

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
December 21, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 21, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

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, present.

Minutes of Prior Meetings

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the minutes of the November 16, 2010 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that he received a call from the Governor's Appointments office informing him that the Governor nominated Captain Brian McEwing from Cape May to be a member of the Commission.

The Commissioners were given a copy of a memo that was sent to all New Jersey licensed pilots and apprentices regarding the recent increase in bridge allisions and to remind them of the precautions that should be taken in an attempt to avoid same.

The Commissioners were given a copy of New York Policy & Procedure 03-10 regarding bridge allisions and precautions that should be taken by pilots to prevent them.

The Commissioners were given a copy of a "Discussion Draft" from the New York Commission which contains a recommended list of types of incidents that do not require drug/alcohol test.

The Commissioners were given a copy of the Pilot/Terminal contact list. This list was developed as a result of the pilot/terminal roundtable meetings.

The Commissioners were given a copy of the Monthly Apprentice Training Report. Commander Olthuis is scheduled to meet with Commissioner Daly, Mr. Licata and Mr. Keane regarding future pilot exams.

The Commissioners were given a copy of the revised Open Public Records Act handbook.

Public Comment

Comments from Robert Flannery, President, Metro Pilots Association:

The blasting on the Con Hook Range is ongoing. The diamond-head cutting dredge could not be used. The range is expected to be 50 feet by March 2011.

The new soundings were received for the Claremont Channel. They are currently loading one cargo ship a month. The new management is professional and easy to work with.

Captain Reilly is meeting with Hess regarding surge problems at the dock.

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

He informed the Commission that the company that is purchasing Hess State Street is VOLPEC not MOLPAC as stated in the November minutes. They closed the plants to do some renovations. They are currently putting in new dolphins.

NOAHH will appoint a new Navigation Manager in July. Currently the Coast Guard officers are assigned as manager and once their three year tour expires it usually takes a year to get a replacement. The pilots are working to get a civilian assigned to avoid this problem in the future.

The Navigation Response Team is looking for survey requests. They are currently surveying the lower end of the Hudson River.

The educational video that NJDOT has been funding, which will be used to educate recreational boaters is almost complete.

The Mayor of New York nominated Ed Kelly and Andrew McGovern to the Waterfront Management Advisory board.

Committee Reports

A. Examination Committee:

Apprentice Ronald Perry took his state licensing exam at the Commission's office on December 6-9, 2010. He passed with high marks. Commissioner Wiklinski proctored the exam and anticipates recommending Apprentice Perry for licensure at the January 18, 2011 regular meeting. Commissioner Daly thanked him for the time expended in monitoring and grading the exam.

B. Investigation Committee:

- I. **Anna M.** - June 14, 2010 - Grounding. An informal hearing was held at the Commission's November 16, 2010 regular meeting. As a result of that hearing Commissioner Daly recommended in the attached report that the pilot be required to perform refamiliarization trips prior to piloting on the route in question. The pilot and his attorney have had a chance to review the investigation report with its recommendations and have agreed to the terms. A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanec to accept the recommendations in the report. All voted in favor.
- II. **Zhen He** - October 2, 2010 - Bridge Strike. This incident is still under investigation by Commissioner Daly and has been carried.
- III. **Atlantic Conveyor** - November 30, 2010 - Power loss. This incident is still under investigation by Commissioner Dacey and has been carried.

Resolution #10-14 To Adopt Regulations

Two comments were received regarding the proposed regulations which were addressed in the response to comment document. Based on the comments, Mr. Licata has recommended that the Commission adopt the proposed regulations with one minor clarifying change that does not require additional public comment.

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to pass Resolution #10-14 to approve the adoption of the proposed regulations. All voted in favor.

New Business

Commissioner Daly will meet with Mr. Licata to review the Commissions current regulations and update them and see how they can be made more "user friendly."

Commissioner Dacey forwarded a document to Mr. Licata entitled "*Safe Return to Port*" Requirements and Compliance which outlines the new IMO requirements for distribution to the Commissioners.

Mr. Licata will coordinate with New York and send out a notice to all pilots and apprentices reminding them that they are responsible for knowing all channel depths and shoals.

Ms. Genevieve Clifton informed the Commission that consultants for NJIT are working with Maritime Resources to try to figure out how pilots and vessels are going to handle new vessel discharge permits.

The selection process for new docking pilot apprentices will be done in early 2011.

Old Business

Mr. Licata reported on the following items:

Ship Information Recording System - Ed Kelly has contacted the Commission office regarding a system that is currently used by the Maritime Association that may be utilized for this purpose. He will meet with Mr. Licata in January 2011 to discuss.

Status of MOA with U.S. Coast Guard - Captain Fagan has expressed a real interest and desire to move this forward. The New Jersey MOA has been signed at the district level and is awaiting the approval of the New York MOA so that they can both be forwarded to the Admiral in the First District for signature. The New York MOA is currently in Connecticut for review.

Update on Database of questions for pilot exams - Ongoing.

Publish berth Soundings on Commission Website - The process has been started through DOT's Office of Technology and Development.

Regulatory Review (pilot recency) - There is a concern regarding licensed pilots that are not piloting in the port of NY/NJ as their primary jobs. Currently the regulations allow

these pilots to complete one trip a month in order to maintain their New Jersey license. The Commission needs to determine if there is a need for a broader requirement i.e. an annual requirement.

Commissioner Dacey suggested that Mr. Licata complete a survey of pilots and report at the January 18, 2011 regular meeting.

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

All voted in favor.

The Commission went into Executive Session at 10:50am.

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 11:37am.

Presentation of Plaque to Retired Commissioner Richard L. Amster

Commissioner Daly informed the Commission that Commissioner Amster was hospitalized this morning due to ongoing complications and the presentation will be made at the January meeting.

Doug Amster expressed his father's regards and stated that he expects to be back in full swing at the next meeting. The work on the Commission has very important to his father and he thanked the Commission for enriching his life. He is looking forward to seeing his father presented with the plaque at the next meeting.

Presentation to retired Pilots

Captains Jack McCarthy and George Kissenberth, who retired in 2010, were presented with plaques of appreciation for their dedication and years of service to the maritime community by Commissioner Daly.

Captain Kissenberth thanked the Commission and expressed his pleasure at being able to be a pilot.

The retirees were invited to join the Commission for lunch immediately following the meeting. Commissioner Daly thanked Ms. Stuckey for her work in putting the luncheon together.

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 11:50am.