

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
April 13, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 13, 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; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Wiklinski and seconded by Commissioner Amster that the minutes of the March 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 April 2010 be approved.

All voted in favor.

Report on Meeting with Representatives of the New York Board

Commissioner Daly and Mr. Licata met with the President of the New York Board, Richard Hobbie and their Executive Director, Frank Keane. The following items were discussed:

MOU with U.S. Coast Guard - The Commission and the New York Board have been working with the Coast Guard to set up an MOU. The MOU would memorialize current accident and information

sharing procedures. After two years of negotiations, the draft has been held up at the District legal level. Commissioner Daly is optimistic that it will come to fruition; however, it may not be completed until after the new COTP arrives on June 24, 2010.

Pilot as a Member of the Bridge Team - There was a discussion on whether a pilot should be considered a member of the bridge team.

Apprentice Program - The concept of not assigning new apprentices to either the New Jersey or New York Board until they are in the "stopped up" phase of their apprenticeship was discussed. Although the discussions are still in the preliminary stages both Commissions seem amenable to the idea. The New York Board may have issues with their statute.

Vessel Anomalies - The idea of creating a website for pilots to post any issues or experiences they have had with a particular vessel was discussed. New York seems interested in cooperating on such a project although legal and technical issues still need to be worked out.

Status of Hudson River/Sandy Hook Agreement - Sandy Hook and the New York Board are still trying to work out an agreement. They will keep the Commission informed as discussions progress.

Intermediate and Transport Fees - Sandy Hook's request to increase these fees were discussed. New York was informed that the New Jersey Commission would require more information before we could move forward regarding this issue.

Review of Regulations - The New York Board is in the process of updating their current regulations to bring them up to date.

Executive Directors Report

Mr. Licata reported that the Commission has received the notification from McAllister that apprentice Mark Hershey has completed his apprenticeship and is ready to take his state licensing exam. The exam has been scheduled for May 12, 2010. Commissioner Wiklinski will proctor the exam. Pending the outcome Apprentice Hershey may be licensed at the Commissions May 18, 2010 regular meeting. Mr. Licata and Commissioner Daly will review and update the current database of questions to create the exam for Apprentice Hershey.

The Commissioners were given a copy of an email exchange with Sandy Hook regarding the current pilot census. To date there are 43 licensed New Jersey maritime pilots, four of which are currently working on the Hudson River and three on the Long Island Sound Boards.

The Commissioners were given a draft of the letter going out to all New Jersey Legislators informing them that the Commission's 2009 Annual Report is on the Commission's Website and that a limited number of printed copies are available upon request.

The Commissioners were given a brief tour of the Stevens Institute's website. The website gives the present condition of currents in the New York/New Jersey Harbors. Stevens is currently in talks with NOAA to get their information incorporated into the PORTS system.

Commissioner Daly found the site to be more informational as it gives the direction as well as the speed of the currents.

Captain McGovern advised the Commission that there may be federal funding issues between NOAA and the different institutions.

Ms. Genevieve Clifton informed the Commission that the Institute will tailor the site to fit the specific needs of the pilots. She also stated that this system will be an addition to the PORTS systems and the data from all the available sites will be pooled into one.

The Commissioners were given a copy of the agenda from the March 24, 2010 Harbor Ops meeting. Mr. Licata attended the meeting.

The Commissions were given a copy of a proposal from LNG that was presented prior to the March 24th Harbor Ops meeting. The pilots are working closing with this group to establish a buoy system off the coast of New Jersey. Captain Steven Richter informed the Commission that he will meet with the group on Thursday, April 15, 2010.

The Commissioners were given copies of invitations to the South Street Seaport Museum Annual Gala and the Admiral's Scholarship Dinner at New York Maritime College. Both invitations are for each Commissioners personal attention as the state is not in the position to fund any Commissioner's attendance.

Final Review of Annual Report

The final draft of the 2009 Annual Report was distributed to each Commissioner for their review and comments. The report

was produced and will be printed in house this year as a cost-cutting measure. Mr. Licata thanked Ms. Stuckey for her work in putting the report together. The Commission approved the final draft and instructed staff to proceed with distributing it in a limited quantity and posting it on the Commission's website.

Committee Reports

A. Apprentice Selection Committee:

The first Apprentice Selection Committee meeting was held on March 23, 2010. Commissioner Wiklinski reported that the number of applicants far exceed the number of available spaces on the list. As a result of the open ad 110 applications were requested. The Committee anticipates that they will interview between 40-50 eligible candidates. Prior to the interview the applicant will have to sit for a lengthy examination that is given in four stages. The apprentice selection process is a lengthy one that requires a great deal of time and commitment from the Committee, however, Commissioner Wiklinski feels that it is necessary in that it results in the best possible candidates being appointed. The Committee anticipates that the interviews will begin after Labor Day and should be completed by the third week of September.

Resolution to Appoint a New Maritime Pilot Apprentice

Captain McGovern gave the Commission a brief description of Graham Mergenthaler's background.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to pass Resolution #10-02 to appoint Graham Mergenthaler a maritime pilot apprentice to the New Jersey Sandy Hook Pilots Association effective April 1, 2010. All voted in favor.

Mr. Mergenthaler was presented with a Certificate of Appointment by Commissioner Daly.

Public Comment

Comments from Captain Steve Richter, Docking Pilot, Interport Pilots Association:

Captain Richter addressed the Commission regarding the rate increases proposed by the Sandy Hook Pilots Association. He stated that the proposal has a higher percentage increase on the "bar" jobs that are done strictly by Sandy Hook than the jobs

that can be done by the other pilot associations. He feels that rates on the "shared" work should be higher (at least doubled) to enable other organizations to compete with Sandy Hook for the work. In his opinion, Sandy Hook is monopolizing the industry as the other agencies cannot afford to compete with such low rates. He was informed that the Commission was not in a position to act on the proposal at this time, however if and when the rates are proposed, he would be given the opportunity to make formal comments during the comment period.

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

Fleet week will be from May 26, 2010 to June 2, 2010. Captain Robert Blake is the Sandy Hook liaison working with the Coast Guard in the organization of the event. He will notify the Commission once the list of participating vessels is available.

In June there will be a Red Bull Air race in Bayonne. This is a one time event that travels to different ports each year. A portion of the outside of the channel will be closed during the race.

The VTS Committee met with the Harbor Ops Committee to work on increasing the tidal window for bringing ships into/out of the New York Container Terminal.

Conrail wants to remotely operate some of the bridges eliminating the need for bridge operators.

At the last pilot/oil terminal roundtable meeting the issue of soundings were discussed. The terminals continue to work on getting the soundings to the pilots.

There will be a pilot program to evaluate electronic readers for the TWIC cards at Maher Terminal.

Captain McGovern pointed out that the largest rate increases proposed by Sandy Hook are the penalty fees. The fees are being increased as a means to discourage agents from engaging in practices that would incur the penalties.

Captain McGovern will notify Sandy Hook's accountant to get the surcharge report to Commissioner Amster at least a week before the Commission's meeting.

On June 24, 2010 the COTP will be retiring there will be a ceremony at Sailors Snug Harbor. The New COTP will be Captain Vague from Washington, DC.

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

Captain Flannery informed the Commission that the docking pilot organizations are also adjusting their penalty fees which are not subject to the Commission's review or approval.

The terminals have agreed to provide the pilots with soundings for every 100 feet at each berth.

The Docking pilots have agreed to expand the availability window by an hour at New York Container Terminal if the agents agree to use extra tugs.

There will be a docking pilot meeting on April 24, 2010 in Norfolk, VA. Mike Watson, President of the APA and Captain Hank Mahlmann, President of the New York Sandy Hook Pilots Association will be the keynote speakers.

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

Maritime Resources will fund a series of educational seminars on safety practices in the New York harbor geared toward recreational boaters.

Maritime Resources is meeting with the Steering Committee to look at different ways of configuring the Bayonne Peninsula to expand container terminal operations.

New Business

Commissioner Daly recently went on a pilot observation trip aboard a foreign Flagged bulk ship. He reported on the following observations: (1) When entering the terminal there was no TWIC reader nor a person to check his credentials at the gate and he was allowed to enter unchallenged; (2) He did not observe the required charts with plots anywhere on the bridge of the ship; (3) Both the docking pilot and maritime pilots performed good pilot/pilot and pilot/master exchanges; (4) The ship's bridge crew consisted of persons of three different nationalities - rudimentary English was the common language; and (5) The maneuvering posters were very small and not posted in a prominent place. The trip confirmed his opinion that in some instances bridge team support of a pilot may be less than assumed by literature in the field.

Sandy Hook has asked the Commission to suggest a date the week of September 13, 2010 for the annual Harbor Inspection Tour.

The Commissioners were asked to review their calendars for availability.

The request from Sandy Hook to adjust intermediate and transport fees has been carried. The Commission will revisit the issue once the suspension that was put on all rule proposals under Executive Order #1 has been lifted.

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

All voted in favor.

The Commission took a break at 11:15am.

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 12:15pm.

Adjournment

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

The meeting was adjourned at 12:18pm.