

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
October 19, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 19, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly called the meeting to order at 10:14am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, absent (*Commissioner Wowkanech was serving Jury Duty on the day of the meeting*).

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the September 21, 2010 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner Daly that the Treasurer's report dated October 2010 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a memo that was sent to David Reiner at the Governor's Authorities Unit regarding various types of mission critical expenses incurred by the Commissioners.

The Commissioners were given a copy of a memo from Ms. Deborah Gramiccioni, Director, Governor's Authorities Unit requesting that each Commission submit their attendance records

for the last 12 months along with a copy of Mr. Licata's response.

The Commissioners were given a copy of the agenda from the September 22, 2010 Harbor Ops Meeting. Mr. Licata attended the meeting.

Mr. Licata informed the Commission that he will be attending Port Industry Day on Monday, October 27, 2010 and that Governor Christie was scheduled to be the keynote speaker.

The Commissioners were given a copy of an article from the Journal of Commerce regarding the two-day port strike on September 28-29, 2010.

Public Comment

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

There was an Oil Terminal/Pilot Roundtable meeting after the Harbor Ops meeting on September 22, 2010. Hess Bayonne complained about lines parting at their facility. The pilots pointed out that the facility is not designed for the size of ships that they are putting there. The terminal agents have acknowledged that it is the responsibility of the facility to make it accessible for larger vessels. The facility has agreed to work with the ships crews to make sure the lines are tended properly.

The annual meeting of MACOORA will be held at Steven's Institute in Hoboken on October 28th and 29th. This is a great opportunity for the pilots to let MACOORA know what types of ocean information is needed for this region. Captain Robert Flannery will speak on the behalf of the pilot groups.

Captain McGovern will attend the APA convention in Las Vegas the week of October 25, 2010.

Due in most part to the work of Lucy Ambrosino at the Port Authority the Federal Government has agreed to fund P.O.R.T.S. for the remainder of this year, however, it is not in the FY 11 request.

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

Captain Flannery informed the Commission that one ship has parted lines a couple of times at the Hess Bayonne pier and pointed out that the lines may not have been tended properly.

After receiving the letter from the Harbor Ops Committee informing them that they are responsible for any damages caused by the movement of cranes while a vessel is docking or undocking at their terminals, the pilots were given contact numbers for the Managers at each terminal in case the cranes begin to move.

The Coast Guard has advised the pilots to let them know if there is a 35 foot spot that needs dredging.

Committee Reports

A. Apprentice Selection Committee:

Commissioner Wiklinski reported that after two weeks of intensive interviews the Committee has come up with a list of the top ten candidates with 5 alternates for the Sandy Hook Apprentice Training Program.

He feels that this is one of the strongest lists to date. The fact that these persons undertake such a costly interview process to apply for a five year program that would require them to work for low pay and hard work bodes well for their commitment to becoming a pilot. He feels that sometime in the future conversations need to be had about limiting the number of applicants for future lists.

Commissioner Wiklinski also commended Captain Sweeney for his ability to lay out the process to the applicants. He feels that a clear understanding of the process is helpful to the candidates in deciding whether to proceed.

In his opinion the current list is one that the Sandy Hook Pilots will be happy with. He also pointed out that the Committee understood how extremely important it is to the state of New Jersey to get the best, highly qualified candidates for the Program.

Commissioner Daly thanked Commissioner Wiklinski for his service in undertaking such a taxing process.

B. Investigation Committee:

- I. **Anna M.** - June 14, 2010 - Grounding (TFD). Report discussed in Executive Session.
- II. **YM Singapore** - September 5, 2010 - Allision (TFD). Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot sent a letter of non-culpability. He also recommended that the pilot insist that the master amend the Pilot Card if he states a draft different than the one written on the Pilot Card, all pilots should be reminded to

promptly report all allisions to the Coast Guard and a copy of the review be sent to the docking pilot, Metro Pilots Association, the New York Board, the Sandy Hook Pilots Association and the United States Coast Guard. A Motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.

- III. **British Serenity** - September 9, 2010 - Powerloss. This incident is still under investigation by Commissioner Dacey and has been carried.
- IV. **NYK Constellation** - September 23, 2010 - Reported parted lines/broken on berthed ship. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot sent a letter of non-culpability. He also reminded pilots that they should always consider the hydraulic interaction between ships and that copies of the report should be sent to the United States Coast Guard and the President of the Sandy Hook Pilots Association. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- V. **Kiel Express** - September 28, 2010 - Power Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- VI. **Zhen He** - October 2, 2010 - Bridge Strike. This incident is still under investigation by Commissioner Daly and has been carried.

Resolution #10-09 Regarding Pilotage Rates

A motion was made by Commissioner Dacey and seconded by Commissioners Wiklinski to pass Resolution #10-09 to adjust the rates charged by Maritime Pilots per NY Senate bill #S5474.

Captain McGovern explained to the Commission that the pilots met with members of the industry in 2009 regarding these rates. They agreed not to seek any increase for 2010 but would look for increases in 2011 and 2012. Industry agreed to a three year package which included a 0% increase in January 2010, a 3% increase in January 2011 and a 4% increase in January 2012.

The motion was put to a vote and all voted in favor.

Resolution #10-10 Approving the List of Qualified Apprentices

A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to pass Resolution #10-10 to approve the list of qualified maritime pilot apprentices.

All voted in favor.

Discussion of the RFP for Oversight Services

The RFP will enable the Commission to get an idea of the actual cost when considering outside services to help ensure the mission of the Commission be optimal. The initial \$50,000 put in the FY11 budget was vetoed; therefore it seems wise to get hard numbers prior to proceeding.

The Commission gave Commissioner Daly the okay to approve the advertisement to be placed in the newspaper and trade journals.

New Business

Commissioner Wiklinski expressed his concern about the direction in which the Commission is moving. Although it was nice to hear that the Governor's Authorities Unit expressed their desire to have continued open lines of communication he would like to see evidence of same. He feels that the twenty years it has taken the Commission to evolve into a strong agency that serves the best interest of the state of New Jersey has been jeopardized by recent events. In order to maintain the Commission's high standards and level of efficiency there needs to be meaningful and continued dialect with the Governor's office until an operating budget is passed. If something happens that the Commission is not ready to handle because the budget has not been approved the Governor will have to answer. He would like to know what steps should be taken to allow the Commission to move forward with its budget.

Commissioner Daly pointed out that he is in the process of gathering and putting together the information to allow the Commission to move forward. He also stated that he agrees with Commissioner Wiklinski's sentiments that the Commission is important and without pilot accountability the risk for disaster is increased. It is also his intention to keep the lines of communication open between the Authorities Unit and the Commission.

Captain Flannery informed the Commission that Captain Grover Shanshagrín passed away at the age of 90 on October 17, 2010. He was still working at the PST at the time of his passing.

Ms. Genevieve Clifton informed the Commission that the TTF fund that Maritime Resources does operational work out of has been depleted. All activities that fall under this fund are stopped as of October 21st.

She also pointed out that the new EPA rules regarding grey water discharge are planned to go into effect in January or February of 2012. After a meeting with the environmental people it was clear that they had no understanding of how the ships are configured and how they work. Although the rules do not permit the dumping of grey water in New York it is still allowable in New Jersey - she is asking for help from the industry to get this rectified.

Old Business

Commissioner Daly has asked Mr. Licata to be prepared to update the Commission on the actions items on the agenda that require follow-up.

Commissioner Dacey stated that he agreed with the comments of Commissioner Wiklinski and pointed out how atrocious it is that we are 1/3 of the way through the fiscal year and still don't have an operating budget. He hopes to have one ready for approval at the November 16, 2010 regular meeting.

He also expressed his concern regarding the future of the port. It is very disheartening that the Governor stopped production on the Tunnel project. This is a project that was endorsed by three Presidents as well as two former Governors. Tolls were increased to fund this project and if project is not permitted to move forward he would like to know where the funding will go.

Commissioner Dacey is also concerned that no plans and no cost analysis have been prepared to address the problem with the Bayonne Bridge. He states that the new congress is very unlikely to fund the Bayonne Bridge project.

In his opinion Governor Christie is unwilling to spend state dollars on large infrastructure projects and is not concerned about the jobs these projects would create. Unless New Jersey gets some type of plan in place and move forward our ports will not be able to be competitive. There is a lack of political will to move forward. Unless something gets moving in the next couple of months our ports will not be ready by the 2014 opening of the new channels in the Panama Canal.

Commissioner Daly shares Commissioner Dacey's concerns with respect to the Bayonne Bridge and the widening of the Canal.

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 investigation 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.

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

All voted in favor.

The Commission took a break at 11:20am.

Return to Public Session

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

The Commission returned to Public Session at 12:51pm.

Upgrade of Pilot

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that Captain David J. Graves be promoted from a Pilot of the Fifth Grade Part A to a Pilot of the Fifth Grade Part B to become effective on November 6, 2010.

All voted in favor.

Anna M Investigation

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the investigation report to direct the docking pilot to appear at an informal hearing on November 16, 2010.

All voted in favor.

Adjournment

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

The meeting was adjourned at 12:54pm.