

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
January 15, 2008**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 15, 2008 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05am.

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.

Election of Officers for the Calendar Year 2008

Commissioner Daly made the following nominations: Timothy Dacey, President; Richard Amster, Vice President; Stanley Wiklinski, Treasurer. These nominations were seconded by Commissioner Wiklinski.

Commissioner Wiklinski made the following nomination: Thomas Daly, Secretary. The nomination was seconded by Commissioner Dacey.

The nominations were put to a vote and passed unanimously.

Committee Appointments

Commissioner Dacey made the attached Committee Appointments.

Minutes of Prior Meetings

On a motion by Commissioner Wowkanech and seconded by Commissioner Azzolina that the minutes of the December 18, 2007 regular meeting was approved. All voted in favor.

Treasurers Report

On a motion by Commissioner Wowkanech and seconded by Commissioner Azzolina that the Treasurer's report dated January 2008 was approved.

All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the monthly apprentice training report from Sandy Hook. Mr. Licata pointed out that Apprentice Joseph Paulis is scheduled to take his state exam on March 10-14, 2008.

The Proposed Safety Regulations were printed in the New Jersey Register on January 7, 2008. They are also posted on the Commission's website. The Comment period ends March 7, 2008. One comment from Interport Pilots Assoc. has been received.

The Recurrent Training Regulations are expected to be printed in the February 4, 2008 edition of the New Jersey Register.

Apprentice Ted Melancon has resigned from Interport Pilots to take a position with the Louisiana State Pilots.

Captain Kenneth Sorensen has taken sick retirement.

Captains Scott Ireland and Alan Braendly are currently out on sick leave. Captains Christopher Weiss and Kevin Gadow have taken a leave of absence.

Captain John Schnepf withdraw his request for an appeal and will pay the fine imposed on him at the Commissions September 20, 2007 regular meeting.

The Commission has received five requests for applications for the Docking Pilot Apprentice Training Program. The application deadline is February 15, 2008. No complete applications have been received.

The Commissioners were given a copy of an MOU between the New York Commission and the Coast Guard. Mr. Licata is working with Bob Pouch to establish a joint MOU between the two Commissions and the Coast Guard. Mr. Licata will also approach the NTSB to set up a similar MOU.

The ongoing roundtable meetings between the pilots and the terminal operators are beginning to show significant

improvements. The next oil terminal roundtable meeting is scheduled for January 16, 2008. Mr. Licata plans to attend the meeting.

Mr. Licata informed the Commission that Michael Riley, Manager, Maritime Resources has resigned from DOT and will no longer serve as the Commissions Representative from the Governor's office. Mr. Licata extended his appreciation to Mr. Riley on behalf of the Commission and wished him the best.

Report from Captain Richard Schoenlank - President, The New Jersey Sandy Hook Pilots Association:

In the past year, vessels owned by Bizette have been entering the ports with dead slow speeds that are too fast. An example is one vessel with a dead slow ahead of 12.5 knots. This presents a safety issue especially for the tugboat crews. The problem has been brought to the attention of the owners and the COTP. Commissioner Daly suggested that in the event changes are not made, the pilots should consider refusing to offer pilotage to the vessel. He asked that the Commission be kept apprised of attempts to remedy the problem.

The Queen Elizabeth II, Queen Mary II and Queen Victoria were in the New York/New Jersey area on January 13, 2008 for their only meeting. Everything worked out well. The Queen Elizabeth II will be back in about three months on its farewell voyage.

Sandy Hook met with the Coast Guard regarding the situation with the Ambrose Light Tower. There is currently a temporary buoy marking the station. Sandy Hook is also concerned about the location of the pilot station in a couple of years due to dredging.

There has been no request to replace the Ambrose Light Tower, which will free up funds in the Aids to Navigation budget to help in other areas. The pilots gave the Coast Guard a "wish list" of initiatives they would like to see undertaken. The list was met with a good response.

The safety manikin that was provided to Sandy Hook by the Safety Committee is being used on a regular basis for drills.

The next Oil Terminal Roundtable meeting is scheduled for January 16, 2008 at 1pm.

Three TWIC enrollment sites have now been opened.

Report from Captain Robert Flannery President, Metro Pilots Association:

The New York Passenger Ship Terminal has been reconfigured to extend the berths by 50 feet. The new fendering system is inadequate for large ships to lean against as they enter the slip during times of strong currents. Captain Flannery will meet the terminal operators to discuss this issue.

Dredging in the Port Jersey Channel is going well. The dredgers are moved on demand. Larger ships are coming in this week and the pilots are suggesting that when visibility is reduced, the dredgers automatically move out of the way so the pilots won't have to call ahead.

The terminal meetings are going well. Although it was slow moving, things are beginning to happen.

VTs will handle the AKRR Bridge openings and closings for the next 1-2 years. Funding needs to be identified.

The **New Delhi Express** came into the port this morning. The pilot aboard the vessel reported that the 14 Buoy was off station again.

Captain Flannery felt that although Captain Mattsson received a fine for late filing of his report, he should have received a letter commending him for the job he did in docking the **CMA CGM Seine** when it lost power.

Committee Reports

B. Investigation Committee:

- I. **M/V Zim Xiamen** - 11/7/07 - Allision. This incident is still under investigation by Commissioner Daly and has been carried.
- II. **L.T. Genova** - 12/14/07 - Engine Failure. Based on the attached investigation report, Commissioner Dacey recommended that the pilot be issued a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Wowkanek to accept the recommendation. All voted in favor.
- III. **Maersk Montreal** - 12/16/07 - Engine did not Respond. Based on the attached investigation report Commissioner Daly recommended that both pilots be issued letters of non-culpability and the Commission request the Executive Director consider the need for an amendment to the regulations in order to more

particularly define the term "power loss". A motion was made by Commissioner Dacey and seconded by Commissioner Amster to accept the recommendations. All voted in favor.

- IV. ***Ever Respect*** - Engine Failure. Based on the attached investigation report, Commissioner Dacey recommended that the pilot be issued a letter of non-culpability. A motion was made by Commissioner Amster and seconded by Commissioner Wowkanech to accept the recommendations. 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 matters.

WHEREAS, the Commission desires to retire to 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 Daly and seconded by Commissioner Wiklinski that the Commission go into Executive Session.

All voted in favor.

The Commission took a ten-minute break at 10:55am.

Return to Public Session

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

The Commission returned to Public Session at 12:00pm.

Comment from Captain Daniel Blair - Interport Pilots, LLC

Captain Blair expressed the concern of Interport Pilots regarding the pricing of intra harbor pilotage. Interport feels that they are being undercut by the Sandy Hook Pilots Association. They are also losing pilots and apprentices because they are not able to compete. He feels that if this practice continues, Interport will be forced out of business. He requested that the Commission step in to mediate an agreement between Interport and the Sandy Hook Pilots Association.

Captain Richard Schoenlank, President, The New Jersey Sandy Hook Pilots Association responded by indicating that the Sandy Hook Pilots did not think the system was unfair.

The Commission informed Captain Blair that although they understood his concerns, pursuant to N.J.S.A. 12:8-8 and N.J.S.A. 12:18-24.1 the Commission has no authority to "...establish, effect, regulate or control any rotation system or method of assignment of docking pilots..." or to set rates established by docking pilots.

Adjournment

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

The meeting was adjourned at 12:16pm.