

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
May 18, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 18, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, absent; Commissioner Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present; Commissioner Richard L. Amster, absent.

Minutes of Prior Meetings

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the minutes of the April 13, 2010 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of a memo from the Governor's office outlining the new procedures for the review of rule proposal and adoptions. Since the moratorium has been lifted the Commission will proceed with the filing of many regulatory changes that were put on hold. Mr. Licata anticipates having a rule proposal for the Commission to vote on at its next regular meeting. Commissioners with recommendations

were asked to contact Mr. Licata so that they could be included in the proposal.

The Commissioners were given a copy of an exert from the Governors "Budget in Brief" outlining budget restrictions that would directly affect the Commission.

The Commissioners were given a copy of an incident report from Captain Scott Ireland. Captain Ireland is a New Jersey state licensed pilot that is currently working on the Hudson River. As is past practices New Jersey will defer to the New York Board regarding the investigation.

The Commissioners were given a copy of the agenda for the joint Harbor Safety and Area Maritime Security Conference to be held in Jersey City June 8-10, 2010. As a result of their sponsorship for the "Best Practices" portion of the conference the Commission will receive three registrations and exhibit space at the conference. Commissioners Daly, Wiklinski and Mr. Licata will attend the conference while Ms. Stuckey will be on hand to man the exhibit space.

The Commissioners were given a copy of the public notice published by the New York Board in the Journal of Commerce regarding their pending rate bill. Mr. Licata pointed out that the comment period expires on Wednesday, May 19, 2010.

The Commissioners were given a copy of the agenda for the upcoming Harbor Ops meeting on May 19, 2010. Mr. Licata will attend the meeting.

The Commissioners were given a copy of an article from NJ.com regarding the Goethals Bridge.

The Commissioners were given a copy of an article forwarded by Commissioner Amster from the New Yorker re: the Towing Industry. Commissioner Amster is recovering from an illness and could not be at today's meeting.

Public Comment

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

The national docking pilot meeting went well.

The move on demand dredges will be utilized at Shooters Island for five days. The dredges in Port Elizabeth are currently move on demand.

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

NOAA has appointed a Hydrographic Services Review Panel. The Committee put hydro services on the back burner and are focusing on global warming. Marine transport is no longer viewed as a national priority but rather one relative to the coastal community. The pilots argued against this opinion. The funding being put into marine transport continues to drop.

Moment of Silence in Remembrance of Late Commissioner Joseph Azzolina

Commissioner Daly welcomed the family of late Commissioner Joseph Azzolina. Members of the public were asked to stand and share in a moment of silence. Afterward the poem "Crossing the Bar" was recited by Commissioner Wiklinski.

Presentation of Proclamation to the family of Commissioner Joseph Azzolina

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to present the attached proclamation to the Azzolina family. The proclamation was read into the record by Commissioner Daly.

The members of the Azzolina family thanked the Commission and commented on how important the appointment to the Commission was to their father.

Resolution to approve the issuance of a New Jersey State license to Apprentice Mark Hershey

Apprentice Hershey took his state license exam on Wednesday, May 12, 2010. Commissioner Wiklinski proctored the exam and reported that Apprentice Hershey did exceedingly well and passed all sections of the exam with high marks.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Daly to pass Resolution #10-04 to approve the issuance of a New Jersey State license to Apprentice Hershey. All voted in favor.

Swearing in of Captain Mark Hershey

Captain Mark Hershey was sworn in as a New Jersey State licensed docking pilot and administered the oath by Commissioner Wowkanech.

Resolution to approve the proposed FY11 Budget

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to table Resolution #10-03 to adopt an operating budget for FY11. All voted in favor.

Proposed Correspondence with the NJSHP re: Bridge Team

The Commission received a copy of a letter sent to Captain Hank Mahlmann, President of the New York Sandy Hook Pilots Association from the New York Board. The letter informed the Association that the New York Board considers them to be a part of the vessel's bridge team. Although New Jersey partially agrees with the New York Board's opinion and feels that a vessel's bridge team and pilot are expected to practice good bridge resource management, this Commission is of the opinion that New Jersey State Licensed pilots are not considered to be members of the "Bridge Team." The attached letter was drafted to remind New Jersey State licensed pilots that they are held accountable by state statues and regulations to their respective commissions and thereby required to always act in the public interest even when it conflicts with the commercial needs of vessel owners, operators or masters.

Committee Reports

A. Apprentice Selection Committee:

Commissioner Wiklinski reported that approximately 50-55 completed applications have been received. The candidates are currently being scheduled for their psychological testing. Interviews are scheduled to begin September 13, 2010.

B. Investigation Committee:

- I. **Eagle Baltimore** - April 7, 2010 - Line parted on tug while approaching dock (TJD). This incident is still under investigation and has been carried.
- II. **M/V Ambassador** - April 11, 2010 - Accidental release of anchor (TFD). This incident is still under investigation and has been carried.
- III. **Zhong Ji** - April 23, 2010 - Power loss (TJD). This incident is still under investigation and has been carried.
- IV. **Stena Cheron** - May 5, 2010 - Exhaust valve on main engine stuck in open position. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and the

pilot issued a letter of nonculpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to accept the recommendations in the report. All voted in favor.

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

All voted in favor.

The Commission took a break at 11:05am.

Return to Public Session

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

The Commission returned to Public Session at 11:45am.

Upgrade of Pilots

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that Captain Brendan L. Foley be promoted from a Pilot of the Third Grade to a Pilot of the Second Grade effective June 7, 2010. All voted in favor

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that Captain Joseph Cavagnaro II be promoted from a Pilot of the Sixth Grade Part A to a Pilot of the Sixth Grade Part B effective June 1, 2010. All voted in favor

Adjournment

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

The meeting was adjourned at 11:50am.