

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
November 18, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 18, 2008 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:20am.

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, absent (Commissioner Azzolina was sick at the time of the meeting).

Minutes of Prior Meetings

A motion was made and seconded that the minutes of the October 21, 2008 regular meeting be approved.
All voted in favor.

Treasurers Report

A motion was made and seconded that the Treasurer's report dated November 2008 be approved.
All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that the final two Docking Pilot training seminars are scheduled for Thursday November 20th and Friday November 21st. Upon its completion all of the docking pilots will have undergone the required training.

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

The Commissioners were given a copy of the agenda for the pending Harbor Ops meeting on November 19, 2008. Mr. Licata plans to attend the meeting.

The Commissioners were given a copy of an article from the Lookout regarding the Seamen's Church Pilot Boat Harbor Cruise.

Mr. Licata informed the Commission that the audio system in the Board room has been updated.

Resolution to Approve the Proposal of Regulations

Mr. Licata explained that the proposed new regulations would make clear what actions are to be taken by the Commission in the case of a DWI, DUI, or Refusal to take a required drug/alcohol test.

On a motion by Commissioner Amster and seconded by Commissioner Wowkanech Resolution #08-20 was passed authorizing the proposal of rules to modify the Commission's drug and alcohol regulations.

Public Comment

Comment from Andrew McGovern, President, The New Jersey Sandy Hook Pilots Association:

Captain McGovern informed the Commission that regulations regarding the right whale have been passed by NOAA. The regulations require vessels that are between 20 miles offshore and the demarcation line reduce their speed to 10 knots from November 30 to April 30th. The legislation will become effective December 8, 2008. These restrictions will be in place for five years after which time the issue will be revisited. The adoption of these regulations coupled with the moving of the pilot station area will result in longer transits. The pilots applied for an exception but it was denied. NOAA and the Coast Guard are expected to enforce the regulations.

To deal with the issue of vessels anchoring in the Hudson River the pilots are working with the Coast Guard to move the channel to the New York side and put the anchorage on the New Jersey side of the channel. This would free up deep water space in New York for vessel transits.

NJ BPU recently approved a study with PSEG to look at the potential for offshore wind farms in the Atlantic City vicinity. The location and design have not yet been released. The pilots

have expressed the importance of the port and port industry and expect to have some input into the subject.

Ms. Genevieve Clifton stated that NJDOT/Maritime Resources is also following the issue and have expressed the need to be kept in the loop.

Captain McGovern stated that the Coast Guard usually sends anyone looking to do anything on/offshore to the Harbor Ops Committee for feedback prior to making any decisions.

The relocation of the pilot station is a year ahead of schedule. By doing so the pilots hope to have all the issues worked out before Ambrose becomes a 50 foot channel.

Captain McGovern informed the Commission that he remembers talking about the penalties involved in the event of a DWI/DUI when the regulations were being drafted. He states that the Commission wrote the regulations so as to allow the Commission the freedom to impose whatever penalties they deem necessary in the case of a first offense. He feels that the proposed regulations are "over the top". He also stated his belief that the Commission should be held to the same standard as the pilots.

Comment from Edward Kelly, President, The Maritime Association of New York/New Jersey:

Mr. Kelly recently attended the MAKORA annual meeting. Mr. Kelly is the Vice Chair of the Academics Board. Stevens and other academic groups have observing platforms they are trying to integrate into the PORTS system. NOAA is trying to get mariners to use the platforms. The websites include strong disclaimers. In Tampa it has been determined that the PORTS system is only useful if you can get to the data and most mariners don't have time to go through the multiple screens to locate the data. NOAA is pushing to put all PORTS platforms on data.

Comment from Captain Richard Seeth, New Jersey Sandy Hook Pilots Association:

Captain Seeth wanted to know if there was a schedule of fines listed regarding the right whale issue and whether the pilots or the associations would be subject to these fines.

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

The fines are supposed to be listed somewhere on the NOAA's website, however, to date no hard numbers have been distributed. The Coast Guard is still trying to work out a lot of questions regarding the new regulations. Members from NOAA have been invited to the November 19th Harbor Ops meeting to discuss the issue.

A. Investigation Committee:

- I. ***M/V Orange Sun*** - (TFD) - 1/24/08 - Allision. The incident will be discussed in Executive Session.
- II. ***Eagle Birmingham*** - 4/26/08 - Based on the initial investigation report of October 1, 1008 Captain Robert Moore was issued a Cautionary Letter by the Commission. The Commission received a letter of appeal from Captain Moore along with supporting information. After review of the information submitted and further interviews of all parties involved, Commissioner Dacey submitted the attached amended report rescinding the Cautionary Letter from Captain Moore's personnel file. A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to accept the recommendations in the amended report. All voted in favor.
- III. ***Baltic Merchant*** - (TJD) - 5/4/08 - Steering Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- IV. ***Caribbean Princess*** - (TJD) - 10/5/08 - Power loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- V. ***Ital Oceano*** - 11/8/08 - (CAL) - Surge allegedly parted mooring line on barge at dock. This incident is still under investigation by Mr. Licata and has been carried.
- VI. ***Nevskiy Prospect*** - 11/11/08 - (TFD) - Based on the attached investigation report, Commissioner Daly recommended that the pilot be sent a letter of non culpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.

Old Business

The New York Commission settled the dispute between Carnival Cruise Lines and the Sandy Hook Pilots Association.

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 litigation matters.

WHEREAS, the Commission desires to meet to 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 ten-minute break at 11:10am.

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 11:55pm.

Orange Sun Incident Report

Based on the attached investigation report, Commissioner Daly made the following recommendations: The pilot be issued a Cautionary Letter for causing a sheer by ordering a change in heading at or about the time he ordered a reduction in speed and for performing an inadequate master-pilot exchange; The Executive Director be authorized to consult with Harbor Ops, the USCG and pilot associations to establish a system where pilots who experience problems with ships can bring it to the attention of all pilots servicing the port; Copies of the review and decision be sent to Captain Brown, his attorney, Captain Weiners, his attorney, the Presidents of the Pilot Associations, the NY Commission the Captain of the Port, the Acting Chairman of NTSB, the Liberian Register, and the operator of the Orange Sun; The Executive Director be authorized to issue a directive that apprentice and recurrent training for pilots include instructions concerning the handling characteristics of ships equipped with controllable pitch propellers.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to accept the recommendations in the report.

All voted in favor.

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

All voted in favor.

The Commissioner reconvened for Executive Session at 11:57am.

Return to Public Session

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

The Commission returned to Public Session at 12:51pm.

The Executive Director is preparing a resolution to present to retiring NY Executive Director, Robert Pouch at the December meeting.

Captain McGovern reported to the Commission that he had just received word that some members of congress have asked Senator Lautenberg to prepare legislation authorizing the USCG to require pilots to use PPU's. The pilots feel that the legislation would undermine the NJ Commission's PPU program and would probably not be up to the standards of the current equipment mandated by the Commission. Captain McGovern will send all the information to Commissioner Wowkanech and Mr. Licata for their review.

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 1:00pm.