

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
September 22, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 22, 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, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the minutes of the August 18, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the return to work authorization for Captain John Monaghan. Captain Monaghan sustained an injury to his foot while attempting to board a vessel. All the required paperwork has been submitted and the required number of break-in trips have been completed.

The Commissioners were given information from Sandy Hook regarding the number of ships piloted by New Jersey State licensed maritime pilots on the Hudson River and Long Island Sound. There is currently a plan to bring a number of New Jersey licensed pilots back to the New Jersey Board.

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

The Commissioners were given a copy of the agenda of the September 16, 2009 Harbor Ops Committee Meeting. Mr. Licata attended the meeting and pointed out the following key items that were discussed: (1) The Chapel Hill Channel has a couple of spots that are down to 26 feet. The Coast Guard is making efforts to get the channel cleaned up quickly. (2) The 2010 annual meeting of the National Harbor and Safety Committee will be held in New York. Mr. Licata offered the services of the Commission's staff to assist in organizing the meeting. (3) Peter Zantel of the Port Authority gave an update on port operations. He reported that there is a 10-15% decline in TEU's and the Port Authority is hoping for a better fourth quarter.

The Commissioners were given copies of the agenda for the upcoming Area Maritime Security Committee meeting on September 30, 2009. Mr. Licata plans to attend the meeting.

The Commissioners were given a copy of an exert from the New York Commission minutes that discusses the proposed closure of the City Island Pilot Station due to declining vessel traffic.

The Commissioners were given a copy of an exert from the New York Commission minutes regarding proposed amendments to New York Navigation Law.

The Commissioners were given a copy of the notice of proposed rulemaking to revise Anchorage Ground No. 19 on the Hudson River.

The Commissioners were given a copy of the SOLAS with the general provisions for Coast Guard inspection of ships.

The Commissioners were given a copy of a report from the Sub-Committee on Safety of Navigation of IMO regarding the improved safety of pilot transfer arrangements.

The Commissioners were given a copy of an article from Professional Mariner Magazine stating that the Master in the Ambrose Light Accident was at fault for failure to pilot the intended track line.

There is a concern regarding two vessels, the Hysteria Tiger and Hysteria Prima and how they will handle when they enter the port.

Public Comment

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

Captain Flannery informed the Commission that Peter Zantel from the Port Authority also predicted a 3% increase in TEU's in the fourth quarter.

The Coast Guard received stimulus funding to do maintenance dredging in port Newark.

The Port Authority is trying to get the diamond cutter to finish the dredging in the Con Hook Range. Once the dredging resumes there could be some closures.

The Port Authority will begin putting down steel plates in Port Jersey. MOTBY is hoping to keep ½ of channel open but there is no room to get ships around the construction. Global Terminal may have to close during the construction.

The buoys in the Ambrose Channel will be lighted.

New York Passenger Ship Terminal is expecting ship calls to double next year.

Committee Reports

A. Investigation Committee:

- I. **APL Japan** - 7/9/09 - (TFD) - A revised report was presented to the Commission and will be discussed in closed session.
- II. **Maersk Yoming** - 8/20/09 - (TJD) - Lost Engine. This incident is still under investigation and has been carried.
- III. **Grey Shark** - 8/11/09 - (TJD) - Power loss. This incident is still under investigation and has been carried.
- IV. **Aurora** - 9/8/09 - (TJD) - Power loss. This incident is still under investigation and has been carried.

Resolution to Appoint Docking Pilot Apprentice Scott Esposito

The Commission received correspondence from Interport Pilots requesting that Captain Scott Esposito be called into duty as a Docking Pilot Apprentice. Captain Esposito is the first applicant to be called off the new Docking Pilot Apprentice Selection List. Mr. Licata gave a brief description of Captain Scott Esposito's background.

A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to pass Resolution #09-13 to appoint Captain Scott Esposito as an Apprentice for Interport Pilots. All voted in favor.

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

Resolution to hire a Drug Interaction Expert

In light of recent occurrences that have been attributed to a pilots use of prescription medications the Commission expressed concerns regarding the medical regimes of certain pilots that are taking extensive prescription medications. At the recommendation of Commissioner Wowkanech, Mr. Licata was directed to contact the Department of Pharmacy Practice and Administration at Rutgers University. This agency regularly reviews prescription medications being utilized by employees of other state agencies. Mr. Licata was directed to Dr. Hermes-Desantis who provided him with a proposal to review medical regimes of state licensed pilots on a case-by-case as needed basis.

A motion was passed by Commissioner Amster and seconded by Commissioner Wiklinski to pass Resolution # 09-12 authorizing the Executive Director, on behalf of the Commission, to enter into a professional service contract with Dr. Hermes-DeSantis at the Department of Pharmacy Practice and Administration at Rutgers University. Details of the contract are outlined in the attached consultant agreement.

Commissioner Dacey thanked Commissioner Wowkanech and Mr. Licata for their work in getting this accomplished.

Old Business

The deadline for comments on the reproposal of the Commission's current regulations will end on October 2, 2009. To date, no comments have been received. Depending on the scope of comments received, Mr. Licata hopes to have a recommendation for the Commission to vote on at the October 21, 2009 regular meeting.

New Business

Commissioner Wiklinski thanked the Sandy Hook Pilots for hosting the Harbor Inspection Tour. He pointed out the need for each Commissioner to have business cards for such events where Commission business is being conducted.

It was also noted for the record that the Commission pays its pro-rate share for the members of the Commission and its staff to attend the Harbor Inspection Tour.

Commissioner Daly was contacted by Mr. Jerry Escover a collector from California. Mr. Escover donated a book to the Commission that contained the Commissions Regulations from 1882. The Commission examined the book and expressed their appreciation to Mr. Escover for donating this important document. The book was given to Mr. Licata to review and determine how the Commission should utilize it. Commissioner Daly also recommended that a letter be sent to Mr. Escover thanking him on behalf of the Commission.

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

All voted in favor.

The Commission took a break at 10:40am.

Return to Public Session

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

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

APL Japan Report

A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations in the revised report and include a \$500 fine. All voted in favor.

Adjournment

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

The meeting was adjourned at 11:45am.