

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
January 18, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 18, 2011 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly 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, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, absent.

Election of Officers

A motion was made by Commissioner Daly to nominate Commissioner Dacey as Vice President, Commissioner Wiklinski as Treasurer and Commissioner Wowkanech as Secretary. The nominations were seconded by Commissioner Wiklinski.

A motion was made by Commissioner Dacey to nominate Commissioner Daly as President. The nomination was seconded by Commissioner Wiklinski.

The nominations were put to a vote and passed unanimously.

Committee Appointments

Commissioner Daly made the attached Committee Appointments with the following amendment; Commissioner Wiklinski was added to the Audit Committee. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the appointments.

All voted in favor.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the December 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 January 2011 be approved.

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that all the nominations made by Governor Christie that have not been acted on by the Senate expired. A phone call was received from the Governor's Appointments Office to inform the Commission that Charles Stapleton has been renominated. Brian McEwing's renomination is still pending.

The Commissioners were given a copy of the revised Response to Comment document which shows a minor revision to the approved regulations. The revision was prompted by OAL. Mr. Licata intends to schedule a meeting within the next couple of weeks to begin the regulation review process.

The Commissioners were given a memo from Mr. Licata outlining the details of a meeting he had with Mr. Ed Kelly to utilize a system the Maritime Association already has in place to record certain vessel information. The next step is to schedule a meeting with Mr. Kelly and the Presidents of the pilot associations to discuss what type of information should be included on the system.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report.

The Commissioners were given a copy of the revised Sandy Hook Master Pilot Exchange Information Card.

The Commissioners were given a copy of a memo from the Governor's Authorities Unit regarding the processing of meeting minutes. The Commission need not take any action as they are in compliance with all the guidelines specified in the memo.

The Commissioners were given copies of the following articles submitted by Commissioner Dacey (1) On the Waterfront.

Commissioner Dacey pointed out that there are a certain group of Senators that are critical of the work being done by the Waterfront Commission that clearly have a lack of understanding of their role. (2) Free Trade Agreement. Commissioner Dacey also pointed out that it is important to raise the Bayonne Bridge in order to keep free trade alive in the NY/NJ Harbors.

Mr. Licata informed the Commission that the Port Authority released the engineer study which indicates the preferred alternative to address the issue with the Bayonne Bridge is to raise the roadway 63 feet.

Ms. Genevieve Clifton will attend a meeting with the Port Authority on January 24, 2011 to discuss the new plans for the Bayonne Bridge.

Public Comment

Comments from Robert Flannery, President, Metro Pilots Association:

The joint docking pilot Bridge Resource Management Refresher course will be held in McAllister's training yard on January 27 & 28, 2011. Captain Flannery will make arrangements for Commissioner Daly to attend the training.

There will be a Harbor Ops and Oil Terminal Roundtable meeting on January 19, 2011.

There will be a meeting on January 19, 2011 with the Port Authority regarding dredging on Shooters Island. There is 15 feet of rock that needs to be blasted.

The American Harbor and Docking Pilots Annual Meeting will be held in Philadelphia April 28th & 29th, 2011. Commissioner Daly and Paul Kirchner from the APA will be the keynote speakers.

The docking pilots are working on putting together a Master Pilot Exchange Card.

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

The Sandy Hook Pilots Association held their annual elections on January 17, 2011. The following officers were voted into office: President, Captain Andrew McGovern; Vice President, Captain Richard Schoenlank; and Treasurer, Captain John Oldmixon.

Brighton Power has made an agreement with Maersk to put more tide generators in the Roosevelt Channel. The installation is limited to the east side of the channel. Harbor Ops has formed

a special sub-committee to keep an eye on all the different energy projects, i.e. wind farms, cables, etc.

The National Conference of the Harbor Safety Committees will take place the first week of June 2011 in Houston.

Comments from Mr. Ed Kelly, President, The Maritime Association of the Ports of New York/New Jersey.

Mr. Kelly received an invitation from the Port Authority to attend a meeting on January 24, 2011 to discuss the concept of raising the Bayonne Bridge.

The confirmation hearings have been postponed for the New York Mayoral Maritime Advisory Board.

Resolution #11-01 to Approve the Issuance of a Deputy Pilot License to Ronald S. Perry

Apprentice Perry took his state licensing exam on December 6-9, 2010 and passed. Commissioner Wiklinski proctored the exam and recommends that the Commission issue him a Deputy Pilots license.

On a motion by Commissioner Wiklinski and seconded by Commissioner Dacey the Commission passed Resolution #11-01 to approve the issuance of a Deputy Pilot License to Ronald S. Perry.

Captain Perry thanked the Commission and expressed his delight at becoming a pilot.

Swearing in of Captain Ronald S. Perry
Committee Reports

Captain Perry was sworn in as a New Jersey State Licensed Deputy Maritime Pilot by Commissioner Daly.

A. Investigation Committee:

- I. **Zhen He** - October 2, 2010 - Bridge Strike. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of nonculpability. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- II. **Atlantic Conveyor** - November 30, 2010 - Power Loss. Based on the attached investigation report Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of nonculpability. A motion was made by Commissioner

Wiklinski and seconded by Commissioner Daly to accept the recommendations in the report. All voted in favor.

- III. **Orange Sun** - December 16, 2010 - Power Loss. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and the pilots issued a letter of non-culpability. All voted in favor.
- IV. **Firmament Ace** - December 19, 2010 - Power Loss. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and the pilot issued a letter of nonculpability. He also recommended that sanctions be considered for the maritime pilot's failure to submit a written report (to be discussed in Executive Session). A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- V. **Grande Benin** - December 30, 2010 - Grounding. This incident is still under investigation by Commissioner Daly.

Old Business

Mr. Licata reported on the following:

Status of MOA with U.S. Coast Guard - Mr. Licata has been advised that there is a meeting scheduled with the Commander of the First District and Coast Guard Activities New York is optimistic that the MOA will be signed by the end of the month.

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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission took a ten minutes break at 10:40am.

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 11:50am.

Upgrade of Pilot C. Quinn from a Pilot of the Sixth Grade Part B to a Pilot of the First Grade Part A.

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that Captain Colleen Quinn be promoted from a Pilot of the Sixth Grade Part B to a Pilot of the Fifth Grade Part A to become effective on January 18, 2011.

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 11:51am.