

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
February 21, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 21, 2012 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:13am.

Pledge of Allegiance

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 Dacey and seconded by Commissioner Stapleton that the Commission go into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:15am.

Return to Public Session

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

The Commission returned to Public Session at 10:43am.

The Commission's DAG, Elaine Schwartz, announced that agenda items 12 & 17 will be tabled.

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, absent.

Committee Assignments

Commissioner Dacey proposed the attached Committee Assignments.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the Committee Assignments.

All voted in favor.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski that the minutes of the January 17, 2012 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Staff Report

The Deputy Pilot Rule Proposal has been published in the New Jersey Register on February 6, 2012. A notice was sent to all papers with an office in the State House, the heads of all the pilot organizations and was published on the Commission's Website. The 60 day comment period will expire on April 6, 2012. If no comments are received a resolution will be placed on the Commissions April 17, 2012 meeting agenda to adopt the proposal with an effective date of May 21, 2012.

The Commissioners were given a copy of the contract executing the agreement with Hutchins, Farrell, Meyer & Allison, PA to perform an audit of the Commissions FY11 Financial Records. The audit will be completed in early March. Once it is received Ms. Stuckey will set up a meeting for the Audit Committee to review it. It is anticipated that a resolution to approve the audit will be on the agenda for the March 20, 2012 meeting

The Commissioners were given a copy of a communication from the newly appointed Director of the Governor's Authorities Unit, Regina Egea with her contact information.

The last session of the Bridge Resource Management Refresher Course for the docking pilot organizations is on February 23rd and 24th. All the pilot organizations will need to submit new recurrent training proposals for the Commissions approval.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report. Ms. Stuckey reminded the Commissioners that Leonard Evans is scheduled to take his state licensing exam the week of April 30, 2012.

The Commissioners were given a copy of a Policy and Procedure Statement issued by Kinder Morgan requiring pilots to utilize safety equipment which includes steel tipped shoes. They were also given copies of letters written by Mr. Licata to Kinder Morgan informing them why the Commission felt it unsafe for the pilots to wear steel tipped shoes.

Captain Robert Flannery is scheduled to have a conversation with Kinder Morgan to discuss this issue. If he is not able to get it resolved the Commission has been asked to intervene on behalf of the pilots.

The Commissioners were given a copy of a notice from the Office of Administrative Law regarding proposed amendments to its Rules for Agency Rulemaking. Ms. Stuckey went over the changes in the proposal and advised the Commission that it was not necessary for them to comment.

Ms. Stuckey informed the Commission that she has been scheduled for jury duty on February 27th & 28th.

Presentation on PortVision

The presentation on Portvision has been tabled until the March 20, 2012 meeting.

Public Comment

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

The Port Authority has agreed to the need for architectural lights for dredging projects. The lights have been purchased and the lawyers are working out who is responsible for replacing and moving them.

Captain McGovern voiced his concern over the Commission tabling the resolution to adjust pilotage fees. He stated that the

pilots have no problem with paying the fees as long as they are used for the administrative expenses of the Commission. He feels as if there is a large surplus and the fees will be used for other purposes, the funds should be refunded to the pilots. He has advised that Sandy Hook will get their attorneys to look into this issue.

Commander Jack Olthuis is in Baltimore setting up the next generation of the Sandy Hook Pilots recurrent training. The information will be submitted to the Commission for approval shortly.

Comments from Captain Richard Reilly, Board of Directors, Metro Pilots Association:

Metro Pilots Association held their annual elections on January 18, 2012. Captain Robert Flannery has been re-elected President and Captains Richard Reilly and Frank Reinbold are on the Board of Directors.

The Disney Cruise Ships will be arriving in New York on March 1, 2012. Captain Dennis Holmes has been serving as the liaison to the Disney Cruise Lines. He piloted the vessels before and informed the line that two assist tugs will be necessary to dock the vessels. They will be utilizing the Manhattan Cruise line piers.

Captain Flannery hopes to be able to return to work the second week in March.

Captains Flannery and Schoelank are currently in Baltimore at MITAGS to set up the simulation scenarios for vessels going into and out of Howland Hook. Once it is set up, all New Jersey State Licensed Docking Pilots will undergo simulation training prior to piloting on that route.

The last Session of the Bridge Resource Management Refresher Course is being held at the Hilton Garden Hotel in Staten Island. The docking pilots plan to add additional courses for pilots that did not undergo the training.

Comment from Ms. Genevieve Clifton, Manager, Maritime Resources:

The borough of Carteret is looking to move forward with the Marine Terminal. Consultants attended the Harbor Ops meeting and seemed more interested in telling the pilot community what they were going to do rather than listen to any concerns. It is

anticipated that they will put in an application for a permit to move forward.

The full video of the PSA for Operation Clear Channel is being distributed.

The offshore wind contracts in New Jersey will be geared towards maritime needs instead of only focusing on marine spatial planning.

The dredging in Port Jersey is back on track and will be finished close to the original time-line.

Resolution #12-04 to issue a State Docking Pilot License to Jonathan Miller

Commissioner Wiklinski informed the Commission that Jonathan Miller did well on all portions of the exam and he was pleased to recommend him as a candidate for state licensure.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Stapleton to pass Resolution #12-04 to issue a State Docking Pilot License to Jonathan Miller.

All voted in favor.

Captain Miller was sworn in by Commissioner Dacey.

Committee Reports

A. Investigation Committee:

- I. **High Wind** - October 28, 2011 - Allission. This incident has been carried.
- II. **M/V Imari** - October 28, 2011 - Allission. This incident has been carried.
- III. **Stolt Innovation** - November 4, 2011 - Allission. This incident has been carried.
- IV. **Maersk Wiconsin** - December 5, 2011 - Allission. This incident has been carried.
- V. **Caroline Maersk** - December 12, 2011 - Power Loss/Allission. This incident has been carried.
- VI. **Feyza** - December 28, 2011 - Allission. This incident has been carried.
- VII. **Stolt Confidence** - January 10, 2012 - Allission. This incident has been carried.
- VIII. **Spica** - January 11, 2012 - Power loss. This incident has been carried.
- IX. **Horizon Trader** - January 13, 2012 - Dragged buoy off station. This incident has been carried.
- X. **Stolt Topza** - January 14, 2012 - Power loss. This incident has been carried.
- XI. **Star Campus** - January 16, 2012 - Alleged contact with barge. This incident has been carried.

Resolution #12-02 to adjust fees charged to Maritime Pilots

This Resolution has been tabled.

New Business

A. Sandy Hook Pilots Apprentice Selection Process

The Commissioners received correspondence from Sandy Hook regarding the beginning of the apprentice selection process. The Commission has made arrangements to publish the open ad in the February issue of Workboat Magazine and the March issue of Professional Mariner. The New York Board will also publish the notice in the Journal of Commerce. The application deadline date is April 15, 2012. Commissioner Dacey has asked the Governor's office to advise whether Commissioner Wiklinski will be able to be reimbursed for his expenses to attend the meetings and interview sessions.

B. Commissioner Wiklinski read the attached address to the Commission in honor of Retired Commissioner Thomas F. Daly.

Old Business

Ms. Stuckey reported on the following items:

Status of MOA with U.S. Coast Guard - The Commission received correspondence from Captain Gregory Hitchens, Acting COTP stating that the Coast Guards Legal Department determined that the proposed MOA contravenes existing Coast Guard policy. They also included a copy of their updated Parties in Interest policy which would permit certain information sharing. Ms. Stuckey has spoken to Frank Keane, E.D. of the New York Commission and he has advised that they will not pursue the issue any further. She also pointed out that there is currently an excellent cooperative working relationship between the Commission and the Coast Guards Investigation Unit and has recommended that the Commission not pursue the issue any further.

Minutes & Records Digitizing - Ms. Stuckey has been given the name of the PDF searchable software and will forward the necessary files to Division of Archives and Records Management once the Commission identifies which documents they would like to digitize.

Publish Berth Soundings on Commission Website - The site is ready to go live. Ms. Stuckey will forward each of the

Commissioners the password so they can review the site. Upon their approval she will forward the password to the pilots so they can begin utilizing the site.

Purchase of Live Ships Real Time Position Information - the PortVision presentation has been tabled and will be done at the March 20, 2012 meeting.

Resolution #12-03 to set salary for Administrator

This Resolution has been tabled.

Resolution #12-05 to appoint an Executive Director

Commissioner Dacey gave the Commission a brief description of Jonathan Sarubbi's background and highlighted the following: COTP of Philadelphia, Senior Investigating Officer for the Ports of Los Angeles/Long Beach and Honolulu, Chief of Coast Guard's Regional Examination Center in Honolulu and the Administrator of the Coast Guards marine inspection program.

A motion was made by Commissioner Wiklinski to pass Resolution #12-05 to appoint Jonathan Sarubbi as the Commission's Executive Director at a salary of \$110,000 per annum. The motion was seconded by Commissioner Dacey.

The motion was put to a vote and passed as follows:
Commissioner Dacey - yes; Commissioner Stapleton - no;
Commissioner Wiklinski - yes.

Upgrade of Pilot T. Ferrie from a Pilot of the Third Grade to a Pilot of the Second Grade

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to promote Captain Thomas Ferrie to a Pilot of the Second Grade to become effective March 12, 2012.

All voted in favor.

Upgrade of Pilot M. Vanek from a Pilot of the Second Grade to a Pilot of the First Grade

A motion was made by Commissioner Stapleton and seconded by Commissioner Dacey to promote Michael Vanek to a Pilot of the First Grade to become effective March 15, 2012.

All voted in favor.

Captain Vanek was sworn in as a First Grade Pilot by Commissioner Stanley Wiklinski.