

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
June 18, 2013**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 18, 2013 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:06am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Brian McEwing, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey that the minutes of the May 21, 2013 regular meeting be approved.

All voted in favor.

Treasurers Reports

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to pass Resolution #13-15 to approve the June 2013 Treasurers Report.

All voted in favor.

Executive Director's Report

Captain Sarubbi welcomed newly appointed Commissioner Brian McEwing to the meeting and congratulated him on his appointment.

Captain Sarubbi met with the Docking Pilot Apprentice Selection Committee to discuss the upcoming selection process. The Committee agreed to follow the same process as in the past. Two applications have been received and it is anticipated that seven more will be forthcoming. Candidates will be selected based on need. Commissioner Stapleton is on the Apprentice Selection Committee.

Captain Karen Basciano has completed her break-in trips and has returned to the rotation board. Her upgrade date will be postponed for two months to ensure she receives the benefit of a full year in her current grade.

Apprentice Kevin Walsh is scheduled to sit for his state licensing exam the week of June 24, 2013.

Captain Sarubbi will attend the Harbor Ops meeting scheduled for Wednesday, June 19, 2013.

The Commissioners were informed that New Jersey Transit's new computer system is not compatible with its current IVIS Plus I.D. Card System. Staff looked into updating the system and provided the Commissioners with information on a PVC system that would provide more security features and a more professional card. Staff has been directed to proceed with updating the system.

Public Comment

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

Captain Flannery reported that Captain Scott Esposito resigned from Interport Pilots Association and is currently working for Moran as a tug captain. He reported that Captain Esposito's only affiliation with Metro Pilots is that they have agreed to allow him to ride on vessels during his off-time to maintain his New Jersey State license.

The first report of the Navigation Capabilities Working Group will be published shortly.

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

Larger vessels are entering the Kills. The channel is sometimes closes due to wind, fog, etc. When this happens, the larger vessels are directed to turn around and return to sea. The lack of room in the channel makes the turning maneuver difficult. The Harbor Ops Committee is going to suggest that the Coast Guard require vessel owners to have a tug on stand-by in these instances to aid the vessels in making the turn. They are expecting the companies to take issue with the requirement because of the expense of hiring a tug. The Commissioners will receive a copy of the letter to the Coast Guard once it is released by the Harbor Ops Committee.

The deep draft report in the Narrows conducted by the Army Corps of Engineers is being held up by surveyors. The pilots have received written reports that the draft leading up to the Verrazano Bridge is 50 feet. They have been told verbally that the draft south of the bridge has been increased to 50 ft. however, would like to see the written reports for confirmation. Once the information is received the report from the Navigation Capabilities Working Group will be released.

Captain McGovern was asked to give an update on the status of the speed bumps on the water tunnel between Staten Island and Brooklyn. Once the new tunnel boring machine is received the construction on a new tunnel will begin. Once the new tunnel is built it is anticipated that there will be 49.6 ft. clearance at high water and 44 ft. clearance at low water. The Port Authority will attend the Harbor Ops meeting on June 19, 2013 to give an update on the status of the project.

Comments from Ed Kelly, Executive Director, The Maritime Association of the Ports of New York/New Jersey:

He is a member of Mayor Bloomberg's Maritime Advisory Board and has included the speed bumps as a follow-up item on the agenda.

The New Jersey Department of Transportation is planning to rebuild the surface on the Pulaski Skyway. All Northbound traffic will be shut down for two years and will be diverted onto Route 1&9 North. The bridge on 1&9 North currently operates as an open-on-demand bridge. Because of the expected higher flow of traffic DOT would like to have scheduled openings. The Coast Guard is reviewing the request and is expected to make a ruling on the proposal.

Committee Reports

A. Investigation Committee:

- I. **Sealand Meteor** - April 23, 2013. Based on his investigation, Captain Sarubbi recommended that the incident be closed and the Commission finds no fault on the part of either pilot. A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to accept the recommendations. Commissioner McEwing pointed out that there were 9 similar incidents in the 2012 Annual Report and inquired as to whether Captain Sarubbi looked into why these types of incidents continue to occur. Captain Sarubbi believes it is the case of vessels being updated and the ships crews do not have the most recent information when doing the calculations that are given to the pilots. Commissioner Stapleton inquired as to whether the Coast Guard followed up on the procedures put in place to hold ship owners responsible when the pilots are given the wrong air draft. Captain Sarubbi informed the Commissioners that the vessel owner was issued a Notice of Violation by the Coast Guard. This motion was put to a vote and passed unanimously.
- II. **APL Pearl** - May 13, 2013. Based on his investigation, Captain Sarubbi recommended that the incident be closed and the Commission finds no fault on the part of the pilot. A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey to accept the recommendations. All voted in favor.
- III. **Flagship Privet** - June 4, 2013. This incident is still under investigation.

Resolution #13-16 to Approve the Proposal of Amendments to the Commission's Regulations

Resolution #13-16 has been tabled pending approval from the Governor's office.

Resolution #13-16 to Approve The 2012 Annual Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner McEwing to pass Resolution #13-16 to approve the draft of the 2012 Annual Report for publication and distribution.

Ms. Stuckey advised the Commissioners that the Governor's Press office suggested the following amendment: on page 2 in the last paragraph of the President's message the first sentence should be deleted.

The motion was put to a vote as amended and passed as follows: Commissioner Dacey-abstain; Commissioner McEwing-yes; Commissioner Stapleton-yes and Commissioner Wowkanech-yes.

New Business

The Commissioners discussed the attached Notice to Pilots. The Masters of NYK vessels are presenting the notice to state pilots prior to turning over the conn and requesting that the state pilot sign the notice. The notice implies that the master can take over the conning of the vessel at any time.

The Commissioners have directed Captain Sarubbi and Elaine Schwartz to work on a draft letter to send to NYK addressing the legality of the notice. The letter will be circulated to all the Commissioners and discussed at the July 23, 2013 meeting. In the meantime, Ms. Stuckey will send a burst email to all state licensed pilots and registered apprentices advising all that the Commission is in the process of reviewing the legality of the notice and recommending that they not sign the notice until all the legal issues are resolved.

Captain Sarubbi also suggested that the New Jersey Commission work with the New York Commission to develop a joint pilot or information card that would detail state law requiring compulsory maritime pilotage and optional docking pilotage, state penalties for not taking a pilot and detailing the circumstances in which a master may relieve a pilot. He was authorized to contact New York to begin this project.

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 Dacey and seconded by Commissioner Wowkanech that the Commission goes into Executive Session.

All voted in favor.

The Commission took a break at 10:49am.

Return to Public Session

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

The Commission returned to Public Session at 11:24am.

Resolution #13-17 to Upgrade Pilot H. Cavagnaro to a Pilot of the Fourth Grade

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to pass Resolution #13-17 to approve the upgrade of Captain Harold Cavagnaro to a pilot of the Fourth Grade. The upgrade will become effective on August 1, 2013.

All voted in favor.

Resolution #13-18 to Upgrade Pilot R.S. Perry to a Pilot of the Fifth Grade Part B

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to pass Resolution #13-18 to approve the upgrade of Captain Ronald S. Perry to a pilot of the Fifth Grade Part B. The upgrade will become effective on August 1, 2013.

All voted in favor.

Adjournment

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

The meeting was adjourned at 11:30am.