

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

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

Commissioner Daly called the meeting to order at 10:09am.

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 Wowkanech and seconded by Commissioner Wiklinski that the minutes of the February 15, 2011 regular meeting be approved.

Commissioner Daly recommended that the heading on the Executive Session section of the minutes be amended to read to February 15, 2011.

The motion was put to a vote and all voted in favor of passing the motion with the recommended amendment.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the Settlement Letter in the matter of the Grande Benin.

Mr. Licata informed the Commissioners that Captain O'Neill has served his suspension, completed the mandatory Bridge

Resource Management Refresher Course, completed his necessary refamiliarization trips and has been authorized to return to duty.

The Commissioners were given a copy of an article from NJ.Com regarding the fatal crash in Philadelphia on July 7, 2010. The NTSB's report reveals that the tug boat operator was receiving phone calls on his cell phone leading up to the incident.

Mr. Licata gave the Commissioners a copy of a memo that was sent to all New Jersey state licensed pilots and registered apprentices on August 18, 2010 regarding the use of wireless communication devices while on duty.

The Commission discussed the possibility of including language in their regulations regarding the use of cell phones and other wireless communication devices while on duty.

Mr. Licata was directed to poll the pilots to determine if there is a need for a regulation on this issue.

The Commissioners were given a copy of the "Fast Facts" on the Commission. This document will be used by the Commissioner of DOT, James Simpson, when he goes before the legislation regarding the department's budget and other issues.

Mr. Licata was asked to verify the date the document lists as the initial appointment date of the Commission and ask DOT to correct it.

Public Comment

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

The pilots pointed out to the Coast Guard that when they advise a boat that is broken down to drop anchor it may create a safety issue. If the boat is not anchored it could drift out of harms way if a larger vessel approaches.

The pilots met with people from Carteret, DEP and the Coast Guard regarding the proposed marina in Carteret.

The pilots commented on the proposal to place wind farms at the end of Nantucket. They feel that the wind farms would be in the way of traffic and is not a good idea. Since the comment period has been extended, Harbor Ops will also comment on the proposal.

The safety videos that are being produced by DOT and the Harbor Ops Committee are almost done. There are five in all targeted at different audiences.

New York City is planning to place Echo Docks on their borders. The primary purpose of the docks is to bring historic vessels into neighborhoods. Some of them will include kayak launches. The pilots feel that it is not a good idea to put the launches on the Echo Docks.

The owner of a 305ft private yacht has asked Sandy Hook for a written confirmation as to whether they would require the services of a state licensed pilot for trips originating and terminating out of Chelsea Piers. Sandy Hook has asked both the New Jersey and New York Commissions for an opinion. Mr. Licata has been instructed to confer with New York and provide Sandy Hook with a response. Ms. Genevieve Clifton asked that the subject be looked at comprehensively as this type of request comes up often at Maritime Resources particularly in the southern part of the state.

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

Captain Flannery reported that he will not be able to pilot ships for another month due to his injury however; he is attending meetings and doing the work that would take another pilot off the board.

Captain Flannery, two pilots from McAllister and two from Sandy Hook will travel to Vicksburg to participate in simulation exercises on blasting at Shooters Island.

Comments from Ms. Genevieve Clifton, The Office of Maritime Resources:

The state of New Jersey is trying to obtain grant money from the Department of Energy funds to Develop U.S. Offshore Wind Market Barriers. Ms. Clifton has been put in charge of developing the grant proposal and has asked for someone from the Commission and members of the pilot groups to serve on a Committee. Mr. Licata has been authorized by the Commission to serve on the Committee. Sandy Hook and Metro Pilots Association have also stated their willingness to appoint members to serve on the Committee.

Committee Reports

- A. Examination Committee: Commissioner Wiklinski reported that an Apprentice is currently sitting for his state licensing exam. He did not get the required score on the "Rules of the Road" portion of the exam and has been scheduled to retake it.
- B. Investigation Committee:

- I. **River Elegance** - March 3, 2011 - Power loss. Based on the attached investigation report, Commissioner Dacey recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.

New Business

Commissioner Wiklinski stated his objection to paying \$2,000 per month for rent to NJ Transit for the use of office space. He feels that, based on the current financial restrictions imposed on the Commission, the rent should be reduced to \$500 per month.

Commissioner Daly recommended that the issue be revisited when the Commission discusses the FY12 budget.

Commissioner Dacey stated his displeasure at the Commission not being able to complete an audit for calendar year 2010 due to contractual limitations.

Mr. Licata informed the Commission that he is working with DAG Schwartz and David Reiner from the Governor's Authorities Unit to resolve the issue.

Old Business

Mr. Licata reported on the following:

Status of MOA with U.S. Coast Guard - Remains at District in Boston. Commander Mark Bottliglieri will be reassigned in June 2011 and is confident that it will be signed and in place before he leaves New York.

Minutes & Records Digitizing - Due to contractual limitations the Commission is looking into revising their MOA with DOT to include the ability to contract for these services. Mr. Licata suggested that if a revised MOA is going to be done it include all contracting issues.

Regulatory Review - Commissioner Daly and Mr. Licata are working on this issue.

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

All voted in favor.

The Commission took a break at 10:54am.

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 11:45am.

Upgrade of Pilots

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech that Captain Michael Vanek be promoted from a pilot of the Fourth Grade to a pilot of the Third Grade to become effective March 15, 2011. All voted in favor.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski that Captain Joseph Paulis be promoted from a Pilot of the Fifth Grade Part A to a pilot of the Fifth Grade Part B to become effective April 1, 2011. All voted in favor.

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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 went into Executive Session at 11:48am.

Return to Public Session

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

The Commission returned to Public Session at 12:28pm.

The following Motion was read into the record by DAG Schwartz:

Whereas, Captain Frank Boslet, Jr. was ordered by letter dated February 16, 2011 to appear at an Informal Hearing before the New Jersey Maritime Pilot and Docking Pilot Commission, pursuant to the regulations, and

Whereas the Commission was notified by Captain Boslet at approximately 11:00am on Tuesday, March 15, 2011 that his attorney, Ryan A. Dornish, Esq. could not appear, and

Whereas, Captain Boslet was advised to have Attorney Dornish send a letter to the Commission via facsimile setting forth his reasons for not appearing in front of the Commission, and

Whereas, at 11:55am, the Commission received a letter from Ryan A. Dornish, Attorney at Law, stating he could not appear due to a conflict, and

Whereas Commissioner Daly confirmed Attorney Dornish's conflict by phone.

Now therefore be it resolved and ordered by the New Jersey Maritime Pilot and Docking Pilot Commission that Captain Boslet and his attorney will be advised that the Informal Hearing will occur on April 19, 2011 at 11:00 am or soon thereafter as can be held, and that no adjournment requests will be honored, and that if Captain Boslet and/or his counsel should fail to appear or not be prepared to move forward, the matter will go forward with or without Captain Boslet.

The motion was moved by Commissioner Dacey and seconded by Commissioner Wowkanech. The motion passed unanimously.

Mr. Licata was directed to send a letter to Captain Boslet and his attorney informing them of the Informal Hearing and the Commission's intent to move forward on said date and time.

Adjournment

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

The meeting was adjourned at 12:30pm.