

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
December 9, 2008**

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

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

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 and seconded that the minutes of the November 18, 2008 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made and seconded that the Treasurer's report dated December 2008 be approved.

All voted in favor.

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 went into Executive Session at 10:10am.

#### 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 reconvened for Public Session at 11:55pm.

#### Executive Directors Report

The Commissioners were given a copy of the list of break-in trips for Captain Jay Graham along with a letter authorizing him to return to the rotation board effective December 4, 2008.

The Intra Harbor rate rule proposal became effective December 1, 2008 and the regulations on the Commissions website have been updated.

The Commissioners were given copies of correspondence from the New York Commission regarding a proposal to change the requirement of yachts to utilize state pilots from 100 to 200 feet. This will create uniformity between New Jersey and New York.

The Commissioners were given a copy of the Cosco Busan incident review issued by the California Pilot Commission. The NTSB has been contemplating a hearing regarding the incident however nothing has been scheduled yet.

The Commissioners were given a copy of an article regarding Global Shipping and the Economy. Mr. Licata pointed out that the numbers showed a reduction in worldwide shipping.

Captain Andrew McGovern attended a Port Authority briefing with Rick Larrabee in which it was reported that although general cargo is down ½% container shipping in the Ports of New York/New Jersey are up 5% for 2008. The Port Authority is predicting growth in the ports but are concerned that merchants are beginning to lay ships up.

Mr. Licata attended the Harbor Ops meeting on November 19, 2008 where numerous items were discussed.

Public Comment

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

The extension of the Ambrose Channel and the relocation of the Pilot Station have experienced a few hiccups in its implementation. NOAA and the Coast Guard were late in getting the word out. Although the U.S. charts have now been updated a lot of the foreign charts are not. The pilots are hoping the word will be out by the time the 50 foot ships start to come in.

Transfers to and from the new Pilot Station have been going well. The northwest wind seas are larger. Sandy Hook has rented equipment with better de-icing capability. The right whale regulations become effective today which may affect transfers. Captain McGovern will have more info to report to the Commission at the next meeting.

The memorandum of agreement between NOAA and the Coast Guard regarding enforcement of the right whale regulations has not been worked out yet. There has been no published schedule of fines and it is still not clear who will bear the fines. The regulations will be enforced via AIS with warnings issued for the first 4-6 months. Sandy Hook will pursue trying to get an exception for the pilot boat once all pilots and associations are one board.

Captain McGovern received a phone call from Captain Louis Bettinelli regarding the PFD's manufactured by Sterns Co. He has informed him that the instructions state that they will not inflate properly in temperatures below 40 degrees. Captain McGovern did not see the same caution on Sea Safe Products. Mr. Licata has contacted the Coast Guard and is looking into the issue.

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

Mr. Kelly informed the Commission that each vessel entering the port will be required to file an entry bond. The entry bonds will allow for an avenue for the collection of fines regarding the right whale issue.

Commissioner Wiklinski expressed his concern over pilots falling while climbing the Jacobs ladder to board vessels after reading a recent article in the Professional Mariner regarding a pilot

that had a heart attack while boarding a vessel and fell to his death. He asked the pilots to consider the possibility of wearing a harness that could catch them in the case of a slip or fall.

The pilots informed the Commission that this topic had been discussed and it is their opinion that it would be more dangerous to utilize a harness.

#### Presentation of Certificates to Retired Pilots

Captain Raymond Keenan will retire effective December 31, 2008 and was presented with a Certificate of Retirement by Commissioner Dacey.

Captain Keenan said a few words about his years of service and expressed his gratitude to the Commission.

#### Presentation of Resolution to Robert retired Executive Director, New York Commission

On a motion by Commissioner Amster and seconded by Commissioner Daly Resolution # 08-21 was passed to recognize Robert Pouch. All voted in favor.

Mr. Pouch was presented the resolution by Commissioner Amster.

Mr. Pouch expressed his sincere gratitude to the Commission not only for the resolution but for the service they provide to the maritime community.

#### A. Investigation Committee:

- I. ***Baltic Merchant*** - (TJD) - 5/4/08 - Steering Loss. Based on the attached investigation report, Commissioner Dacey recommended that the pilot be sent a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Wokanech to accept the recommendations in the report. All voted in favor.
- II. ***Caribbean Princess*** - (TJD) - 10/5/08 - Power loss. Based on the attached investigation report Commissioner Dacey recommended that the pilot be sent a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Azzolina to accept the recommendations in the report. All voted in favor.
- III. ***Ital Oceano*** - 11/8/08 - (CAL) - Surge allegedly parted mooring line on barge at dock. Based on the attached investigation report, Mr. Licata recommended that the

pilot be issued a letter of non-culpability. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

#### New Business

Commissioner Dacey distributed an article to the Commissioners regarding the appointment of Admiral Craig Bone to the American Bureau of Shipping's corporate management team.

#### Old Business

There will potentially be a special hearing meeting in early January. Commissioner Dacey asked everyone to check their schedules for their availability. Ms. Stuckey will contact everyone to poll available dates.

#### Adjournment

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

The meeting was adjourned at 12:05pm.