

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
November 20, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 20, 2012 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech that the minutes of the October 16, 2012 regular meeting be approved.

All voted in favor.

Treasurers Reports

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

All voted in favor.

Executive Director's Report

Captain Sarubbi informed the Commission that the ports of New Jersey/New York sustained minor damage as a result of Hurricane Sandy. The ports were able to reopen quickly as a result of the cooperative effort between government and industry representatives. Captain Richard Schoenlank led the effort and did an outstanding job.

The initial meeting has taken place with the auditors and it is anticipated that the Audit will be completed by November 30, 2012 pending the receipt of the financials from DOT.

Karen Basciano took her state exam on November 13-16, 2012 and did very well. She will be sworn in as a Deputy Maritime Pilot at the Commission's December 18, 2012 regular meeting.

The effort to clean up the Commission's regulations is ongoing. The ultimate goal is to combine the areas that are applicable to all pilots and create a subchapter for general license requirements, correct mistakes and update cite codes. A meeting is scheduled with Elaine for November 26, 2012 to continue the effort.

Public Comment

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

Captain McGovern noted his support of the effort to clean up the Commission's regulations.

A Marine Transportation Safety Recovery Unit (MTSRU) was established after the 9/11 attacks to establish procedures for reopening the port.

After Hurricane Irene the MTSRU was reconvened to reopen the ports. The Government was hesitant at that time to utilize the assets of the Sandy Hook Pilots Association to do the necessary surveys. After some prompting they agreed to utilize the pilot boats and motor boats which turned out to be very successful.

The MTSRU was reconvened under the leadership of Captain Richard Schoenlank to reopen the ports after Hurricane Sandy. The Sandy Hook Pilot Association's assets were used to survey the channels which aided in the quick reopening of the ports. The inspection of the channels showed a couple of Aides to navigation that were out of position but the biggest issue was the loss of containers due to the rising water.

The biggest impediment in reopening the ports was the damage to the electric grid. The damage could not be assessed and repaired until the power was restored.

The MTSRU worked well together. They held daily teleconferences. The first would be held in the morning where ideas would be presented. The ideas would then be implemented during the course of the day, after which, a second teleconference would take place for status reports and updates.

A Coast Guard officer and NOAA representative were present on the Sandy Hook vessels to do the actual surveying.

The Pilot Station House on Edgewater Street was flooded with five feet of water and the deck and pier were destroyed. The vessels were stationed in the bay once the Port Authority closed the port and did not sustain any damage. The Sandy Hook Pilots Association is looking at this as an opportunity to update the station house and get the necessary repairs done that were needed prior to the hurricane. They are currently working out of a temporary location and are looking at 1-2 years before they can return to the station house. The biggest priority for the Association is to get the pier fixed.

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

Captain Flannery reported that he and Captain McGovern went out with the MTSRU to inspect the ports after the hurricane and continued to do so until the ports were reopened.

Metro Pilots sustained damage to their trailer; however it is still structurally sound. Moran's tugs were sent up to Newark Bay and floated in the Harbor during the Hurricane.

Captain Flannery wanted to thank Congressman Grimm for helping Metro to get the necessary inspections so that they could move forward in repairing their trailer.

Report from Captain Robert Ellis, President, Harbor Pilots Association:

A converted barge serves as Harbor Pilot's quarters and did not sustain damage during the hurricane because it floated up and down with the height of the water. McAllister's offices were flooded and will need to undergo repair.

Conoco Phillips is scheduled to take their first vessel on November 21, 2012 since the hurricane.

Comments from Ed Kelly, Executive Director, The Maritime Association of the Ports of New York/New Jersey:

Their offices at 17 Battery Place will be closed down for repairs until December 12, 2012. The first three levels of the building which contained the electric equipment, heating system, etc. were flooded with toxic water. There is no power, water or heat. The building also housed the New York Pilot Commission, and the Marine Society.

The Shipping 101 course offered by the Maritime Association has been rescheduled and will take place on the week of December 10, 2012.

Comment from Captain Louis Bettinelli, President, Interport Pilots Association:

Interport's offices sustained damage due to flooding. They are currently working out of their dispatcher's home. Their vessels did not sustain any damage.

Comments from Retired Commissioner Stanley E. Wiklinski:

Commissioner Wiklinski gave the attached address.

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

The Department of Transportation (DOT) is attempting to get FEMA funding to do a complete state channel survey. Several are in disrepair. To date none of the state channels have been surveyed. DOT is also attempting to touch base with the Coast Guard to find out what type of plans and training will be put in place for the future. When there are disasters such as hurricanes a lot of debris end up in federal channels. Currently 35 marinas are decimated and 37 are in really bad shape.

A. Investigation Committee:

- I. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- II. **Maersk Wiconsin** - December 5, 2011 - Collision with Ruth Reinbauer. This incident has been carried.

- III. **Oleander** - October 12 2012 - Power loss. Captain Sarubbi recommended that the Commission find no fault on the part of the pilot and that copies of the report be forwarded to the Sandy Hook Pilots Association and the Coast Guard. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- IV. **MSC Joanna** - October 26, 2012 - Allision. This incident has been carried.

Resolution #12-25 Regarding Maritime Pilotage Rates

Certain rates for Maritime Pilots are set by the New York Legislature and are subject to the approval of the Commission prior to becoming effective. The New York Legislative passed attached Assembly Bill #10573 which establishes a series of pilotage rate tables that will become effective January 1st in the years 2013-2017.

Captain McGovern reported that the pilots met with industry representatives prior to the bill being proposed. The increase adds up to 12% spread out over a five year period.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey to approve Resolution #12-25 regarding Maritime Pilotage Rates. All voted in favor.

Resolution #12-26 to Approve the Meeting Dates for Calendar Year
2013

The Commission has agreed to continue to meet on the third Tuesday of each month per the attached schedule. Each meeting will commence at 10:00 am and take place at the Commission's headquarters at One Penn Plaza East, Newark, NJ.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to Approve Resolution #12-26 setting the meeting dates for calendar year 2013. All voted in favor.

New Business

Captain Sarubbi sent a letter to the Presidents of the Pilot Associations to get feedback on how they communicate sounding information to their members. No response has been received since everyone has been busy dealing with the aftermath of Hurricane Sandy. Captain Sarubbi will meet with the Presidents of the Docking Pilot Associations and report to the Commission at the next meeting.

Captain Flannery stated that the pilots have asked the terminal at Berth 28 to give them one number to follow and have been making allowances until that number is received. The pilots continue to experience difficulty when requesting this information.

Ms. Crifo was asked to make an inquiry to her counterpart at the Port Authority to see if they could help in getting this information to the pilots.

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

All voted in favor.

The Commission took a break at 11:06am.

Return to Public Session

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

The Commission returned to Public Session at 12:17pm.

Adjournment

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

The meeting was adjourned at 12:18pm.