

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
March 16, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 16, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly called the meeting to order at 10:00am.

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 Daly and seconded by Commissioner Wowkanech that the minutes of the February 16, 2010 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given copies of a memo that was sent to all New Jersey licensed pilots reminding them of the requirement to submit their annual physicals to the Coast Guard.

The Commissioners were given copies a memo sent to all New Jersey licensed maritime pilots reminding them of their obligation to preserve the track on their portable DGPS's in the event of an occurrence for Commission review.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report. Mr. Licata pointed out that Apprentice James Britton is in the "stopped up" phase of his apprenticeship and that his projected state licenseure date is October 1, 2010. Commissioner Daly asked Captain McGovern to contact the Commission's Examination Committee so that an exam could be scheduled.

The Commissions were given a copy of a memo from the Governor's Authorities Unit outlining the procedures for submitting agendas and minutes to the Governor's office. The two most significant changes are that the agendas have to be received at least five business days prior to a scheduled meeting and once the agendas are distributed only emergent matters can be added with the approval of the Governor's office.

The Commissioners were given copies of a letter written by Governor Christie to the President of the New York Shipping Association expressing his support and understanding of the need to address the Bayonne Bridge issue.

The Commissioners were given copies of the schedule for the joint conference of the Harbor Safety Committees and the Area Maritime Security Committees in Jersey City from June 8-10, 2010. Mr. Licata is a member of both Committees and would like to attend the conference. Commissioner Daly has also voiced his desire to attend and encouraged other members of the Commission to attend as well. Those interested in attending were advised to contact the Commission's staff so that the proper paperwork could be submitted to the Governor's office for approval.

A draft of the 2009 Annual Report has been distributed to the Commissioners for their review. Feedback has been received from Commissioner Amster and his comments will be incorporated into the report. The Commissioners were encouraged to get their feedback to the Commissions staff ASAP so that the report could be distributed and published on the Commission's Website in early April.

Public Comment

Comment from Ed Kelly, Executive Director, the Maritime Association of the Port of NY/NJ:

The Maritime Association of the Ports of New York and New Jersey will host its International Maritime Hall of Fame dinner on May 12, 2010.

The Maritime Association is offering its Shipping 101 course April 12-16, 2010.

The funding for the O&M official NOAA PORTS system is non existent. NOAA did not make a request to include it in its 2011 budget.

People are beginning to understand that that the issue with the Bayonne Bridge is real, although there is still no structural format to create funding. The Maritime Association feels that something needs to be done from the New Jersey and the New York sides to move things forward.

Mr. Kelly will testify at a hearing in New York City next week regarding species in the New York Harbor.

Maersk Shipping signed a contract to take over warehouse space in Savannah.

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

The tidal gauge on the Bayonne Bridge was wiped out by one of the recent snow storms and has not been replaced.

Captain Flannery met with the owners of the MSC ship line. They were pleased with the way the pilots handled the larger ships that have recently entered the port. They expressed their plan to bring more large vessels into the port.

Staten Island Industries has begun excavation on the new cement pier. They will begin to bring in three vessels a month, if all goes well they will increase it to eight.

The buoys at Global Terminal have been moved north. The pilots will sit down with them this month to try to work out plans to get the ques open. So far there is no problem with the surge of passing vessels affecting the cruise ships.

The draft at KMI Staten Island has been reduced to 29 feet.

During a recent conference call with the Port Authority regarding the Bayonne Bridge issue the following options were discussed (1) letting the shipping companies adapt to the current bridge (2) building locks either in the vicinity of the bridge or around the Kills. The pilots feel as if neither of these options are viable and will continue to press for other alternatives.

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

The O&M contract for the PORTS system expires in April 2010. The program will continue to run until that time and afterwards until equipment begins to fail.

The pilots are lobbying for the Federal Government to contribute towards the cost of upgrading the Bayonne Bridge to be able to allow larger vessels into the port. The Government seems willing to contribute; however, there is no specific plan to present to them at this time.

The pilots are working with Liberty Gas on a new LNG project.

Dr. Pachinko, the new administrator for NOAA will be at the Harbor Ops meeting on Wednesday, March 24, 2010.

The shipping community approached the Coast Guard with the idea of combining the area committees i.e. Harbor Ops; Area Maritime Security Committee; Energy Committee into one overlaying committee as some of the work done by each committee overlap. The pilots feel that the combining of the Committees would help the system run more efficiently. They were advised by Federal lawyers not to combine the committees. The pilots approached the COTP and he advised them to move forward despite the lawyers recommendations. He will be leaving the port in May or June of this year and they are trying to get it accomplished before the new COTP takes over.

New York City is ready to move on the marine evacuation plans. The regional plan includes a maritime coordinator and has a landside component. New Jersey has already done so and has a plan in place.

The Pilot boats fared okay in the recent weather even though there were 20 foot waves and wind gusts up to 80mph. The COTP closed the port for a short period of time on Saturday evening.

The pension surcharge is working well. Copies of the current financial report were distributed. There is a committee meeting scheduled for next week.

Commander Olthuis will attend one of the Commissions upcoming meetings to demonstrate the new laptops once the Laptop Selection Committee makes its recommendation to Sandy Hook's Executive Committee.

Fleet Week will begin the Wednesday before Memorial Day. The meeting to begin planning will be this week.

Committee Reports

A. Investigation Committee:

- I. **APL Beijing** - 12/3/09 - (TFD) - Allision. A copy of the Interim Report was forwarded to the Coast Guard's investigating officer. He concurred with the findings in the report and did not feel the need to do any further investigation on their part. Based on this communication, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- II. **Nord Goodwill** - 3/3/10 - (TFD) - Allision with AKRR Bridge. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

Old Business

A. Request from Sandy Hook Re: Area Maritime Security/Harbor Operations Conference:

A request was received from Sandy Hook requesting that the Commission sponsor the Best Practices session of the conference. Commissioner Daly recommended that \$5,000 of the funds in the Commission's budget for training be used to sponsor the session as it would benefit both maritime and docking pilots. A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski to approve the sponsorship of the Best Practices session of the conference. All voted in favor.

B. Draft Letter to the New York Commission re: NTSB Orange Sun report:

A request was made by the New York Commission Re: the New Jersey Commission's opinion regarding a footnote that was in the NTSB's report of the Orange Sun incident which states a pilot is a member of the bridge team. Commissioner Daly drafted the attached response which

supports the Commissions opinion that the pilot is in charge of the navigation of the ship and should work cooperatively with the bridge team but should not be considered a member of the bridge team. After review of the draft, changes were recommended to the last paragraph. A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey to accept the draft with the necessary changes to the final paragraph. All voted in favor.

New Business

A. Revised Annual Report Forms:

The Annual Report Form each pilot has to complete and submit to the Commission 7 days prior to their annual appearance has been revised to include a list of current medications taken by each pilot and the date the pilot submitted their annual physical to the Coast Guard. A suggestion was made by Captain Andrew McGovern to include the same language in the Commissions form that is used in the Coast Guard NAVIC. A motion was made by Commissioner Amster and seconded by Commissioner Dacey to accept the forms and authorize the Executive Director to revise the form to make it consistent with the language used on the Coast Guard form. All voted in favor.

B. Endorsement of P.A. Petition to U.S. congress seeking funding:

The Joint petition of the Port Authority and the Army Corps of Engineers for federal funding on several dredging projects was received by the Commission with a request for the Commission's endorsement. Commissioner Dacey observed that the Commission has endorsed the statement for the last several years. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to authorize the Executive Director to communicate the Commission's support of the statement. All voted in favor.

C. Commissioner Wowkanech pointed out that Senator Baroni has recently toured the port and suggested that the Commission keep him apprised of any problems the pilots are experiencing.

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

All voted in favor.

The Commission took a ten minute break at 11:20am.

Return to Public Session

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

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

Upgrade of Pilots

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster that Captain Joseph S. Paulis be promoted from a Pilot of the Sixth Grade Part B to a Pilot of the Fifth Grade Part A effective April 1, 2010. All voted in favor

Adjournment

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

The meeting was adjourned at 12:27pm.