

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
February 15, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 15, 2011 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly called the meeting to order at 10:17am.

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.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the January 18, 2011 regular meeting be approved.

Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the Treasurer's report dated February 2011 be approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of its existing regulations which included amendments that became effective on February 7, 2011. The updated regulations were put on the Commission's Website and also sent to all New Jersey State licensed pilots and registered apprentices.

Mr. Licata is in the process of reviewing the Commissions regulations and has asked that any recommendations be forwarded to him.

The Commissioners were given a copy of the ad that will be placed in the April issue of the Professional Mariner and Workboat Magazines for the Docking Pilot Apprentice Training program. The ad has also been published on the Commission's website. The closing date for accepting applications is May 15, 2011.

The Commissioners were given a copy of the updated Contact List.

The Commissioners were given a copy of the New York Policy & Procedure 01-11. The policy attempts to resolve the issue regarding when a pilot should be required to take a drug and alcohol test after an incident. The policy is in line with the procedures followed by New Jersey, however, Mr. Licata has recommended that the Commission continue to address this issue on a case by case basis and not make a formal policy.

The Commissioners were given a copy of an email correspondence from Richard Larrabee, Director of Port Commerce at the Port Authority of New York and New Jersey outlining initiatives that will be undertaken in the year 20411.

Mr. Licata will attend a Harbor Ops Meeting followed by a Pilot Roundtable meeting on Wednesday, February 16, 2011.

Presentation of Resolution #11-03 to Retired Commissioner
Richard L. Amster

Retired Commissioner Richard L. Amster was presented with Resolution #11-02 honoring his years of service to the Commission and the Maritime Community. The Resolution was read into the record by Commissioner Daly.

A motion was made by Commissioner Daly and seconded by commissioner Wowkanech to pass Resolution #11-03 honoring Retired Commissioner Richard L. Amster. All voted in favor.

Commissioner Amster thanked the Commissioners and spoke about the accomplishments the Commission has seen in his tenure as a Commissioner. He expressed his delight at having the opportunity to work with his fellow Commissioners and the pilot groups and stated his desire to remain active in the maritime community.

Presentation to Retired Commissioner Richard L. Amster from the
Sandy Hook Pilots Association

Captain Andrew McGovern Presented Commissioner Amster with a plaque from the United New York and New Jersey Sandy Hook

Pilots Benevolent Association and thanked him for his many years of service to the pilots.

Commissioner Amster thanked Captain McGovern.

Public Comment

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

Captain Richard Cullison a retired New Jersey Maritime Pilot passed away at the age of 67 over the weekend.

The pilots have received word from Charleston, SC that Masters are getting warning notices from NOAA stating that they will be fined \$5000 every time they exceed the Right Whale speed limit. The speed limit is 10 knots and NOAA's threshold for issuing summons is 10.3 knots. There is a provision in the law that states that a mariner can increase speed if there is an issue regarding navigational safety. Because of the warnings and fines, the Masters are refusing the orders of the state pilots. This has not occurred in our ports but the pilots are watching and will notify the Commission if there is an issue.

Comments from Captain Frank Reinbold, Pilot, Metro Pilots Association:

Captain Flannery is recovering from injuries sustained from a fall he took at his home.

The Docking pilot groups are working on a Master Exchange Card.

The joint docking pilot groups underwent the second refresher course in Bridge Resource Management on January 27th & 28th, 2011.

The dredging in the Con Hook Range will continue until May 2011.

While docking the CGM Swordfish at Berth 84 in Maersk Terminal the #12, 13, and 14 cranes were moving and lowered the boom. Mr. Licata has been instructed by the Commissioners to bring this issue up at the pilot/terminal roundtable meeting. He stressed to the pilots the importance of making a phone call to the terminal representative as soon as possible to inform them of the situation.

Comments from Mr. Ed Kelly, President, The Maritime Association of the Ports of New York/New Jersey:

The State of New York agreed to postpone the effective date of the Vessel Ballast Water Permit Legislature for 20 months. New Jersey has yet to make a decision.

Resolution #11-02 to Approve the Appointment of Mark Wanderer as
a Maritime Pilot Apprentice

Commissioner Wiklinksi reported that Mark Wanderer was the number one candidate in an exceptionally strong field of applicants. He feels that he will be a strong addition to the state pilotage system.

A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to pass Resolution #11-02 appointing Mark Wanderer as an apprentice in the Sandy Hook Pilots Apprentice Training Program. All voted in favor.

Mr. Wanderer was presented with a Certificate of Appointment by Commissioner Wiklinski. He gave the Commission a brief summary of his background and thanked them for the opportunity.

A. Investigation Committee:

- I. **Grande Benin** - December 30, 2010 - Grounding. An Informal Hearing took place in Executive Session.

Old Business

Mr. Licata reported on the following:

Status of MOA with U.S. Coast Guard - It is currently in the review process at district in Boston. Commander Mark Bottglieri is confident that it will be signed and in place by the end of May, 2011.

Minutes & Records Digitizing - Mr. Licata has been instructed to contact DOT and NJ Transit to see if an interagency agreement can be made to use their equipment.

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, legal 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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission took a break at 11:00am.

Return to Public Session

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

The Commission returned to Public Session at 11:50am.

Firmament Ace

A motion was made by Commissioner Daly and seconded by Commissioner Wowkanech to fine Captain Timothy Ferrie \$100 for submitting a late written report. All voted in favor.

Upgrade of Pilot E. Miller from a Pilot of the Second Grade to a Pilot of the First Grade.

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that Captain Elizabeth Miller be promoted from a Pilot of the Second Grade to a Pilot of the First Grade to become effective on February 19, 2011.

All voted in favor.

Captain Miller was sworn in as a First Grade Pilot by Commissioner Wiklinski.

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, legal 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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission went into Executive Session at 12:00pm.

Return to Public Session

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

The Commission returned to Public Session at 2:20pm.

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

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech that Captain Thomas Ferrie be promoted from a Pilot of the Fourth Grade to a Pilot of the Third Grade to become effective on March 12, 2011.

All voted in favor.

Grande Benin Grounding

Captain O'Neill has agreed to the following terms of disposition in lieu of a Formal Hearing: (1) a twenty day suspension without pay (2) participate in a Bridge Resource Management course at his own expense and (3) complete six refresher trips on the route in question.

Mr. Gonzalez asked that the final report reflect more on the lessons learned and point out the need for a study on the possibility of putting a buoy on Dimond Reef and the importance of the Master maintaining awareness of the vessel.

He was advised by Commissioner Daly that the cover letter sent out with the report will cover his points of interest.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Dacey to accept the terms of disposition in lieu of a Formal Hearing. 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, legal 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 or constitute a breach of the attorney client privilege.

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

All voted in favor.

The Commission went into Executive Session at 2:25pm.

Return to Public Session

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

The Commission returned to Public Session at 2:58pm.

Adjournment

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

The meeting was adjourned at 2:59am.