

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
September 21, 2010**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 21, 2010 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Daly 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 (*via teleconference - offsite conducting apprentice selection interviews in Staten Island*); Commissioner Charles Wowkanech, absent.

Commissioner Daly informed the Commission that retired Commissioner Amster who was supposed to attend the meeting to be presented with a plaque honoring his many years of service to the Commission has been hospitalized due to ongoing issues.

Commissioner Daly welcomed Deborah Gramiccioni, Director, Authorities Unit and thanked her for attending.

Ms. Gramiccioni expressed her pleasure at being here and how she is looking forward to open lines of communication between the Governors office and the Commission.

Commissioner Daly welcomed the new Unites States Coast Guards' Captain of the Port, Linda Fagan and the Coast Guard's Chief of Investigation, Mark Bottiglieri to the meeting.

Captain Fagan thanked the Commission for inviting her to attend the meeting and expressed how excited she was to be here. She sees her appointment to the port of NY/NJ as a great opportunity. She finds the port complex and challenging and is pleased at having the opportunity to work with the wonderful group of professionals that make up the port community.

Commissioner Daly pointed out that the Commission was pleased to have her attend and is looking forward to the continued relationship of cooperation shared with the Coast Guard.

Minutes of Prior Meetings

A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski that the minutes of the August 17, 2010 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

Mr. Licata welcomed Captain Fagan and thanked her for taking time out of her busy schedule to attend the meeting

The Commissioners were given a copy of the rental agreement between the Commission and New Jersey Transit for the office space the Commission has been occupying and use of utilities and support.

The Commissioners were given a copy of a memo sent to all New Jersey licensed pilots and registered apprentices regarding the use of wireless communication devices while piloting a vessel. Commissioner Daly pointed out that the policy is not an absolute prohibition for using such devices because sometimes they are used effectively.

The Commissioners were given a copy of the letter from the Governor's office vetoing the minutes of the July 20, 2010 regular meeting. Since that time, Commissioner Daly and Mr. Licata met with the Governor's Authorities Unit.

The Commissioners were given a copy of a rule proposal from the State Ethics Commission regarding amendments to the Attendance Request and Annual Disclosure forms.

The Commissioners were given a copy of the Apprentice Monthly training reports. Mr. Licata pointed out that the next apprentice scheduled to take his state exam is Ronald Perry. His exam is currently scheduled for the week of December 6, 2010.

The Commissioners were given a copy of a letter from the New York Board to the presidents of all the associations regarding the use of wireless communications devices.

The Commissioners were given a copy of a memo from Commissioner James Simpson to the Governor's office regarding his recommendations on the Boards and Authorities within NJDOT.

The Commissioners were given a copy of an article from NJ.com re: the Port Authority allocating \$1b to fix the Bayonne Bridge.

The Commissioners were given a copy of an article from the Port of Long Beach regarding \$1b being proposed to replace the Gerald Desmond span.

Resolution to Appoint James Britton as a Deputy Maritime Pilot

A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to approve Resolution #10-09 to appoint Apprentice James Britton as a Deputy Maritime Pilot.

Swearing in of Captain James Britton

Captain James Britton was sworn in as a Deputy Maritime Pilot by Commissioner Daly.

Public Comment

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

There will be a Harbor Ops meeting on Wednesday, September 22, 2010 followed by a meeting of the Vessel Subcommittee. The Committee is close to putting together an update of the comprehensive water front facilities evacuation plans for New York.

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

After the grounding in the Claremont channel the pilots reduced the draft of vessel they pilot there by a foot away until soundings were received. After reviewing the soundings they have decided to take two feet away.

The dredging projects are moving along and all seems to be working well.

Cranes are beginning to move at container terminals while vessels are docking and undocking. The pilots have asked Harbor Ops to write a letter to the terminal informing them that they are liable if an incident occurs.

Comments from Ms. Genevieve Boehm-Clifton, Manager, Maritime Resources:

Stevens Institute will conduct Pilot Training in Coordination with the Hudson River Environmental Training Foundation on October 7, 2010.

MACOORA will hold its annual conference October 28-29 in Jersey City.

The Jersey Shore Recreational Boat Show will be on September 25, 2010.

There will be a Harbor Education Committee meeting following the Harbor Ops meeting on September 22, 2010.

Discussion re: Pilot Examinations

Commissioner Daly and Mr. Licata are currently working to increase the Commission's database of questions for state licensing exams.

Committee Reports

A. Apprentice Selection Committee:

Commissioner Wiklinski reported that the Committee has a field of forty-nine strong applicants to interview. Of the forty-nine, ten applicants with five alternates will be placed on the list presented to the Commission for approval. The interview process took two weeks and will be completed by Thursday, September 24th with a list to be compiled on Friday, September 25th. He feels that the pilots will be happy with the candidates on the upcoming list. Commissioner Daly thanked Commissioner Wiklinski for his service on the Committee.

B. Investigation Committee:

- I. **Anna M.** - June 14, 2010 - Grounding (TFD). Captain Flannery will provide a tug for Commissioner Daly to travel to the scene of the incident for review and he is scheduled to review the VDR information this week. Commissioner Daly anticipates that he will

have a recommendation for the Commission at its October 16, 2010 regular meeting.

- II. **Ital Lirica** - July 18, 2010 - Powerloss Based on the attached investigation report, Commissioner Dacey recommends that the incident be closed and both pilots issued letters of non-culpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Daly to accept the recommendations in the report. All voted in favor.
- III. **Maersk Kotka** - July 20, 2010 - Allision. Based on the attached investigation report, Commissioner Daly recommended that the incident be closed and both pilots issued letters 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.
- IV. **Diplomatic** - August 8, 2010 - Powerless. Based on the attached investigation report, Commissioner Daly recommended that the incident be close and the pilot sent a letter of non-culpability with a copy of the report. He also recommended that copies of the report be sent to the New York Board and McAllister Towing of New York. A motion was made by Commissioner Dacey and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- V. **Eemsborg** - August 22, 2010 -Powerless. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot sent a letter of non-culpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Daly to accept the recommendations in the report. All voted in favor.
- VI. **YM Singapore** - September 5, 2010 - Allision (TFD). This incident is still under investigation and has been carried.
- VII. **Albermarle Island** - September 6, 2010 - Powerloss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and both pilots send letters of non-culpability. A motion was made by Commissioner Wiklinski and seconded by Commissioner Daly to accept the recommendations in the report. All voted in favor.

Old Business

Commissioner Daly has included on the agenda a list of items in Old Business that requires follow-up. These items will continue to appear on the agenda until they are completed.

Commissioner Dacey expressed his concern regarding the veto that was issued by the Governor's Office of the Commission's July 20, 2010 regular meeting minutes. He feels as if the word "speculative" used in describing the Commission's actions in adopting the budget was unwarranted as the Commission appropriately followed the procedures for a public body. The three budget scenarios were sent to the Commissioners for review prior to the meeting and then the rationale for adopting the appropriate budget was discussed in open session before a budget was adopted. In his opinion, there seemed to be a lack of communication between the Commission and the Governor's office as there was a representative from the Governor's office at that meeting who should have been able to communicate what the Commission was trying to accomplish. He looks forward to adopting a budget at the Commission's October 16, 2010 regular meeting but will only adopt a budget that will show equality between expenses and income.

Commissioner Daly pointed out that he and Mr. Licata met with the Governor's Authorities Unit regarding the veto and other issues. The meeting went well and the Commission will be able to move forward with adoption of a budget for FY11.

Commissioner Wiklinski supported Commissioner Dacey's statements and wanted to make it clear that the Commission was and has always acted in the best interest of the State of New Jersey. He also wants to make sure the Commission has an operating budget that enables them to continue to maintain the high level of professionalism and efficiency displayed in the past.

Deborah Gramiccioni, Director, Governor's Authorities Unit pointed out to the Commission that the veto was not a reflection on how the Commission is perceived or its intentions but about the process the Commission employed in coming up with a budget. There were questions regarding the need for oversight services that should have been answered before a budget was adopted to include these services. She looks forward to an open line of communication going forward and maintains that the Commission will continue to be able to do the important work it provides to the State of New Jersey.

David Reiner, Representative, Governor's Authorities Unit, pointed out that the Commission was on the right track when it appointed the Review Committee at its July 20, 2010 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 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 break at 11:15am.

Return to Public Session

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

The Commission returned to Public Session at 12:20pm.

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 12:22pm.