

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
January 19, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 19, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

Election of Officers for the Calendar Year 2010

A motion was made by Commissioner Dacey to nominate Commissioner Daly as President. The nomination was seconded by Commissioner Wiklinski.

A motion was made by Commissioner Daly to nominate Commissioner Dacey as Vice President; Commissioner Wiklinski as Treasurer and Commissioner Amster as Secretary. The nominations were seconded by Commissioner Dacey.

The nominations were put to a vote and passed unanimously.

Committee Appointments

Commissioner Daly made the attached Committee Appointments. A motion was made by Commissioner Dacey and seconded by Commissioner Amster to accept the appointments.

All voted in favor.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Amster that the minutes of the December 15, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the Transition Report that was sent to Governor-Elect Christie's Transition Team. To date there has been no substantive feedback from the reports.

The Commissioners were given a copy of a letter that was sent to Captain Robert Ellis approving the proposed recurrent training plans for the three docking pilot associations. Per the recommendation from the NTSB, Mr. Licata will be in discussion with the Commission on how to cross train maritime and docking pilots in the future.

The Commissioners were given copies of the Sandy Hook Monthly Apprentice Training Report.

The Commissioners were given copies of an article from the Associated Press regarding Governor-Elect Christie's plans for board and authorities.

The Commissioners were given a copy of an article from the Star Ledger about a tugboat worker that lost his life on the Hackensack River. Captain Flannery reported that the worker was employed by Moran.

Public Comment

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

The pilots met with the Port Authority regarding the proposed lift on the Bayonne Bridge. They are now discussing a lift of 740 feet horizontal width and 215' vertical clearance. This will be a temporary fix to allow the larger ships to enter the port that are anticipated with the opening of the new lanes at the Panama Canal. Commissioner Daly inquired as to whether the Coast Guard is involved in these conversations as there has been some talk within the Coast Guard about eliminating lift bridges.

The dredgers in the Con Hook Range are currently move-on-demand. There is a meeting scheduled on January 22nd to decide whether the range will be shut down when the blasting begins.

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

The following officers were elected at Sandy Hook's annual Executive Board meeting: Captain Andrew McGovern, President; Captain Edward Sweeney, Vice President; and Captain John Oldmixon, Treasurer.

The plans for the joint conference of the Area Maritime Security Committee and the Harbor Ops Committee are moving forward.

Resolution 10-02 to approve the appointment of Docking Pilot Apprentice Jonathan Miller

Captain Miller was approved for the docking pilot apprentice selection list when it was approved in September 09 pending the receipt of First Class Pilotage in the port of New Jersey/New York. He has since sat for the Coast Guard exam and obtained the pilotage. Mr. Licata gave a brief description of Captain Miller's background.

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to approve Resolution #10-02 to appoint Captain Miller as an apprentice for Metro Pilots Association. All voted in favor.

Captain Miller was presented with a Certificate of Appointment by Commissioner Daly.

Committee Reports

A. Pension Surcharge Committee:

Commissioner Amster and Mr. Licata attended a Pension Surcharge Committee meeting on December 17, 2009. The Net Pension Report disclosed that revenues were down and the longevity of retired pilots and their widows is exceeding actuarial projections resulting in the depletion of the reserve fund. The Committee approved a 10% increase of the surcharge with the understanding that it would be revisited as the reserve fund is restored. The industry representative agreed to the increase. Sandy Hook will provide the Commission with a monthly reserve fund report. They will also give the Commission a demonstration of the new laptops prior to asking the Committee to approve the expenditure.

B. Investigation Committee:

- I. **Saga Ruby** - 10/10/09 - (TJD) - Allision. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. Commissioner Daly also recommended that a copy of the letter with the investigation report be sent to the New York Commission, the docking pilot association and the U.S. Coast Guard. A motion was made by Commissioner Amster and seconded by Commissioner Daly to accept the recommendations. All voted in favor.
- II. **APL Beijing** - 12/3/09 - (TFD) - Allision with Bayonne Bridge. This incident is still under investigation and has been carried.
- III. **Jo Ask** - 12/7/09 - (TJD) - 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. Commissioner Daly also recommended that a copy of the letter be sent to the docking pilot association and the U.S. Coast Guard. Commissioner Wiklinski inquired as to whether a pilot that does a noteworthy job as noted in this report should receive a letter of commendation. The Commission was reminded that the Investigation Committee's job is to determine whether a pilot departed from accepted prudent pilot practice and that the investigation report has a detailed description of the pilot's performance during the incident. Mr. Licata will draft a letter with a more of a complimentary tone for those incidents that warrant it. A motion was made by Commissioner Wiklinski and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- IV. **Tain Bo He** - 12/9/09 - (TFD) - Whip antenna came in contact with Bayonne Bridge. Based on the attached investigation report Commissioner Daly recommended that the incident be closed and both pilots issued a

- letter of non-culpability. A copy of the letter should be sent to the pilot associations and the U.S. Coast guard. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- V. **Chemical Pioneer** - 12/31/09 - (TFD) - Equipment failure. 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 Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- VI. **Triumph Ace** - 1/2/10 - (TFD) - Near miss. 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 Dacey to accept the recommendations in the report. All voted in favor.
- VII. **President Jackson** - 1/3/10 - (TFD) - Powerloss. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and both pilots issued a letter of non-culpability. A motion was made by Commissioner Dacey and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.

Resolution #10-01 to approve the FY09 audit

This resolution has been tabled pending a meeting with the Audit Committee and the Auditors. The Commission will vote on it at the February 16, 2010 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.

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten minute break at 11:05am.

Return to Public Session

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

The Commission returned to Public Session at 12:10pm.

Commissioner Daly speaking for the Commission thanked Commissioner Dacey for his leadership over the past six years which were, to say the least, challenging. It was during Commissioner Dacey's presidency that the lengthy and difficult issues relating to the licensing of docking pilots were amicably resolved and regulations were adopted. The Commission, the pilot community and the State of New Jersey are the beneficiaries of his skillful leadership.

Adjournment

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

The meeting was adjourned at 12:12pm.