

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
December 18, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 18, 2012 at One Penn Plaza East, 9th 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 Charles Stapleton, present; Commissioner Charles Wowkanech, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey that the minutes of the November 20, 2012 regular meeting be approved.

All voted in favor.

Treasurers Reports

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey that the Treasurer's report dated December 2012 be approved.

All voted in favor.

Executive Director's Report

Captain Sarubbi welcomed Karen Basciano and her family to the meeting.

Captain Sarubbi informed the Commission that Ms. Stuckey would be on vacation from December 19, 2012 - January 2, 2013

and that he would be on vacation December 24, 2012 through January 2, 2013 however, both would be on call.

The FY12 Audit will be completed in time for the January 15, 2013 regular meeting. There was a slight delay in getting the information needed from the Department of Transportation due to hurricane Sandy.

The Commissioners were given a copy of the response from Chuck King from the Port Authority regarding the soundings at Berth 28. The response summarizes the Port Authorities process for completing and distributing the soundings. Captain Sarubbi pointed out that the July 2012 soundings have not been distributed to the port community. The Port Authority is in the process of completing another round of soundings post hurricane Sandy.

Captain Flannery has met with the Port Authority and advised them that the pilots need one number to work with and that the pilots should not be responsible for reading the charts they put out.

Commissioner Stapleton suggested that the Port Authority be put on notice that the pilots will not dock ships unless the soundings are provided in a timely fashion.

Captain Sarrubi suggested that he host a meeting to bring the pilots and the Port Authority together to discuss this issue.

The Commissioners advised Captain Sarubbi to invite Chuck King to the January 15, 2013 meeting to discuss the issue.

Public Comment

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

Due to dredging the channel at Shooters Island Reach will go from $\frac{3}{4}$ to $\frac{1}{2}$.

The pilots would like to see a deeper draft at Global Terminal. They reviewed the current soundings with the Port Authority which put the draft at 47 feet; the pilots would like it to be 45 feet.

Comments from Captain Andrew McGovern, President, The new Jersey Sandy Hook Pilots Association:

Captain McGovern noted his support of the effort to clean up the Commission's regulations.

He provided Ms. Stuckey with a copy of the comments made by Sandy Hook and the Harbor Ops Committee in response to the proposed Marina at Carteret. The pilots are concerned that the level of risk will never be brought down to an acceptable level even if they worked with the town of Carteret on the plans. Commander Olthuis will send electronic copies of the documents for distribution to the Commissioners.

Captain McGovern thanked the Commission for the educational grant enabling four of their apprentices to attend the manned model school at Maritime Pilots Institute. He asked Captain Karen Basciano to give the Commissioners a brief overview of her experience.

Captain Basciano feels as if attendance at the school should be part of the training for all apprentices. She learned how to dock vessels and was able to practice emergency maneuvers. She found the course extremely beneficial and highly recommends that it become a part of the apprentice training program.

Captain McGovern pointed out that the school has both an electronic simulator and manned model simulators. This allows the pilots to work on scenarios that they may not be able to do on a regular vessel. This is the first time this type of school is offered in the United States and he would like to be able to send all apprentice pilots before they are issued their state licenses.

A. Investigation Committee:

- I. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- II. **Maersk Wiconsin** - December 5, 2011 - Collision with Ruth Reinhauer. Captain Sarrubi informed the Commissioners that his investigation of the matter shows evidence that the pilot of the Maersk Wiconsin failed to adhere to Inland Navigation Rules. The remainder of this discussion was held in Executive Session.
- III. **MSC Joanna** - October 26, 2012 - Allision. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.

- IV. **MSC Shuala** - November 14, 2012 - Allision. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.
- V. **CMA CGM Coral** - December 3, 2012 - Loss of steering. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot. A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.

Resolution #12-27 to Issue A Deputy Pilot License to Karen Basciano

Apprentice Karen Basciano sat for her state licensing exam on November 13-16, 2012 and passed.

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to pass Resolution #12-27 to approve the issuance of a Deputy Maritime Pilot License to Karen Basciano. All voted in favor.

Apprentice Basciano was sworn in by Commissioner Dacey.

Captain Basciano thanked the Commission and expressed how pleased she was to see her life long dream of becoming a pilot come true.

Resolution #12-28 to Honor Retired New York President Captain Henry Mahlmann

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to pass Resolution #12-28 honoring retired New York President, Captain Henry Mahlmann. All voted in favor.

Captain Mahlmann was presented with the resolution by Commissioner Dacey.

Captain Mahlmann stated his gratitude to the Commission.

Presentation to Retired Pilots: Captains Kenneth Sullivan and James Britton

Captain Kenneth Sullivan was honored for his 35 years of service to the Sandy Hook Pilots Association and the Maritime Community and Captain James Britton was honored for his 37 years of service to the Sandy Hook Pilots Association and the Maritime Community.

Both pilots were presented with plaques of appreciation by Commissioner Dacey. Captain Sullivan was also presented with a

framed photograph of a newspaper article regarding a heroic rescue he, Captain Richard Schoenlank and Captain Neil Keating were involved in when they were apprentice pilots.

Presentation by Thomas Spina, Vice President of Cruise Operations, New York City Economic Development Corporation

Mr. Spina gave a presentation to the Commissioners on the Operations at the Manhattan Cruise Terminal which included renovations, future arrivals and projected revenue. After which there was a question and answer session.

Commissioner Dacey recommended to Mr. Spina that it may be helpful to do simulator training for the larger cruise vessels that are anticipated in May of 2013.

Mr. Spina thanked him for his suggestion and also informed the Commission that tugs will be utilized for the first calls the larger vessels make into the berth. He also advised that Captain McGovern was helpful in getting NOAA to install a current meter.

Commissioner Stapleton asked Mr. Spina if he would be willing to serve as the liaison between the Commission and the vessel owners in getting information to aid in accident investigations.

Mr. Spina informed the Commission that he has no regulatory authority over the vessel owners but would be willing to make introductions that would be helpful in developing a relationship between the Commission and the vessel owners.

Discussion re: Post-Occurrence Chemical Drug & Alcohol Testing

The Commissions current regulations mandate that all pilots and apprentices shall submit to a post-occurrence chemical drug test if he or she is involved in an occurrence. As a part of the clean-up of the Commissions regulations it was recommended that the Commissioners may want to clarify which types of incidents require drug testing. They were given three scenarios to consider. The Commissioners will review each scenario carefully before a final decision is made.

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 legal 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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission took a break at 11:32am.

Return to Public Session

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

The Commission returned to Public Session at 12:38pm.

Adjournment

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

The meeting was adjourned at 12:39pm.