

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
October 16, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 16, 2012 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:08am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, present.

Minutes of Prior Meetings

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech that the minutes of the September 18, 2012 regular meeting be approved.

All voted in favor.

Treasurers Reports

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

All voted in favor.

Executive Director's Report

Captain Sarubbi informed the Commission that he and Ms. Stuckey will attend Port Industry Day at the New Jersey Performing Arts Center following today's meeting.

The Commissioners were given a copy of the October 16, 2012 memo from the Governor's Authorities Unit regarding mandatory

on-line ethics training that was previously forwarded to them by Ms. Stuckey. He reminded them that the training had to be completed by November 12, 2012 and that he was required to send a certification of compliance to the Governors office on or before November 26, 2012.

After the September 18, 2012 meeting Commissioner Dacey asked Captain Sarubbi to get an Opinion from Ms. Schwartz, the Commission's DAG, addressing the issue of how many Commissioners were needed for a quorum and how many votes are needed to approve any actions taken by the Commission.

The Commissioners were given a copy of the Opinion which states that two of the three remaining Commissioners must be present for a quorum and that two positive votes are needed to approve any actions taken by the Commission.

Captain Sarubbi and Ms. Stuckey attended a meeting at the Manhattan Cruise Terminal between the pilot organizations, Thomas Spina, Vice President of New York Cruise Operations, and senior representatives from Carnival and Norwegian Cruise Lines. The meeting took place on October 10, 2012 and went well. A number of topics were discussed that will help improve safety at the berths which included: the installation of wind and current meters; dredging issues, replacing the camels at Pier 90 Berth 4 with Yokohama fenders and placing a fender on the NW corner of Pier 90, Berth 4.

The representatives also touched on the topic of limiting the number of pilots that are assigned to dock the passenger ship vessels. They feel as if the Captains would be more comfortable allowing the state pilot to dock the vessel if they had a relationship with them and the state pilot was familiar with the vessel. A follow-up meeting to include Captain Flannery and representatives from Moran will be scheduled to discuss this issue. The Commissions staff will attend the meeting and keep the Commission informed as the issue progresses.

The Commissioners were given copies of the Sandy Hook Apprentice Training report. Apprentice Karen Basciano is scheduled to take her state licensing exam the week of November 13, 2012.

The Commissioners were given a copy of an invitation from the Port Authority of New York/New Jersey to attend their annual Port Economic Briefing on November 1, 2012. Captain Sarubbi and Ms. Stuckey will attend.

Captain Sarubbi provided the Commission with a copy of two graphs. The first one tracks the types of incidents that have occurred in 2012. He pointed out that loss of power or loss of steering incidents accounted for the highest percentage at thirty-eight percent.

The second chart broke the incidents down by probable cause. Forty-one percent of the incidents were determined to be due to human error on the part of the ship's crew.

### Public Comment

Comments from Captain Frank Reinbold, Vice President, Metro Pilots Association:

The dredging in Howland Hook has been moved to the north side of the channel and vessels will be transiting on the south side. They have also added two buoys which have already been struck by two tugs and tows.

Two cruise vessels will be calling into New York PST throughout the year and the pilots have requested that fendering be placed on the corners of Berths 3, 4, and 5.

The pilots met with the Port Authority to determine which of the high spots in the 50 foot channel needed immediate dredging. They were advised to dredge all of them.

The number ten buoy in Bayonne will be moved to the north side of the channel.

Metro Pilots will need new apprentices next year.

The Docking Pilot Organizations have discussed and concluded it would be a good idea to meet with Captain Sarubbi periodically to keep the flow of information moving.

### Resolution #12-23 to Approve the Appointment of Maritime Pilot Apprentice, Nicholas Pitch

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to approve Resolution #12-23 to appoint Nicholas Pitch into the Sandy Hook Apprentice Training program.

Captain Thomas Ferrie introduced Mr. Pitch to the Commission and gave a brief summary of his background.

Mr. Pitch thanked the Commission for the opportunity. He was presented with the Certificate of Appointment by Commissioner Dacey.

Resolution #24-24 to Approve Revised Commission Advisory #001-12

This Advisory was previously posted on the Commission's Website and distributed to all New Jersey state licensed pilots and registered apprentices.

After its publication the Governor's office and DAG expressed some concerns regarding its contents. Captain Sarubbi met with Counsel and the Governor's office to address these issues. The attached revision will satisfy all the concerns that were raised and once approved will rescind the previous version.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to approve Resolution #24-24 revising Commission Advisory #001-12.

All voted in favor.

A. Investigation Committee:

- I. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- II. **Maersk Wiconsin** - December 5, 2011 - Collision with Ruth Reinbauer. This incident has been carried.
- III. **Chrysoula S** - June 23, 2012. Soft Grounding at Berth 28 Port Newark. Captain Sarubbi recommended that the Commission find no fault of the part of the pilot and that copies of the report be forwarded to the Port Authority of NY/NJ, the U.S. Army Corps of Engineers and the Harbor Operations Committee to remind each organization of the importance of ensuring that proper soundings are communicated to the pilots. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.
- IV. **Disney Magic** - July 8, 2012 - Allision. Captain Sarubbi recommended that the Commission find no fault on the part of either pilot and that copies of the report be sent to the New York City Economic Development Corporation and Disney Cruise Lines. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech

to accept the recommendations. All voted in favor.

- V. ***Teesta Spirit*** - August 26, 2012 - Bridge Strike. Captain Sarubbi recommended that the Commission find no fault on the part of the pilot. A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to accept the recommendations. All voted in favor.

#### New Business

Ms. Stuckey reported that she attended the National Maritime Historical Society Dinner where retired Commissioner Thomas F. Daly was honored. She informed the Commission that the dinner was well attended and Commissioner Wiklinksi as well as the senior members of the Sandy Hook Pilots Executive Committee were in attendance.

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

All voted in favor.

The Commission took a break at 10:44am.

#### Return to Public Session

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

The Commission returned to Public Session at 12:41pm.

Upgrade of Pilot David J. Grave to a pilot of the Third Grade

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to promote Captain David J. Graves to a Pilot of the Third Grade to become effective November 6, 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 12:45pm.