

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
June 17, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 17, 2008 at One Penn Plaza East, 9<sup>th</sup> 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, absent; 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 Azzolina and seconded by Commissioner Wiklinski that the minutes of the May 20, 2008 regular meeting was approved. All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given copies of the executed contract between Gertrude & Company, LLC and the New Jersey Maritime Pilot and Docking Pilot Commission. Mr. John Woslek visited the Commissions offices in May to go over the Commissions financial records in preparation for the audit. The completed audit should be available for the Commission to review at the August 19, 2008 regular meeting.

Mr. Licata contacted Steven Hansen from DOT regarding the difficulties the Commission has had in getting reimbursed for monthly expenses. As a result the Commission has received funds that were pending since October 2007. Mr. Hansen suggested that the Commission develop a MOU to formally establish in writing the nature of the relationship between the two entities as a service contract without any reference to oversight. Mr. Licata will put together a draft and review it with counsel before forwarding it to DOT.

The Commissioners were given a copy of Sandy Hook's monthly apprentice training report.

The Commissioners were given a copy of a letter from Homeland Security regarding Captain Andrew McGovern's reappointment to MERPAC. Mr. Licata pointed out that Captain McGovern's involvement in MERPAC has been very helpful to other pilots in dealing with the Coast Guard.

Captain Alan Braendly and Nils Tribus are currently out on sick leave. Captains Christopher Weiss and Kevin Gadow have taken a leave of absence.

The Commissioners were given a copy of the highlights of a GAO report on container security. It was prepared for the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, Committee on Commerce, Science, and Transportation.

#### Public Comment

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

The AK Railroad Bridge is has been working well. The pilots are monitoring it closely. They are concerned that the Coast Guard is no longer controlling the openings and closings of the bridge.

The dredgers at MOT Bayonne are move on demand. To date they have not been asked to move.

Admiral Larrabee of the Port Authority advised that preliminary planning and conversations regarding the future of the Bayonne Bridge have begun. The Port Authority has recognized that if nothing is done by the time the 50' channel is open in 2014/2015 the Bridge will present an air-draft problem for larger draft vessels.

The Verrazano Narrows Bridge's air gap sensor is working and has been calibrated. The next step is to get New York's Department of Transportation to install an air gap sensor on the Brooklyn Bridge.

Captain McGovern, Captain Flannery and Genevieve Boehm are meeting with Steven's Institute this afternoon to discuss how to integrate the information they have available into the PORTS system.

Thanks to the efforts of Lucy Ambrosino at the Port Authority funds for operation of the PORTS system have been included in NOAA's operating budget. Special thanks are also extended to Ed Kelly and Commissioner Wowkanech for their help in getting the funds approved.

Sandy Hook has draft plans to move the pilot station once the 50' channel is ready. Over the next 1 1/2 years the plans will be tweaked. Once a workable design is achieved they will look into what additional equipment may be needed. They will keep the Commission's Capital Surcharge Committee informed as they progress.

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

The dredging will begin in the Con Hook range this month.

Captain Flannery received an email from Daren Foley informing him that on Friday the lights on the buoys in Claremont will be repaired.

#### Committee Reports

##### A. Investigation Committee:

- I. ***M/V Orange Sun*** - 1/24/08 - Collision. The incident is currently under investigation by Commissioner Daly, the U.S. Coast Guard and the NTSB and has been carried.
- II. ***Eagle Birmingham*** - 4/26/08 - Ship departed with tug tied to port side. This incident is still under investigation and has been carried.
- III. ***Baltic Merchant*** - 5/4/08 - Loss of Steering. This incident is still under investigation and has been carried.
- IV. ***Qatari Ibn Al Fujaa*** - 5/5/08 - Power Loss. This incident is still under investigation and has been carried.

- V. **Qatari Ibn Al Fujaa** - 5/6/08 - Loss of Engine. This incident is still under investigation and has been carried.
- VI. **Golden Taka** - 5/12/08 - Allision. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Azzolina to accept the recommendations in the report. All voted in favor.
- VII. **Ballengen** - 5/15/08 - Near Miss. This incident is still under investigation and has been carried.
- VIII. **Norwegian Spirit** - 5/25/08 - Allision. This incident is still under investigation and has been carried.
- IX. **Cosco Melbourne** - 5/26/08- Near Miss. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter of commendation. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- X. **Tug, Penn 4** - 6/3/08 - Allision. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- XI. **Grey Shark** - 6/3/08 - Loss of Power. Based on the attached investigation report Commissioner Daly recommended that the pilot be sent a letter of nonculpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.

Resolution #08-03 to Adopt Recurrent Training Regulations

Mr. Licata gave the Commission a brief summary of the response to comment document that was attached to the resolution. Four comments were received. Mr. Licata recommended that the Commission adopt the regulations with the effective date delayed until 90 days after its adoption.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to pass Resolution #08-03 to adopt the proposed regulations. After open discussion the motion was put to a vote. All voted in favor.

Resolution #08-04 to Adjust Intermediate or Intra Harbor Rates

Mr. Licata gave the Commission a brief summary on the attached rate proposal. It would establish, by regulation for the first time, new rates for certain ship movements by maritime pilots. Comments were received from Interport Pilots Agency regarding the proposal. Interport's comments are pre-mature and will be considered during the public comment period.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to pass Resolution #08-03 to adjust Intermediate or Intra Harbor Rates.

Mr. Licata informed members of the public that they would have an opportunity to comment on the proposed rates during the 60 day comment period.

After open discussion the motion was put to a vote. All voted in favor.

Resolution # 08-07 to Adopt an Operating Budget for Fiscal Year  
09

Mr. Licata pointed out a few changes that were made as a result of a review of the previous year's budget.

A motion was passed by Commissioner Amster and seconded by Commissioner Wowkanech to pass Resolution #08-08 to Adopt an Operating Budget for Fiscal year 09. All voted in favor.

Resolution # 08-08 to Amend Resolution and Order #07-05 in the  
matter of the New Delhi Express.

At its May 20, 2008 regular meeting the Commission discussed the request of Captain Bates and his Counsel, James Mercante to consider lifting the probation as provided for in Resolution and Order #07-15.

After open discussion Mr. Licata was authorized to prepare a revised resolution to be voted on by the Commission.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to pass Resolution #08-08 to Amend Resolution and Order #07-05 in the matter of the New Delhi Express. The motion was put to a vote. All voted in favor.

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 Wowkanech and seconded by Commissioner Azzolina that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten-minute break at 10:55am.

#### Return to Public Session

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

The Commission returned to Public Session at 11:27am.

Commissioner Amster noted the importance of the Sandy Hook Pilots Association keeping the Commission in the loop regarding the purchase of any new equipment.

Mr. Licata informed the Commission that Robert Pouch, Executive Director of the New York Board of Commissioners of Pilotage is retiring. Mr. Licata would like to invite him to a future meeting and present him with a Certificate of Appreciation for his work in the Maritime Community.

#### 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 11:32am.