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(1989)

143rd ANNUAL REPORT
of the
COMMISSIONERS OF PILOTAGE
of the
STATE OF NEW JERSEY



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FOR THE YEAR ENDING DECEMBER 1989

This 1989 annual report is dedicated to Drew T. Barry, Thomas Keating and George P. Smith, who, on December 2, 1989, while serving in the pilot boat NEW JERSEY as Registered Apprentices on rescued the survivors of a fishing boat which had sunk near #2 Buoy in Ambrose Channel.

Their conduct was in keeping with the highest traditions of the service and was at substantial risk to themselves. Their courage in the face of the perils of the sea warrant our praise and respect.

On the cover:

Rigid Inflatable Boat, (R.I.B.), crewed by Sandy Hook Registered Apprentices, Drew T. Barry, Thomas Keating and George P. Smith, with Pilot Boat NEW JERSEY in the background.

143rd ANNUAL REPORT of the COMMISSIONERS OF PILOTAGE of the STATE OF NEW JERSEY

Pursuant to Title 12, Chapter 8 of the New Jersey Statutes, the Commissioners of Pilotage respectfully submit their 143rd Annual Report to the Legislature of the State of New Jersey. This report covers the year ending December 31, 1989.

A. ALL BONDS TAKEN BY THE COMMISSIONERS PURSUANT TO SECTION 12:8-17 of Title 12.

The following bond was received by the Commissioners as a condition to the pilot receiving his original license:

Pilot	Date of Bond	Sureties
Kenneth P. Sorensen	March 15, 1989	Timothy J. Ferrie Richard J. Schoenlank

B. AN ABSTRACT OF THE PROCEEDINGS OF THE COMMISSIONERS WITHIN THE YEAR 1989.

At the Annual Meeting of the Board of Commissioners of Pilotage held on January 19, 1989, the following officers were elected for the 1989 calendar year:

Nelson Kornstein.....	President
Edward B. Pulver.....	Vice-President
Frank A. Johannessen.....	Secretary-Treasurer

At this meeting the President made the following appointments:

Examining Committee.....	Richard L. Amster George N. Axiotes, Frank A. Johannessen Jonathan F. Klein, Nelson Kornstein Edward B. Pulver
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NY-NJ Task Force	Frank A. Johannessen
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U.S. Coast Guard Liaison Officer	Jonathan F. Klein
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Representative to the Shipping Industry

Ad Hoc Committee.....	Richard L. Amster
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Commissioner Jonathan F. Klein's resignation effective March 1, 1989 was accepted with regret by the Board. Commissioner Klein had accepted a position in Washington, D.C., (with private industry), which employment would take him out of New Jersey.

Commissioner Frank A. Johannessen was selected to be a member of the New York Harbor Traffic Management Advisory Committee. This committee, created under the Federal Advisory Committee Act, provides needed expertise on traffic management, related topics and problems in the Port of New York-New Jersey. The current committee is chartered for two years expiring September 8, 1991.

In 1989 the Commissioners advanced one pilot to Full Branch Pilot, two pilots from Third Grade to Second Grade, three pilots from Fourth Grade to Third Grade, five pilots from Fifth Grade to Fourth Grade, one pilot from Sixth Grade to Fifth Grade, one Registered Apprentice was granted an original license as a Pilot of the Sixth Grade. One applicant apprentice was granted status as a Registered Apprentice. As of December 31, 1989, the number of active New Jersey Sandy Hook Pilots totalled forty-four, Registered Apprentices totalled five, with two applicant apprentices working toward registered status.

The Commissioners investigated a total of five marine incidents in 1989. In no incident did injury or loss of life result nor did any damage to cargo or pollution of the harbor occur. In one case, after a routine anchoring, the vessel continued to drift with the anchor chain leading straight up and down. On heaving up the anchor chain, the anchor was missing. In another case involving undocking during a twenty knot wind without using tugs, the extreme flare of the stern of the vessel rode over the face of the dock pushing a stringpiece about six inches at one joint where two timbers met. There was no other damage to the dock and no damage to the vessel. In the berthing of a naval amphibious assault vessel with the bridge located on the starboard side of the vessel, hull plating was set in on the port side when the midships section of the vessel landed with force against the corner of the pier. In this case, not only were tugs utilized but a second pilot was stationed forward calling off distances to the pilot on the bridge. The pilot conning the vessel had been specifically assigned, out of rotation, to handle this naval amphibious assault carrier from sea to berth. The Commissioners interrogated both pilots, (the pilot stationed on the bow being a member of the United New York Sandy Hook Pilots Benevolent Association). Wind and tide conditions, the physical layout, congestion and depths in the slip, the tugs - one was found to be "weak", and the characteristics of the naval vessel, were all considered. It was ascertained that the overhang of the vessel obscured vision aft from the bridge. Despite this investigation including a detailed review of the maneuvers ordered by the pilot and the location and use of the tugs, no satisfactory explanation emerged. In seeking to ascertain how to avoid such incident in the future, no incident proof solution came to light. In the months that followed, the Commissioners continued to consider this matter and explored ways to avoid any such future mishap. Despite laboring over this, no satisfactory solution surfaced. Policy regarding ships with restricted visibility such as naval vessels with the bridge positioned on the side of the vessel was studied. Existing policy of detailing at least two pilots to such type vessel was reviewed and deemed adequate. In another case, a shipmaster notified the pilot that his starboard bow thruster no longer worked. At the time there was a tug positioned on the starboard bow and the

starboard bow thruster had been operating satisfactorily. In addition to the pilot, a docking pilot was also present on the bridge. Subsequently, a rock was discovered in the bow thruster. Both the pilot and the docking pilot reported that the vessel had not grounded. In the fifth incident, an allegation was made that a small container ship under pilotage struck and severed the end of a trailing array. The pilot confirmed that he had review the local Notice to Mariners and was aware that a vessel would be trailing a submerged wire 900 to 8,000 feet long marked at the end with a small buoy and strobe light. The Notice to Mariners contained no prohibition against meeting, overtaking or passing the towing vessel and the trailing array. Both the towing vessel with array and the small container vessel were inbound from sea. The pilot reported that he had contacted the craft towing the submerged array asking them how best to overtake and pass the array. The pilot stated he had agreed to and followed the recommendation of the towing vessel. Investigation determined that the submerged wire was fact 10,200 feet long, (1.7 miles), with a draft of about 17 to 19 feet. Reviewing the position of both vessels, over a mile apart, at the time of the alleged contact, it was concluded that the submerged wire would have had to take a tremendous curve against the ebb tide to be in the vicinity of the small container vessel when contact with the submerged array was alleged to have happened. In none of these five incidents was it deemed in order to levy disciplinary measures or necessary to require remedial training for any of the pilots involved.

Illustrating the Board's attitude concerning reporting all incidents, is Commissioner Axiotes' comment regarding possible dock damage, "Even if you bend a toothpick, report it!" The Board continues to mandate that every incident, however minor, be reported even though the pilot on board the vessel may not be conning the vessel at the time.

As stated in the 142nd Annual Report, "The Board made known its intention to actively participate in any future rate making process." In 1988 an increase in pilotage fees had been authorized by the Board contingent on an identical increase being enacted into law in the State of New York. On the New York side, however, Governor Mario Cuomo vetoed the New York legislation granting a pilotage rate increase. Our Board continued to vigorously participate in the rate making process with the Board of Commissioners of Pilots of the State of New York, the Shipping Industry Ad Hoc Committee, elected officials, government and private industry representatives, pilots and attend public meetings. Reviewed were pilotage rates on other waters of the United States, methods of establishing pilotage rates, economic factors effecting the shipping industry, the costs of providing pilotage service and numerous other factors. Following much study and discussion with concerned parties, our Board again authorized increased rates. This time identical rate increases were legislatively mandated by the State of New York and duly signed into law by the governor. These increased rates, phased in over a three year period totalling approximately twelve percent, are as follow:

5%	July 30, 1989 to July 29, 1990
4%	July 30, 1990 to July 29, 1991
3%	July 30, 1991 and thereafter

There still remains a "cap" on the number of pilotage units subject to pilotage fees. Thus larger vessels do not pay fees on all pilotage units. Pilotage units

are determined by multiplying the overall length of the vessel by the extreme breadth by the depth to the uppermost continuous deck and dividing the total by ten thousand. The Port of New York-New Jersey is the only port in the United States to have a "cap".

It is pointed out that in the last few years there has been a significant decline in the number of vessels entering and departing from the Port of New York-New Jersey. The decline has been the result of a number of factors the most prominent of which has been the shift by the carriers to larger vessels for the carriage of cargo. The carriers have claimed that there are too many pilots for the volume of business, and if there were a lesser number of pilots the job could still be properly done and the income of the fewer pilots would be higher. The carriers basic argument is that what is needed is fewer pilots not an increase in rates. In a spirit of cooperation and an effort to reduce the number of active pilots, the Board of Trustees of the United New Jersey Sandy Hook Pilots Benevolent Association agreed to permit a limited number of active full branch pilots between the ages of fifty to fifty nine years or reaching fifty years of age during 1989 to retire with all benefits as would be available at normal retirement. The United New York Sandy Hook Pilots Benevolent Association made a similar offer to their membership. It is anticipated that a similar offer of early retirement will again be made available in 1990.

In 1989 the Commandant of the United States Coast Guard appointed a group to study pilotage in United States waters and to submit a report containing recommendations to him. The Federal Register subsequently carried a notice seeking input on eight specific issues to be submitted to this study group concerning pilotage. The Board responded to this notice by compiling and submitting a detailed factual report containing recommendations and comments on each of the eight issues to the Coast Guard study group.

The Board continues to participate in those activities related to pilotage, safe navigation and support of shipping in the bistate area as well as cooperating in furnishing information and data to other government agencies.

The Board is in communication with and holds joint meetings with the Board of Commissioners of Pilots of the State of New York concerning mutual problems and programs. Additionally, one New Jersey commissioner is delegated to represent the Board at meetings of the Joint NY-NJ Task Force. The Task Force deals with a variety of topics of interest to both Boards. Its basic mission continues to be the oversight of the surcharge fund which financed the construction costs of the Pilot Boat NEW JERSEY and the Motorboat SANDY HOOK. The surcharge is seventy five dollars levied on each inbound and outbound passage. Assuming the level of traffic into the port remains relatively stable, all loans taken to finance construction should be paid by 1994 and the surcharge eliminated.

A topic under study by the Board, in conjunction with the Board of Commissioners of Pilots of the State of New York, is consideration of extending the boundaries of the Ambrose Pilot Station further seaward to better provide for embarking and debarking pilots in all types weather and sea conditions.

The Hudson River Pilots Association and the New York and New Jersey Sandy Hook Pilot Associations have been engaged in long running negotiations

concerning a merger of these three organizations. At a vote in December 1989, all three organizations approved this merger. However, approval by the New Jersey Sandy Hook Pilots Benevolent Association fell two votes short of the required two thirds vote necessary. Negotiations continue.

The New York and New Jersey Sandy Hook Pilots have developed and put into operation a drug testing program. The pilots Joint Executive Committee mandated that all pilots undergo a drug test by June 10, 1989. Thereafter, random drug testing, (urine analysis) will be conducted. The Board approved the drug testing policy of the Joint Executive Board. In December 1989, having been randomly selected for drug testing, a registered apprentice submitted to urinalysis and tested positive for Canabinoids. Subject will be afforded a hearing before the Board.

Notwithstanding the lengthy apprenticeship of seven years plus another period of seven years from Pilot of the Sixth Grade to Full Branch Pilot, Sandy Hook Pilots never cease their education and training. They continued to hone their skills by taking courses at the Marine Institute of Technology, Lithicum Heights, Maryland and at Grenoble, France.

The Pilot Boat NEW JERSEY on duty on pilotage station the afternoon of December 2, 1989 picked up a Mayday call reporting a fishing boat going down in the vicinity of number 2 Buoy Ambrose Channel. The NEW JERSEY immediately proceeded to the scene notifying the U.S. Coast Guard of their action and ETA. Enroute, while underway, the NEW JERSEY launched a fast rigid inflatable boat, (R.I.B.), crewed by three Sandy Hook registered apprentices, Drew T. Barry, Thomas Keating and George P. Smith.

The R.I.B. arrived at the location of the sinking in ten minutes. Observed was the bow of the fishing boat sticking 15-20 feet out of the water and going down with two Coast Guard boats present, sterns to the sea. Scattered between the two positions were approximately 20 persons in the water. All had lifejackets on and were yelling for help. A half dozen or so were adrift alone. Others were clinging to wood and debris. 5 persons were hanging on to what appeared to be a wooden hatch. The Coast Guard vessels were trying to pull victims out about 100 yards away but were having difficulty due to their 3-4 foot freeboard. The R.I.B. was the only craft on the scene that could maneuver between debris which was widespread. The 5 persons huddled together yelled that they were "O.K." and holding their own at that point. The apprentices then went after the single people adrift. Approaching victims from windward worked best; when alongside, the apprentices lifted the individuals aboard the R.I.B. This procedure worked well. The apprentices continued picking up people adrift one at a time until 6 persons including the captain of the fishing boat was on board the R.I.B. A Coast Guard person in the water was then picked up. Proceeding to the makeshift raft that 5 persons were clinging to, one by one these were pulled aboard the R.I.B.

At that point, personnel on the Coast Guard boat were notified that one man was in bad shape and a young male was starting to pass out. An EMT and another Coast Guard person hopped on board the R.I.B. while the Coast Guardsman on

board returned to the Coast Guard craft to help pull another victim out of the water. The Coast Guard were unable to get this victim aboard their boat. The apprentices maneuvered to try and get the man aboard the R.I.B. The sea was making rescuing this individual nearly impossible with the additional danger of crushing him between the two boats. When the R.I.B. was in a good position, Coast Guard personnel passed lines to the apprentices that were holding the man; it took four persons to get him out of the water. This victim was conscious, breathing, semi-alert and bleeding from the mouth. He, along with others, appeared to be in shock; victims were piled on top of another.

At this point, to the apprentices knowledge, all persons were out of the water. The Coast Guard inquired if the R.I.B. had enough fuel to reach Sandy Hook. The apprentices informed the Coast Guard that the R.I.B. had adequate fuel but that it was not safe to run abeam to the sea for such a distance. At this time there were 16 persons on board the R.I.B., 11 victims, 2 Coast Guard personnel and the three apprentices. The R.I.B. was starting to take water over the pontoons.

Next the R.I.B. lost its drive train. The motor sounded as though it was blown. It was shut down. The Pilot Boat NEW JERSEY attempted to drift down on the R.I.B. The Coast Guard craft attempted to come alongside from windward. After a brief, shouting match, the Coast Guard realized the danger of possibly crushing the R.I.B. The Coast Guard then approached from leeward. The R.I.B. drifted down on them. The apprentices and the Coast Guard personnel assisted in transferring the victims. Taking 7-10 foot waives on the beam, the apprentices had to physically pry some of the victims hands off the railings to transfer them. All were safely put aboard the Coast Guard boat. The Pilot Boat retrieved the R.I.B. which had suffered damage.

Subsequent testimony from U.S. Coast Guard personnel on the scene of the sinking of the Fishing Boat BRONX QUEEN revealed that without the participation of the Sandy Hook Pilot apprentices there would had been substantial loss of life.

The Board, following review of the circumstances surrounding the rescue of persons from the sinking fishing boat, confirmed that the three apprentices promptly responded to persons in the water crying for help and demonstrated seamanship ability in plucking people from the icy water amid debris at substantial risk to themselves and rendered first aid, commended Registered Apprentices Drew T. Barry, Thomas Keating and George P. Smith for their courageous action, professional behavior and demonstration of excellent qualities of seamanship in saving lives.

Subsequently each of these three apprentices received a citation from the Hudson County Executive, Hudson County, New Jersey, a letter of commendation from New Jersey Governor Thomas Kean and were presented with a copy of a New Jersey State Senate Resolution commending them for their role in this successful lifesaving endeavor.

C. STATEMENT OF THE NUMBER OF PILOTS IN COMMISSION AND THE NUMBER OF VESSELS TAKEN IN AND OUT.

ACTIVE PILOTS AS OF 12/31/89

F.J. Boslet, Jr.	J.D. Hasson	J. Oldmixon
A.T. Boyan	R.D. Jones	R.F. Pennea
A.E. Braendly	P.E. Kanenbley	T.W. Peters
J.F. Britton	R.V. Keenan	J.H. Peterson
R.E. Britton	G.W. Kissenberth	F.E. Reil
T.G. Britton	C.A. Massey	P.G. Roos
H.J. Costello	J.F. McCarthy	R.J. Schoenlank
R.E. Cox	A.W. McGovern	J.W. Scudlo
R.L. Cullison	D.J. McInerney	R.D. Seeth
C.W. Dahmen	B.J. Mercereau	K.P. Sorensen
R.A. Deane	W. G. Metting	K.E. Sullivan
T.J. Ferrie	J.B. Monaghan	E.F. Sweeney
J.E. Graham	J.A. Murray	F.D. Wall III
E.J. Haggerty	E.D. O'Donnell	D.W. Walsh
W.M. Hansen		T.J. Walsh

Captain R.D. Rice passed away on 12/30/89

RETIRED PILOTS

F.J. Boslet	J.F. McCarthy	H.A. Schweers
L.T. Earl	R.J. McCarthy	D.T. Smith
W.J. Egan	T.J. McGovern	K.W. Sorensen
W.C. Hall	D.M. Mercereau	W.W. Sturgeon
W.C. Hansen	A.G. Oldmixon	F.D. Wall
J.G. Keating	J.C. Oldmixon	E.H. Weiler
G.W. Kissenberth	C.C. Reed	C.E. Wendel
J. Licata	J.L. Renesse	W.F. Winter
W.H. Lowe		E.G. Young

REGISTERED APPRENTICES

W.B. Hodgins	W.J. McGovern	G.P. Smith
R.S. Ireland	D.B. Peters	

NEW JERSEY APPLICANT APPRENTICES

W.J. Baeszler	R.L. Oldmixon
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THE FOLLOWING VESSELS WERE SERVICED DURING 1989:

	<i>IN</i>	<i>OUT</i>
January	164	168
February	178	169
March	143	155
April	131	149
May	133	154
June	140	165
July	146	158
August	162	171
September	166	162
October	166	184
November	140	132
December	118	139

D. OBSERVATIONS IN RELATION TO THE SYSTEM OF PILOTAGE.

This Board is proud of the safety record of the pilots under its jurisdiction and fully endorses the prudent policy of the United New Jersey Sandy Hook Pilots Benevolent Association of not taking chances with vessels exceeding safe draft.

This Board recommends the continuance of the system of state pilotage. In reinforcement of the Boards position a statement from the Battelle Report issued June 23, 1989 entitled, "A Comparative Assessment of State Pilot Safety" is quoted:

"These analyses and supporting data strongly suggest that if state pilots and non-state pilots were subjected to the same trip profile, one could reasonably expect the non-state pilot group to experience a number of pilot caused accidents on the order of 10 to 20 times that experienced by the state pilot group."

COMMISSIONERS OF PILOTAGE

RICHARD L. AMSTER, 2 Hogan Court, Florham Park, New Jersey 07932. Of counsel to the law firm of Wolff & Samson, Roseland, New Jersey. Served on active duty in the United State Navy, 1942-1946, separated with the permanent rank of Lieutenant U.S.N.R.

GEORGE N. AXIOTES, 21 East Shore Road, Denville, New Jersey, 07834. Holds American Master's license of steam and motor vessels for any ocean, any tonnage. Licensed Federal Pilot. Commanded American Commercial Vessels in World and Coastwise trade. Commanded Merchant Vessels in World War Two and also served as Convoy Commodore. Held Executive shore positions in Steamship and Stevedoring Corporations. Member of Society of Maritime Arbitrators of New York Inc., Member of Maritime Trades Advisory Committee, Board of Education, City of New York, Past President and Life Member of Marine Society of New York, chartered in 1770. Member of Boston Marine Society, chartered in 1742. Member of Council of American Master Mariners, Inc. Own and operates a business as Marine Surveyor and Consultant. Former member of U.S. Naval Reserve. Former member of International Cargo Bureau, Inc.

FRANK A. JOHANNESSEN, 619 West Lake Avenue, Rahway, New Jersey, 07065. Marine license: Master oceans, any gross tons; sailed as master. Shore positions: claim adjuster for P & I underwriters, marine surveyor, manager - Waterfront Commission of New York Harbor. Graduate of the United States Merchant Marine Academy, Kean College of New Jersey, John Jay College of Criminal Justice, Rutgers University School of Law - Newark. Former Editor of the Kings Pointer. Commander USNR (Ret.). Attorney NJ & Pa.

JONATHAN F. KLEIN, 25 Berkley Road, Millburn, New Jersey 07041. Sailed as a license deck officer on ocean going vessels out of the port of New York-New Jersey following his graduation in 1968 from the United States Merchant Marine Academy at Kings Point. Mr. Klein also served as an Officer in the United States

Naval Reserve for more than ten years. For the past thirteen years, Mr. Klein has worked for Sea-Land Service, Inc., in various operational capacities in New Jersey and Europe. He currently holds the position of Vice President, Marine Operations for Sea-Land. Mr. Klein's community activities include coaching various youth sports, and he is currently serving as President of the Millburn-Short Hills Fourth of July Committee.

NELSON KORNSTEIN, 73 Frances Drive, Clark, New Jersey, 07066. President of the Board of Commissioners. President of American Plastic Company, Rahway, New Jersey. Served in the Merchant Marine from 1936 to 1951 principally with U.S. Lines and American Export Lines, 1942 to 1945 was an instructor in the United States Maritime Service. Member United States Naval Reserve 1942 to 1945. President of the Clark Rent Control Board in 1972. 1972 to 1973 served on the Commission of Environmental Protection of Union County. 1974 to 1979 served as a Union County Park Commissioner. Former Legislative aide to Senator Donald DiFrancesco. Companion member Council American Master Mariners.

EDWARD B. PULVER, 104 West 56th Street, Bayonne, New Jersey, 07002. Served in the Armed Forces (Air Force) 1941-1943, a Member of Master, Mates and Pilots Local 1 New York 1941-1958. Elected officer as Secretary-Treasurer of Master, Mates and Pilots Local 1 New York 1948-1958. Regional Director of Seafarers International Union of Inland Waterways from Norfolk to New York 1959 to present. Sailed as ordinary seaman and Mate on Inland Waterways 1941-1975. Secretary-Treasurer State of New Jersey AFL-CIO 1975 to present. Labor Representative on the Governor's Manpower Board, Graduate of Rutgers Police Academy, graduate of Rutgers (City Administration), Member Saving Our Port, Port of New York and New Jersey and Member of Maritime trades, Port of New York and New Jersey 1982 to present.

Board of Commissioners of Pilotage of the State of New Jersey
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