

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
April 21, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 21, 2009 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:15am.

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 Richard L. Amster, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

A motion was made by Commissioner Amster and seconded by Commissioner Daly that the minutes of the March 17, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Daly and seconded by Commissioner Azzolina that the Treasurer's report dated April 2009 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given copies of a memo sent to all pilots and apprentices regarding the types of notifications required by regulation that are to be made to the Commission.

The Commissioners were given a copy of correspondence from Captain Walter Russell regarding his resignation from Metro Pilots and a request to have his license status remain inactive.

The Commissioners were given copies of correspondence with Captain Peter Kanenbley authorizing him to return to the rotation board.

The Commissioners were given copies of correspondence with Captain Coleen Quinn authorizing her to return to the rotation board.

Mr. Licata informed the Commission that Captain Kevin Gadow has begun his break-in trips.

The Commissioners were given copies of Sandy Hook's monthly apprentice training report. Mr. Licata pointed out that Harold Cavagnaro is scheduled to take his exam the week of April 27, 2009. Commissioner Wiklinski will proctor the exam.

The Commissioners were given a copy of correspondence from the Secretary of the Commonwealth of Pennsylvania thanking the Commission for a copy of the annual report and commending them for a job well done.

The Commissioners were given a copy of correspondence from Paul Kirchner, President, APA to Captain Andrew McGovern regarding the APA's position on the Master Pilot exchange.

#### Public Comment

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

Captain McGovern informed the Commission that he solicited the input from the APA in response to a directive that was issued by the New York Commission. Captain McGovern stated the importance of having consistency between the New Jersey and New York Commission regarding this issue. He pointed out that the academies are still teaching their students that the pilot's role is that of an advisor. He hopes to see a universal statement that can be used by all pilots. He would also like to forward the statement to the academies so that they can update their teaching practices.

Captain McGovern informed the Commission that Captain John Monaghan broke his foot while climbing a portable gangway. Captain Monaghan is expected to be out for thirty days.

Comment from Captain Walter Russell, Docking Pilot, Metro Pilots Association:

Captain Russell informed the Commission that he felt they were over reaching regarding the settlement agreement that was reached in the matter of Captain Robert Flannery. He believes that since the incident occurred during Captain Flannery's off time that he should not have been suspended. He believed that the incident had no affect on Captain Flannery's ability to properly do his job and can never recall a time that Captain Flannery did not perform his job in a capable professional manner. Captain Russell acknowledged that he knew the matter was settled with Captain Flannery's consent.

Comment from Edward Kelly, President, The Maritime Association of the Ports of New York/New Jersey:

Mr. Kelly reported to the Commission that the utilization factors have picked up on the vessels entering the port and all other factors are basically unchanged.

He also expressed the concern of the Maritime Association that ships will go elsewhere if the problem with the Bayonne Bridge is not addressed.

The Maritime Association will offer their Shipping 101 course the week of May 11, 2009. They will also hold a special class for the Waterfront Commission on the week of May 5, 2009.

The Maritime Association's Hall of fame dinner will be held on May 14, 2009.

A delegation is scheduled to travel to Washington, DC this afternoon to speak with legislatures regarding the Bayonne Bridge issue. Due to his recent illness, Mr. Kelly will not be going, however, Captain McGovern and Captain Mahlmann will attend.

A group of persons supporting the green initiative plan will be contacting the ports in the near future regarding the reduction in the speed of ships.

#### Appointment of Maritime Pilot Apprentice

Captain McGovern gave the Commission a brief summary of Douglas Einhorn's background. Mr. Einhorn was appointed a Maritime Pilot Apprentice and presented with a certificate of appointment by Commissioner Dacey.

Resolution in the matter of Captain Robert Flannery

Mr. Licata suggested that the attached resolution be amended to include the following..."Whereas, Captain Flannery piloted ships prior to providing the notice required by N.J.A.C. 16:64-7.14, and..."

A motion was passed by Commissioner Azzolina and seconded by Commissioner Amster to pass Resolution #09-04 with the suggested amendment. All voted in favor.

Committee Reports

- A. Docking Pilot Apprentice Selection Committee:  
Mr. Licata reported to the Commission that the deadline for receiving applications for the Docking Pilot Apprentice Selection list is May 15, 2009. To date 10 inquiries were received and five applications were mailed. Mr. Licata will report to the Commission the number of applications received at the May 19, 2009 regular meeting.
- B. Investigation Committee:
- I. **Shan He** - (TJD) - 11/20/08 - Power Loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was passed by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- II. **Tug Glen Cove** - (TFD) - 12/2/08 - Allision. Commissioner Daly advised the Commission that the investigation of this incident is suspended. The pilot in question was not piloting under his New Jersey State License at the time of the incident. The incident will be revisited when the Coast Guard releases their investigation report. At that time the Commission will determine if any further action is required.
- III. **President Truman** - 12/20/08 - (CAL) - Power Loss. This incident is still under investigation by Mr. Licata and has been carried.

Old Business

Mr. Licata met with Frank Keane, Executive Director of the New York Commission and Captains Andrew McGovern and Hank Mahlmann regarding the establishment of a joint directive

regarding the Master/Pilot exchange. There will be another meeting in which the docking pilots will be represented. Mr. Licata hopes to have a more in-depth report at the next meeting.

A draft of the Commissions regulations will be sent electronically to each Commissioner by the end of the week. Mr. Licata has asked each Commissioner to review them and get their comments back to him by Friday, May 1<sup>st</sup> so that they can be forwarded to the Governor's office for approval prior to the next meeting. Mr. Licata thanked DAG Elaine Schwartz for her work in helping with the draft proposal.

#### 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 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 Daly and seconded by Commissioner Wiklinski 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 Wiklinski that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 12:25pm.

#### Adjournment

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

The meeting was adjourned at 12:27pm.

Filename: April 2009 meeting minutes without executive session  
Directory: C:\Documents and Settings\cpilaxs\My Documents\Commission Minutes  
Template: C:\Documents and Settings\cpilaxs\Application Data\Microsoft\Templates\Normal.dot  
Title: April 2009 Meeting Minutes  
Subject: New Jersey Mariitme Pilot and Docking Pilot Commission  
Author: Andre M. Stuckey  
Keywords:  
Comments:  
Creation Date: 6/10/2009 1:59:00 PM  
Change Number: 4  
Last Saved On: 6/10/2009 2:03:00 PM  
Last Saved By: Andre M Stuckey  
Total Editing Time: 4 Minutes  
Last Printed On: 6/10/2009 2:04:00 PM  
As of Last Complete Printing  
Number of Pages: 5  
Number of Words: 1,415 (approx.)  
Number of Characters: 7,544 (approx.)