

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
October 18, 2011**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 18, 2011 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Wiklinski called the meeting to order at 10:00am.

Pledge of Allegiance

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Thomas F. Daly, present; Commissioner Charles Stapleton, 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 Stapleton that the minutes of the September 20, 2011 regular meeting be approved.

All voted in favor.

Treasurers Report

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

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the ad for the Executive Director position that was placed in the Journal of Commerce. The ad was also published on the Commissions website and listed on the website of the following maritime academies: Kings Point, Ft. Schuyler, Mass. Maritime and Maine Maritime.

The Commissioners were given a copy of a Homeport Announcement in which the NYPD is offering courses in Port Awareness.

The Commissioners were given a copy of an ad from the American Shipper re: the TWIC card and how its success may be possible.

The Commissioners were given a copy of an ad from the Professional Mariner Magazine re: the TWIC card and how it may not be worth the time and the money put into the program.

The Commissioners were given a copy of an ad from the New York Times re: A contradiction in Cargo numbers.

Mr. Licata will try to arrange for someone to come in and give the Commissioners a briefing on the current dredging projects in the New Jersey/New York Harbors.

Public Comment

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

The dredging in the Conn Hook Range has been completed to 50 feet.

During the Harbor Ops meeting the pilots met with the dredgers regarding the dredging at Shooters Island. The dredgers complied with their request.

Next week the pilots will sit down with the dredgers to go over their recommendations as a result of the simulation exercises in Vicksburg.

The dredging contract has been awarded to Northeastern Dredging.

The pilots spoke with Jim Devine from Global Terminal and John Atkins from New York Container Terminal about doing simulation exercises with the pilots before they begin dredging.

The pilots will meet with VTS on Wednesday, October 19, 2011.

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

The pilots are meeting with VTS every couple of weeks regarding the dredging projects north of Shooters Island.

There will be a Harbor Ops meeting next month.

There will be a Marine Terminal Roundtable meeting next month.

Northeastern Dredging does not have a diamond cutter head. The blasting is being done so quickly they feel the cutter is not necessary. The dredgers have been flexible and are open to changing their plans to alternatives that will work for all involved.

Things are fairly quiet around the port. Sandy Hook has sent a couple of representatives to Port Industry Day.

There is talk in the maritime community about the Bayonne Bridge. Hopefully the project is moving forward.

The Coast Guard has proposed new licensing regulations. The Sandy Hook Pilots Association submitted comments opposing the changes in how medical examinations are to be submitted. The changes would require the Coast Guard to submit annual certificates to pilots. The regulations will be ready for distribution near the end of the year. Captain McGovern will supply Mr. Licata with a copy once they are received.

The MOA with New York to exchange apprentices became effective on October 12, 2011. Captain McGovern introduced the new Apprentices Leonard Evans and Kevin Walsh to the Commission. They were presented with Certificates of Appointment by Commissioner Dacey.

Committee Reports

A. Investigation Committee:

- I. **President Jackson** - August 31, 2011 - Allision with Bayonne Bridge. 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 Stapleton to accept the recommendations in the report. All voted in favor.
- II. **Maersk Wyoming** - September 6, 2011 - Power Loss. This incident has been carried.
- III. **River Elegance** - September 18, 2011 - Power Loss. Based on the attached investigation report Commissioner Daly 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 Stapleton to

accept the recommendations in the report. All voted in favor.

Resolution #11-17 to Appoint Maritime Pilot Apprentice Ryan Pakalik

The Commission received a letter from the Sandy Hook Pilots Association requesting to call Ryan Pakalik from the Apprentice Selection List.

Captain McGovern introduced Mr. Pakalik to the Commission.

Mr. Pakalik gave the Commission a brief description of his background.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to approve Resolution #11-17 to appoint Ryan Pakalik into the Sandy Hook Association's apprentice training program. All voted in favor.

Mr. Pakalik was presented with a Certificate of Appointment by Commissioner Dacey.

Resolution #11-18 to Approve the Issuance of a Docking Pilot License to Scott Esposito

Captain Scott Esposito took his state licensing exam on October 5, 2011 and passed. Commissioner Wiklinski proctored the exam and recommends that the Commission issue him a Docking Pilot's License.

On a motion by Commissioner Wowkanech and seconded by Commissioner Stapleton the Commission passed Resolution #11-18 to approve the issuance of a Docking Pilot License to Captain Scott Esposito.

Captain Esposito thanked the Commission and expressed his pleasure at becoming a pilot.

Captain Esposito was sworn in by Commissioner Dacey.

Resolution #11-19 to approve the meeting dates for Calendar year 2012

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to adopt Resolution #11-19 to set the meeting dates for the calendar year 2012. Per the attached list, the Commission will continue to meet on the third Tuesday of each month.

The motion was put to a vote and all voted in favor.

Resolution #11-20 to approve the Adoption and Amendment to the
Commission's Regulations

The proposed amendment was published in the New Jersey Register on July 5, 2011 with a 60 day comment period. Two comments were received which were addressed in the attached response to comment document. The comments prompted the Commission to include the following wording "or as an observer" to allow the pilots flexibility in how they handle their work load.

After the comment period was over the Commission received another letter from Captain Lou Bettinelli, President of Interport pilots stating their continued objection to the amendment implying that it will have a negative economic impact on their organization due to the recent downturn in business.

Mr. Licata also received a phone call from Captain Jonas expressing the same opinion and requesting that the Commission table the adoption of the Proposal for further review.

After open discussion, it was determined that the regulations were proposed to ensure safe navigation. The Commission discussed the need to adhere to the underlying premise of proposing the amendment which is to maintain recency and local knowledge.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to approve Resolution #11-20 to adopt the proposed amendments with the minor change discussed above. All voted in favor.

Discussion of FY2011 Audit

The Commission authorized staff to solicit Requests for Proposals from the Auditors on the Department of Treasury's approved Cooperative Purchasing Participants.

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

All voted in favor.

The Commission took a break at 10:41am.

Return to Public Session

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

The Commission returned to Public Session at 12:35pm.

Upgrade of Deputy Pilot D. Graves to a pilot of the Fourth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Wiklinski to promote David Graves to a Pilot of the Fourth Grade to become effective November 6, 2011.

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 12:36pm.