

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

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

Commissioner Dacey called the meeting to order at 10:13am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski that the minutes of the February 21, 2012 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Staff Report

No comments have been received on the Deputy Pilot Rule Proposal. The 60 day comment period will expire on April 6, 2012. If no comments are received a resolution will be placed on the Commissions April 17, 2012 meeting agenda to adopt the proposal as published.

Captain Robert Flannery has submitted the required documentation certifying that he is fit to return to duty on March 19, 2012. He has been told to complete 16 familiarization trips (1/2 to be done at night).

The Commissioners were given a copy of the Fast Facts Sheet for DOT's FY11 Budget at a Glance Book recently updated by Ms. Stuckey. She pointed out that she included a line in the "Key Points" stating that the Commission regularly adjusts the percentage of pilotage fees to have them align with operating expenses.

Ms. Stuckey was asked by DOT to complete an organization chart. The Commissioners were given a copy.

The Commissioners were given a copy of the ad that was placed in the Professional Mariner Magazine for the Maritime Pilot Apprentice Training Program. Ms. Stuckey pointed out that Captain Schoenlank was in charge of the process this year and asked him to give the Commissioners an update of the process during his report.

Commissioner Dacey informed the Commission that the Governor's office has approved the request to reimburse Commissioner Wiklinski for expenses incurred while participating in the maritime pilot apprentice selection process.

There will be a Pension Surcharge meeting on April 25, 2012. Commissioners Wiklinski and Wowkanech are on the Committee. They will be contacted directly by Janet with more details.

The Commissioners were given a copy of an email from Chuck Beck congratulating Captain Scott Esposito and Apprentice Alex Woodworth for being chosen to participate in the Connecticut Marine Pilot Apprentice Training Program. Ms. Stuckey pointed out that both pilots are affiliated with Interport.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report. She reminded the Commissioners that Apprentice Len Evans is scheduled to take his state licensing exam the week of April 30, 2012. She also pointed out that three apprentices will take their state licensing exams in 2013.

Ms. Stuckey provided the Commissioners with a copy of an Opinion & Order on the M/V Feyza from the New York Board. She pointed out that the Commission's report on the incident was completed in December of 2011 and that the docking pilot was found non-culpable.

New Jersey Transit has asked the Commission to relocate to a different area in the building. Ms. Stuckey provided the Commission with a blueprint of the new area. She pointed out that the new area is on the same floor and would include a

reception area, conference room, pilot testing room and office space for staff. The anticipated move date is May 1, 2012.

### Presentation on PortVision

James Perduto from Portvision gave a presentation on the Portvision Advantage Live Ships Real Time Ship Position program. After a question and answer session, Mr. Perduto was asked to provide Ms. Stuckey with a written proposal.

### Public Comment

Comments from Captain Richard Schoenlank, Vice President, New Jersey Sandy Hook Pilots Association:

The Apprentice Selection process is underway and Sandy Hook has begun receiving applications. He will be in touch with the Committee members to schedule the initial meeting sometime in April. Commissioner Hobbe has been designated by the New York Commission to participate in the process.

Commissioner Dacey advised him that Commissioner Wiklinski will participate as the New Jersey representative.

The Pilot Boat had been experiencing problems with the port engine. The engine had to be rebuilt and the vessel will be operational on March 21<sup>st</sup>.

There was a medical emergency aboard the cruise ship Explorer of the Seas bound for Haiti. One of the passengers experienced cardiac problems. Sandy Hook agreed to allow the Pilot Boat New Jersey to transport the passenger from ship to shore for medical attention. Sandy Hook required a waiver of liability from the vessel owner prior to transporting the passenger.

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

Captain Flannery has completed six of the required sixteen familiarization trips and anticipates that he will be ready to return to full duty by Thursday, March 22<sup>nd</sup>.

All the docking pilots have completed the Bridge Resource Management Refresher Course. Captain Ellis is putting together another recurrent training course for the docking pilots. All three docking pilot associations will participate. Captain Flannery will submit the syllabus to the Commission shortly for approval.

Captains Flannery, Schoenlank and Commander Olthuis traveled to Baltimore to set up the simulation exercises regarding the next phase of the dredging project at Shooters Island. All of Metro's and McAllister's docking pilots will attend the exercise prior to the beginning of the dredging. The exercises are being funded by Jim Devine of PNCT.

Captain Flannery will speak about getting the soundings to the Commission for publication on their website at the Pilot/Oil Terminal Roundtable meeting on March 21<sup>st</sup>.

Captain Flannery is meeting with KMI/Carteret regarding the safety restrictions they have set in place for the pilots.

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

The Harbor Ops meeting will be held at the Brooklyn Cruise Terminal on March 21<sup>st</sup>. The Maritime Association is looking for a place to hold future meetings.

Ms. Stuckey asked Mr. Kelly to get her a copy of the meeting schedule and she will find out whether New Jersey Transit can accommodate the Committee.

The funding for the upkeep and operation of the PORTS system is no longer being provided by the Port Authority and the Department of Transportation. Mr. Kelly is traveling to Washington to meet with the Appropriations Committee to solicit funding at the Federal level. There is currently enough money budgeted to keep the system running until the beginning of 2013. If additional funding is not found, the system will eventually go off line.

The National Response Team is being cut out of NOAA's budget. While in Washington Mr. Kelly will protest the cutting of these funds.

The Port Authority is working with NOAA to get the Bayonne Bridge Wind Gauge relocated. At its current location, it does not give accurate readings.

Captain Flannery pointed out that the pilots have been asking NOAA to relocate the wind gauge for five years. They have been promised several times that it will be moved but so far nothing has been done.

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

Ms. Clifton reported that DOT's position on the funding of the PORTS system is that it should be included in NOAA's budget and funded at the Federal level. If it is not part of NOAA's budget then the Port Authority should be responsible for its funding.

During the dredging in the Port Jersey Channel the dredgers came across rock. This will cause an expansion of the work area.

DOT is working on the replacement of the Pulaski Skyway.

Plans are being looked at to start a ferry system in the area.

DOT is expecting a final draft report on the EPA Vessel and General Permit regulations.

DOT has solicited SUNY Maritime to lead the Offshore Wind Farm Study.

The PSAs for Operation Clear Channel will begin in April.

#### Committee Reports

- A. Audit Committee: The Committee met with the Auditors via teleconference to go over the draft audit. The audit will be finalized once the auditors receive the signed representation letter from the Commission.
- B. Investigation Committee:
- I. **High Wind** - October 28, 2011 - Allision. This incident has been carried.
  - II. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
  - III. **Stolt Innovation** - November 4, 2011 - Allision. This incident has been carried.
  - IV. **Maersk Wiconsin** - December 5, 2011 - Allision. This incident has been carried.
  - V. **Caroline Maersk** - December 12, 2011 - Power Loss/Allision. This incident has been carried.
  - VI. **Feyza** - December 28, 2011 - Allision. This incident has been carried.
  - VII. **Stolt Confidence** - January 10, 2012 - Allision. This incident has been carried.
  - VIII. **Spica** - January 11, 2012 - Power loss. This incident has been carried.
  - IX. **Horizon Trader** - January 13, 2012 - Dragged buoy off station. This incident has been carried.
  - X. **Stolt Topza** - January 14, 2012 - Power loss. This incident has been carried.
  - XI. **Star Campus** - January 16, 2012 - Alleged contact with barge. This incident has been carried.

- XII. **Cap Morton** - February 27, 2012 - Power loss. This incident has been carried.
- XIII. **Hanjin Ottawa** - March 1, 2012 - Power loss. This incident has been carried.

Resolution #12-07 to Approve the FY11 Audit

This Resolution has been tabled pending the receipt of the final audit.

New Business

Commissioner Wiklinski pointed out that the members of the Commissions staff and representatives from the Governor's office outnumber the amount of Commissioners.

He voiced his concern that the Governor's defunding of the Commission in 2010 has rendered the Commission somewhat ineffective.

He pointed out several incidents in which he has contacted members of the legislature, spoke to the State Budget Appropriations Committee, contacted the Governor's Chief of Staff and the Head of the Appointments Counsel in an effort to schedule a meeting with the Governor and the members of the Commission. He is disappointed that he has not received any response from any of his correspondence. He would like to know how leadership can be effective if there is no communication.

The Commission is currently behind in the investigations of pilot incidents because they are costly to investigate and Commissioners cannot be reimbursed for expenses incurred while performing the duties they were appointed to do.

Commissioner Wiklinski feels as if the Apprentice Selection process is very important to the future of state pilotage. A lot of time is put into selecting the highest quality candidates. He points out that if he is not allowed to participate in the process as the Commissions representative it will be another weakening of the system.

Commissioner Dacey pointed out that he has received approval for Commissioner Wiklinski to get reimbursement for the expenses incurred as a result of his participation in the apprentice selection process.

Old Business

Ms. Stuckey reported on the following items:

Minutes & Records Digitizing - The Files from 1994 to 2006 have been transmitted to the Office of Records Management to be digitized and then will be forwarded to the State Archives. Ms.

Stuckey will repeat this process every three years. She reports that cost to digitize the records and purchase the necessary software is minimal.

Publish Berth Soundings on Commission Website - Ms. Stuckey gave a presentation on the Commissions Website and also the password protected portion which publishes the soundings received from the terminals. The username and password will be communicated to all New Jersey State licensed pilots electronically so they can have access to the information.

Purchase of Live Ships Real Time Position Information - The presentation on Portvision was given at today's 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 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 11:24am.

#### 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 12:27pm.

#### Resolution to Approve the 2011 Annual Report

Ms. Stuckey went over the following changes that were requested by the Governor's Communications Office:

1. The Editors note should be in the rear of the report.
2. In the Presidents message the phrase "With only five of the six authorized members," the New ...should be deleted.
3. In the Presidents message the phrase "Unlike other Commissions" our...should be deleted.

4. In the Presidents message the phrase "tax dollars" should be changed to "taxpayer dollars".

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to pass Resolution #12-06 to approve the 2011 Annual Report as amended.

All voted in favor.

#### Resolution #12-03 to set Salary for Administrator

At the request of the Governors office, this resolution has been tabled until the April 17, 2012 meeting.

#### Resolution #12-02 to adjust fees charged to Maritime Pilots

After discussion the Commission has agreed to amend the Resolution to decrease the fee to .25% instead of 0%.

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to pass Resolution #12-02 to adjust the fees charged to Maritime Pilots as amended.

All voted in favor.

#### Upgrade of Pilot T. Ferrie from a Pilot of the Fifth Grade to a Pilot of the Fourth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to promote Captain Joseph Paulis to a Pilot of the Fourth Grade to become effective April 1, 2012.

All voted in favor.

#### 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 12:35pm.