

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
January 13, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 13, 2009 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05am.

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.

Election of Officers

Commissioner Daly made the following nominations: Timothy Dacey, President; Charles Wowkanech, Vice President; Stanley Wiklinski, Treasurer. These nominations were seconded by Commissioner Amster.

Commissioner Wiklinski made the following nomination: Thomas Daly, Secretary. The nomination was seconded by Commissioner Wowkanech.

The nominations were put to a vote and passed unanimously.

Committee Appointments

Commissioner Dacey made the attached Committee Appointments.

Minutes of Prior Meetings

A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech that the minutes of the December 8, 2008 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of correspondence from Captain Nils Tribus requesting his return to the New Jersey Board.

The Commissioners were given a copy of the DWI proposal that was printed in the New Jersey Register. Mr. Licata pointed out that the comment period for the proposal ends on March 6, 2009.

The Commissioners were given a copy of the Law Expiration Report from the Office of Administrative Law. Mr. Licata pointed out that the Commissions' regulations will expire on 8/26/2009. He is in the process of reviewing the rules. If they are published in the New Jersey Register prior to their current expiration date they would automatically be extended and additional three months. Mr. Licata is expecting to get the reproposal to OAL by June.

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 upcoming January 21, 2009 Harbor Ops meeting. Mr. Licata plans to attend the meeting and pointed out that there will be a presentation of the Atlantic City Windmill Project.

Genevieve Clifton, NJ Marine Trades Program Manager, Maritime Resources advised the Commission that she has not received a confirmation from BPU regarding the presentation. She will contact Mr. Licata once they have confirmed.

Mr. Licata pointed out that there will also be discussions regarding the Right Whale issue (who will enforce the regulations) and the Gray Water Discharge Permits.

The Commissioners were given copies of correspondence from the New York Board to the cruise lines regarding the Captains docking their own vessels.

The Commissioners were given a copy of a press release from the Port Authority regarding the Army Corps of Engineers study on the replacement of the Bayonne Bridge.

Mr. Licata pointed out that the resolution previously distributed to temporarily waive federal license requirements has been replaced and the Commissioners will find an updated resolution in the folders.

Mr. Licata recommended that the resolution in the matter of Captain Douglas Brown be tabled pending the receipt of an additional statement from Captain Brown's counsel.

The Commissioners were given copies of correspondence from the finance department at DOT regarding OMB's lapsing of prior year unexpended balances from state agencies to help close the FY 2009 budget deficit. They have taken \$500,000 in prior year unencumbered funds from the Commissions operating account.

Public Comment

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

There will be two public meetings on January 27th and 29th to help prepare an environmental impact study on the Atlantic Sea Island energy proposals.

Captain McGovern presented the Commission with an article regarding a Right Whale breeding ground that was discovered in Maine.

There will be an Oil Terminal Roundtable meeting following the January 21, 2009 Harbor Ops meeting.

Although there is greater compliance, there is still an issue in getting soundings from some of the terminals. The Captain of the Port is considering issuing a letter of compliance.

The pilots are also discussing with the terminals the possibility of them issuing radios to the line handlers.

The generic mold of PAWSA's Waterways Safety study does not fit this port due to the various activities done by pilot committee work. Because of the study funding in the port was lowered. The pilots are putting together a group to address the inaccuracies in the report and get it to Washington so that funding can be reinstated.

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

Mr. Kelly informed the Commission that studies are being conducted by Atlantic Energy LNG Island infrastructure on alternative energy sources such as water power, the use of sulphur fuels, etc. He suggested that the Commission pay close attention to the studies and to be prepared to respond.

He pointed out to the Commission that the Bayonne Bridge study was added to the Port Authorities proposal just in time to add funding to their wish list.

Presentation of Certificate to Retired Pilot

Captain Alan Braendly was presented with a Certificate of Retirement by Commissioner Dacey.

Captain Braendly expressed his gratitude to the Commission.

Resolution to temporarily waive federal license requirements

On a motion by Commissioner Daly and seconded by Commissioner Wowkanech to pass Resolution # 09-01 with the following amendment to the 6th paragraph: "*...an undue burden on the pilotage system and could result in significant economic dislocation to the ports of New Jersey/New York...*" The resolution was put to a vote and passed unanimously.

Resolution in the matter of Captain Douglas Brown

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to table the resolution pending the receipt of additional information from Captain Brown's counsel.

All voted in favor.

Committee Reports

A. Investigation Committee:

- I. ***Shan He*** - (TJD) - 11/20/08 - Power Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- II. ***Tug Glen Cove*** - (TFD) - 12/2/08 - Allision. This incident is still under investigation by Commissioner Daly and has been carried.

III. **President Truman** - 12/20/08 - (CAL) - Power Loss.
This incident is still under investigation by Mr.
Licata and has been carried.

Adjournment

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

The meeting was adjourned at 11:57am.

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 five minute break at 10:55am.

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 reconvened for Public Session at 11:55am.