

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
August 18, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 18, 2009 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:04am.

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 Azzolina and seconded by Commissioner Amster that the minutes of the July 21, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The proposed readoption of the Commissions current regulations have been posted in the New Jersey Register and are posted on the Commissions Website. The comment period expires on October 2, 2009. Mr. Licata is hoping to be able to make a recommendation to the Commission at the October 20, 2009 regular meeting.

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

Mr. Licata informed the Commission that the required two year apprenticeship for the four docking pilot apprentices appointed in 2007 will have been met in September 2009. Pending where each one is at in his individual training program the Commission may have to give four exams in early fall.

Mr. Licata will work with Commissioner Daly and members of the industry to update the current docking pilot apprentice exam.

The Commissioners were given a copy of a letter from maritime pilot apprentice Timothy Murray apologizing for not coming to the July meeting for his annual appearance before the Commission.

The Commissioners were given copies of the registration form for Port Industry Day. This year the event will be held aboard the Intrepid. Those interested in attending were told to contact Ms. Stuckey so that the necessary paperwork could be completed.

The Commissioners were given copies of an article from **American Shipper** regarding the allocation of ten million dollars towards the study of a conceptual design of the Bayonne Bridge. This study will take place the same time as the Army Corp of Engineers study.

The Commissioners were given a copy of an article from the **Politiken** regarding the use of barb wire on ships to prevent piracy.

#### Public Comment

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

Captain Flannery reported that things have been quiet this summer and the dredging projects are moving along.

Captain Flannery attended a meeting of the VTS Advisory Board. He reports that the meeting went very well. The Board is made up of eleven persons including representatives from the Ferry and Tug industry.

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

Captain McGovern stated that things have been quiet this summer.

He attended a meeting of the MTSRU Committee. The main purpose of the Committee is to advise the COTP the best way to reopen the port in the event of an emergency closure.

Captain McGovern attended the APA Annual meeting. He reported that the IMO agreed to make changes to the pilot transfer protocols and equipment at a NAV Committee meeting. The Committee also pointed out that the inspection and recertification of pilot ladders is already covered in the list of ships equipment that is subject to inspection by the port state. Captain McGovern will reach out to the COTP to point this issue out and to make sure future inspections are done.

The study of the new carry on computers is moving along. The Committee is currently evaluating two new systems now and will evaluate another two in September. The Committee is hoping to be able to make a recommendation to the Association by years end.

Captain McGovern informed the Commission that the Grey Shark has experienced another of several recent power losses. The vessel is currently being sent to Florida for repairs. When the vessel returns to port Captain McGovern will request a complete inspection prior to assigning any pilots to the ship.

The issue of lowering the antennae when the air draft is in question to avoid a bridge strike was discussed. Pilots that were present informed the Commission that it would take less than five minutes to lower the antennae and that the COTP has suggested a minimum under keel clearance of two feet and two feet air draft clearance. The Commission has authorized Mr. Licata to draft a letter to the pilots reminding them of the COTP's recommendation and also recommending that the pilot inquire as to whether any antennae, mast or impediment can be lowered to provide for greater air draft when there is a question regarding clearance.

### Committee Reports

#### A. Investigation Committee:

- I. **President Adams** - 4/15/09 - (TJD) - Alleged Surge. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

- II. **M/V Liamare** - 5/4/09 - (TFD) - Hard Landing. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Azzolina to accept the recommendations in the report. All voted in favor.
- III. **Settsu** - 7/8/09 - (CAL) - Power Loss. Based on the attached investigation report, Mr. Licata recommended that the incident be closed and the pilot 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.
- IV. **APL Japan** - 7/9/09 - (TFD) - This incident was discussed in closed session.
- V. **MSC Tokyo** - 7/18/09 - (TJD) - Bridge Strike. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability and that in the future pilots recommend to the ship that the antenna be lowered to give the ship more air draft to avoid this type of situation. A motion was made by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- VI. **Kasif Kalkavan** - 7/23/09 - (TFD) - Alleged Allision. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability and also that the pilot be reminded that his verbal report to the Commission was unnecessarily protracted. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.
- VII. **MSC Carla** - 7/29/09 - (TFD) - Allision. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued 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.
- VIII. **Alkyonis** - 8/7/09 - (TFD) - Power Loss. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

Resolution to Set the Meeting Dates for Calendar Year 2010

Per the attached list, the Commission has agreed to continue to meet on the Third Tuesday of each month.

On a motion by Commissioner Daly and seconded by Commissioner Wowkanech Resolution #09-11 was passed to set the meeting dates for the calendar year 2010. All voted in favor

New Business

Mr. Licata gave a brief PowerPoint presentation of the proposed LNG Safe Harbor Energy Station. There is a construction time line of five years. Once the construction is completed it is anticipated that the facility will service 200-300 ships per year that would require a pilot. The issue of whether New Jersey or New York would have jurisdiction over the pilots was discussed.

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 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 12:31pm.

APL Japan Report

Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot

issued a letter of non-culpability and the pilot be fined an amount determined by the Commission for late filing of both verbal and written reports. A motion was made by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations in the report and include a \$500 fine. All voted in favor.

#### Adjournment

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

The meeting was adjourned at 12:32pm.