

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

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 18, 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, in Washington, DC on Commission business; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster that the minutes of the February 19, 2008 regular meeting was approved. All voted in favor.

Treasurers Report

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster that the Treasurer's report dated March 2008 was approved.

All voted in favor.

Executive Directors Report

Mr. Licata welcomed Genevieve Clifton the Commissions new representative from Maritime Resources to the meeting.

The Commissioners were given a copy of the list of break-in trips for Captain Richard Schoenlank along with a letter

authorizing him to return to the rotation board effective February 21, 2008.

The Commissioners were given a copy of the physician's authorization and the list of break-in trips for Captain Richard Seeth along with a letter authorizing him to return to the rotation board effective March 13, 2008.

The Commissioners were given a copy of Sandy Hook's Monthly Apprentice Report. Apprentice Coleen Quinn is currently in the stopped up phase of her apprenticeship. She is expected to sit for her state exam in late October/early September of this year.

The Commissioners were given a copy of an email with an update on the Harbor Ops Full Committee Meeting on March 19, 2008. Mr. Licata plans to attend the meeting and will circulate the agenda after the meeting.

The Commissioners were given a copy of a notice regarding a special presentation from MACOORA that will be given after the Harbors Ops meeting on March 19, 2008. Mr. Licata will attend the presentation.

The Commissioners were given a copy of an article from the Marex Newsletter regarding Admiral Thad Allen and his current discussion with Congress on Coast Guard funding.

The Commissioners were given a copy of an article from the Star Ledger regarding the issues faced by the Waterfront Commission.

Captain Alan Braendly is currently out on sick leave. Captains Christopher Weiss and Kevin Gadow have taken a leave of absence. Captain Weiss may not return to work. Mr. Licata will get a confirmation from Captain Weiss and report back to the Commission.

Two applications have been received for the Docking Pilot Apprentice Training Program.

There are ongoing discussions between the New York Commission and Sandy Hook regarding pending retirements of Hudson River Pilots and how to replace them. Commissioner Dacey has requested that the Commission be kept in the loop.

Captain Hank Mahlmann, the new President of the New York Sandy Hook Pilots Association was welcomed to the meeting.

Resolution #08-02 to Adopt Safety Regulations

The proposed regulations were printed in the January 7, 2008 Edition of the New Jersey Register. The Comment period expired on March 7, 2008. Three comments were received.

Mr. Licata gave the Commission a brief summary of the Response to Comment document that was appended to the Resolution in which he recommends that the proposed regulations be adopted without change.

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster the Commission passed Resolution #08-02 to approve the adoption of the proposed safety regulations and authorize the Executive Director to take the necessary steps to file the required documents with the Office of Administrative Law.

All voted in favor.

Resolution #08-03 to Adjust Sandy Hook Pilot Fees

Mr. Licata provided the Commission with a break down of pilotage fees collected from 2005-2008 along with a breakdown of surpluses by fiscal year. Based on the documentation and the Commissions ability to keep costs under control, Mr. Licata has recommended the Commission reduce the fees collected from Sandy Hook to 2 ¾%.

On a motion by Commissioner Wowkanech and seconded by Commissioner Wiklinski the Commission passed Resolution #08-03 to reduce Sandy Hook fees from 3% to 2 ¾% to become effective April 1, 2008.

All voted in favor.

Resolution #08-04 to approve the issuance of a New Jersey State Maritime License to Joseph S. Paulis.

Apprentice Joseph S. Paulis has satisfactorily completed the requisite apprenticeship program at the Sandy Hook Pilots Association. He took his New Jersey State pilots examination on March 10-14, 2008 and passed with high marks.

Captain Paulis expressed his desire to always become a pilot and thanked the Commission and the Sandy Hook Pilots Association for enabling him to enter and complete the Apprenticeship Training Program.

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster, Resolution #08-04 was passed to approve the issuance of a New Jersey State Maritime Pilot license to Joseph S. Paulis. All voted in favor.

Captain Paulis was issued the oath and sworn in as a New Jersey State Licensed Maritime Pilot by Commissioner Wiklinski.

#### Public Comment

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

Captain McGovern informed the Commission that the Coast Guard has stated that they do not want multiple reports from different pilots regarding the same incident as their reporting procedures are not equipped to handle multiple reports.

Captain McGovern reports a quiet month and had nothing further to report to the Commission.

Report from Captain Robert Flannery President, Metro Pilots Association:

New terminals on the Pearls Island Reach have been encouraged to keep their lights turned down to eliminate light pollution.

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

The Maritime Association will be offering the Shipping 101 course April 7-11, 2008. The course can be tailored towards specific organizations and institutions.

#### Committee Reports

##### B. Investigation Committee:

- I. **M/V Zim Xiamen** - 11/7/07 - Allision. Based on the attached investigation report by Commissioner Daly, Mr. Licata recommended that the Docking Pilot be sent a letter with a copy to his attorney reprimanding him for his failure to submit a timely verbal report to the Commission; A Cautionary Letter be issued to the apprentice with copies to his attorney, McAllister Towing and the Coast Guard reminding him that as an apprentice he is obliged to be conversant with and adhere to the Commission's regulations; a letter be sent to McAllister Towing reminding them that as an entity responsible for training apprentices they have an obligation to instruct the apprentices concerning their duties and regulatory responsibilities; send copies of the report with its recommendations to the

docking pilot, the apprentice pilot, the NY Commission, McAllister and the Coat Guard; prepare amendments to the Commission's regulations imposing a fine against pilots and apprentices if they do not provide a verbal report of an occurrence to the Commission within one hour after their services are no longer needed; and the investigation remain open pending the receipt of the data referred to in the air draft and location sections of the report. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.

- II. **President Truman** - 1/17/08 - Lines Parted. Based on the attached investigation report Commissioner Dacey recommended that the pilot be issued a letter of non-culpability and that the Commission carefully note future incidents in the area and discuss the narrowness of the area and the problems that wider and deeper ships may cause with the different pilot organizations. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- III. **M/V Orange Sun** - 1/24/08 - Collision. This incident is currently under investigation by the Commission, the U.S. Coast Guard and the NTSB and has been carried.
- IV. **M/V Sapphire Ray** - 1/27/08 - Power Loss. Based on the attached investigation report Commissioner Dacey recommended that the pilot be issued a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Azzolina to accept the recommendations. All voted in favor.
- V. **Chipolbrook Moon** - 2/7/08 - Alleged allision with tug. Based on the attached investigation report Commissioner Dacey recommended that both pilots be issued letters of nonculpability and that Captain Flannery remind the tug Captains to approach ships at a safe, prudent speed when they are used in the future. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- VI. **Sealand Integrity** - 2/18/08 - Power Loss. Based on the attached investigation report by Commissioner Daly, Mr. Licata recommended that the pilot be issued a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.

### Old Business

The proposed recurrent training regulations were published in the March 3, 2008 edition of the New Jersey Register. They were also posted on the Commissions website. The comment period will expire on May 2, 2008.

### 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 retire 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 Amster and seconded by Commissioner Wowkanech that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten-minute break at 11:00am.

### Return to Public Session

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

The Commission returned to Public Session at 12:08pm.

### 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 12:10pm.