alternative language to section 16:64-6.4 for future consideration.

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 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.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Azzolina that the Commission go into Executive Session.

All voted in favor.

The Commission took a break at 11:15am.

Return to Public Session

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

The Commission returned to Public Session at 12:20pm.

Upgrade of Pilot D.C. Boylan, Jr. from Second Grade to First Grade

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that Captain Daniel Boylan be promoted from a Deputy Pilot to a Pilot of the First Grade effective November 1, 2009. All voted in favor

Upgrade of Pilot D.J. Graves from Sixth Grade Part B to Fifth Grade Part A

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech that Captain David Graves be promoted from a Pilot of the Sixth Grade Part B to a Pilot of the Fifth Grade Part A effective November 6, 2009. All voted in favor

Adjournment

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

The meeting was adjourned at 12:25pm.