

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
February 17, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 17, 2009 at One Penn Plaza East, 9th 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 Thomas F. Daly, present; Commissioner Stanley E. Wiklinski, present; Commissioner Charles Wowkanech, present; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech that the minutes of the January 13, 2009 regular meeting be approved.

All voted in favor.

Treasurers Report

A motion was made by Commissioner Daly and seconded by Commissioner Amster that the Treasurer's report dated February 2009 be approved.

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commission that the public comment period for the DWI/DUI rule proposal will end on March 6, 2009. To date only one comment has been received.

The Commissioners were given a copy of the open ad for the Docking Pilot Apprentice Training Program. The ad will be published in the April 2009 issues of The Professional Mariner

and Workboat Magazines with an application deadline of May 15, 2009.

Mr. Licata, Commissioner Dacey and Commissioner Daly traveled to Washington on February 6, 2009 to meet with Senator Lautenberg's staff and members from the NTSB to discuss the issues encountered during the investigation of the **New Delhi Express** allision. The NTSB indicated a willingness to work with the Commission and make available the VDR data for any major event that occurs within the port and the NTSB investigates.

The Commissioners were given copies of the return to work authorization for Captain James Britton.

The Commissioners were given a copy of Sandy Hook's MXP Brochure outlining standard operating procedures. Mr. Licata pointed out that it is a very thorough item.

The Commissioners were given a copy of an article from the Maritime Executive Newsletter regarding the Coast Guards National Maritime Center. Mr. Licata pointed out that it was relative to the state of emergency the Commission declared at its January 13, 2009 regular meeting. Mr. Licata also advised the Commission that as of February most of our pilots had received their Federal Licenses.

The Commissioners were given a copy of a letter from Captain Wood, a New York Licensed Sandy Hook Pilot. Captain Wood was protesting the design of the new pilot station and calling for the reinstatement of the Ambrose Tower. The letter was referred to Captain Andrew McGovern. Captain McGovern has taken the letter under advisement and will make a report to the Commission at its March 17, 2009 regular meeting.

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

The Commissioners were given a copy of certifications that Mr. Licata was required to make to the Governor's Office regarding Ethics Training, Financial Disclosures, establishing a Code of Ethics, the appointment of an Audit Committee and the awarding of any contracts.

The Commissioners were given a copy of the latest draft of an MOA between the Commission and the U.S. Coast Guard. Mr. Licata pointed out that although the Commission has an excellent relationship with the Coast Guard the MOA would serve to formalize this relationship in case of a change of Command within the Coast Guard or the Commission.

The Commissioners were given a copy of a memo from James, Carey, Esq., Director, Authorities Unit, regarding the current salary freeze for all state employees.

Mr. Licata welcomed Elaine C. Schwartz to the meeting. She has been appointed by the Division of Law to be the Commission's new DAG.

Presentation of Resolution to Alvin Ricardo Little, Esq.

On a motion by Commissioner Wowkanech and seconded by Commissioner Daly Resolution # 09-03 was passed to recognize DAG Alvin Ricardo Little's service to the Commission. All voted in favor.

Mr. Little was presented the resolution by Commissioner Dacey.

Mr. Little expressed his sincere gratitude to the Commission.

Public Comment

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

The issue of getting the soundings from the terminals is moving along. The Captain of the Port has indicated that he will send a letter of mandatory compliance to all terminals.

Captain McGovern inquired as to what the Commission would be doing in relationship with the decision made by the New York Board regarding the Master/Pilot relationship. Mr. Licata will distribute the communication to the Commissioners and after consultation will report at the March meeting.

The pilot information cards are in the process of being updated.

Foreign charting agencies have not updated their charts and have not indicated if and when they will in order to show the new Ambrose Channel configuration.

Captain McGovern reported that the number of vessels coming into port has not gone down; however, they are carrying less cargo.

Comment from Captain Frank Reinbold, Docking Pilot, Metro Pilots Association:

Dredging in the Conn Hook Range will begin on May 1, 2009. The dredge will not be move on demand and the pilots expect one way traffic until the dredging is completed.

Captain Robert Flannery has been contacted and requested to have pilots from Moran and Sandy Hook participate in simulation exercises at the Vicksburg facility regarding Maersk tugs. The exercises will take place sometime in the end of May/beginning of April.

The Army Corp is looking into using 38th Street in Brooklyn for big container ships.

During a recent harbor pilot/oil terminal roundtable meeting the following issues were discussed: terminals requiring the line handlers to pull over the gangways on arrival and the placement of place markers for vessel bridge position because the numbers that are painted on the berths are starting to fade. Both issues have been reported to management with no talk of resolution.

Captain Reinbold reported that there have been issues at Hess Port Reading with the berths not being available and the pilots having to wait several hours to dock a ship.

Captain Reinbold informed the Commission that he was pleased to hear that the advertisement will be published for docking pilot apprentices and that he will spread the word to persons he feels are eligible to apply.

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 litigation 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 Wowkanech and seconded by Commissioner Daly that the Commission go into Executive Session. All voted in favor.

The Commission took a ten minute break at 10:45am.

Return to Public Session

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

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

Resolution in the matter of Captain Douglas Brown

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster to table the resolution pending the receipt of an opinion from counsel.

All voted in favor.

Committee Reports

A. Investigation Committee:

- I. **Shan He** - (TJD) - 11/20/08 - Power Loss. This incident is still under investigation by Commissioner Dacey and has been carried.
- II. **Tug Glen Cove** - (TFD) - 12/2/08 - Allision. This incident is still under investigation by Commissioner Daly and has been carried.
- III. **President Truman** - 12/20/08 - (CAL) - Power Loss. This incident is still under investigation by Mr. Licata and has been carried.

Upgrade of Pilot E.A. Miller from Fourth Grade to Third Grade

A motion was made by Commissioner Daly and seconded by Commissioner Amster that Captain E.A. Miller be promoted from a Pilot of the Fourth Grade to a Pilot of the Third Grade effective February 19, 2009. All voted in favor

Upgrade of Pilot T.O. Ferrie from Fifth Grade A to Fifth Grade B

A motion was made by Commissioner Wowkanech and seconded by Commissioner Amster that Captain T.O. Ferrie be promoted from a Pilot of the Fifth Grade A to a Pilot of the Fifth Grade B effective March 12, 2009. All voted in favor

Upgrade of Pilot M.J. Vanek from Fifth Grade to Fourth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Daly that Captain M.J. Vanek be promoted from a Pilot of the Fifth Grade to a Pilot of the Fourth Grade effective March 15, 2009. All voted in favor

Adjournment

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

The meeting was adjourned at 12:03pm.