

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
May 19, 2009**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 9, 2009 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey 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; Commissioner Charles Wowkanech, absent; Commissioner Richard L. Amster, present; Commissioner Joseph Azzolina, present.

Minutes of Prior Meetings

A motion was made by Commissioner Amster and seconded by Commissioner Wiklinski that the minutes of the April 21, 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 May 2009 be approved.

All voted in favor.

Executive Directors Report

Mr. Licata informed the Commissioners that he has been contacted by the Governor's office with a request to revise the proposed FY10 budget to reflect flat spending from year to year. The proposed FY10 budget has been revised and shows a \$300 reduction in expenses.

Mr. Licata informed the Commission that Commissioners Amster, Daly, Wiklinski and Wowkanech have been nominated by the Governor's office for reappointment.

The Commissioners were given copies of the return to work authorization for Captain Kevin Gadow. Captain Gadow is returning to work after a leave of absence.

The Commissioners were given copies of the notice of required break-in trips issued to Captains George Smith and William McGovern. Both pilots are returning to the rotation board after being out on sick leave.

The Commissioners were given copies of the return to work authorization for Captain Robert Flannery. Captain Flannery has completed the required break-in trips and has submitted the necessary documentation required in Resolution & Order #09-04.

The Commissioners were given copies of correspondence from the New York Board with a draft MPX statement to be used by all pilots. Mr. Licata has asked each Commissioner to review the statement and get back to him with their comments.

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

Mr. Licata informed members of the public that the Commission's offices will be closed on Friday, May 22, 2009 and Friday, June 26, 2009 in compliance with the furlough program mandated by the Governor's office. There may also be mandatory furloughs in FY10. If this happens a schedule of closings will be published on the Commission's Website.

Public Comment

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

Captain McGovern informed the Commission that Fleet Week will begin on Wednesday, May 20, 2009. He presented each of the Commissioners with the print out of a PowerPoint presentation outlining the weekly activities. Sandy Hook pilots will be on eight of the 14 vessels participating in the parade.

Henry Hudson Day will begin on June 5 and run for eight days.

The Fourth of July firework display has been moved from Manhattan to the Hudson River in New Jersey. The river will be closed from 19:00 to approximately 22:00.

In addition to the auxiliary, the Coast Guard has assigned cutters to enforce operation Clear Channel. Members of the Coast Guard took members of the Asbury Park Press on the pilot boat to tour the channel in the hopes of getting the word out. The cutters will patrol the area about fifteen times a month from July to August.

The injury Captain Monaghan sustained while boarding a vessel was brought up at the Oil Terminal Roundtable meeting. The Coast Guard is looking into the issue.

A new Laptop Committee has been assembled to begin shopping for the new age of laptops. The committee consists of three persons with technical experience and three without. It is expected that the laptops will be leased for three years.

The delegation that went to DC on May 1, 2009 to meet with legislators regarding the Bayonne Bridge issue reports that it went very well. Rep. Albio Series will sponsor the bill for a feasibility study on the bridge.

The Army Corp will receive stimulus funds for dredging in Port Newark and Port Elizabeth.

An Alternative Energy Subcommittee of the Harbor Operations Committee has been appointed to deal with the plethora of new ideas and proposed energy projects.

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

KMI Carteret has finally provided a footprint with soundings. Captain Flannery informed the Commission that most of the terminals are complying with the request to provide soundings to the pilots but the issue is finding someone willing to keep the information and archive it. The Maritime Association offered but was advised by their attorneys that from a legal standpoint they could not manage the list. The Coast Guard lawyers also advised against it. The Commission will look into the legality of being the central repository for the information and publishing it on their Website.

The dredging on the Con Hook Range will begin June 1, 2009 and will last for 9 months. Buoys 1, 3 & 5 will be moved around during Phase 1 and Phase 2 of the dredging. During Phase 1 three-quarters of the channel will be closed but will not

require one-way traffic. During Phase 2 the channel will only be open to one way traffic.

On June 8, 2009 work will begin on the Lower Hackensack Bridge and will last for eight days.

Captain Flannery participated in simulator exercises in Vicksburg regarding the Bayonne Bridge.

Global Terminal in Port Jersey is working on a speed bump.

Comment from Edward Kelly, President, The Maritime Association of the Ports of New York/New Jersey:

Mr. Kelly informed the Commission that today was Maritime Day. The day began with a Memorial Service in lower Manhattan followed by a luncheon at the Seamen's Church Institute.

Resolution to Approve the Issuance of a Deputy Pilot License to
Maritime Pilot Apprentice - Harold Cavagnaro

Apprentice Harold Cavagnaro has satisfactorily completed the requisite apprenticeship program at the Sandy Hook Pilots Association. He took his New Jersey State pilots examination on April 27-29, 2009 and passed with high marks. Commissioner Wiklinski proctored the exam.

On a motion by Commissioner Wiklinski and seconded by Commissioner Daly, Resolution #09-06 was passed to approve the issuance of a New Jersey State Maritime Deputy Pilot license to Harold Cavagnaro. All voted in favor.

Captain Cavagnaro was issued the oath and sworn in as a New Jersey State Licensed Deputy Maritime Pilot by Commissioner Wiklinski.

Resolution to Approve the Proposal to Readopt Current
Regulations with Amendments

Executive Order #66 requires all state agencies to review and update their regulations every five years upon expiration. The attached rule proposal will satisfy this requirement. Mr. Licata highlighted a few of the amendments.

On a motion by Commissioner Azzolina and seconded by Commissioner Wiklinski Resolution #09-08 was passed authorizing the Executive Director to proceed with the filing of the attached rule proposal and make any non-substantive changes required by OAL or the Governor's office. All voted in favor.

Resolution to Approve FY10 Budget

The Commissioners were asked to vote on the revised proposed budget in their folders.

On a motion by Commissioner Azzolina and seconded by Commissioner Amster Resolution #09-07 was passed approving the proposed budget for FY09. All voted in favor.

Committee Reports

A. Docking Pilot Apprentice Selection Committee:

Mr. Licata reported to the Commission that a total of four applications were received. The Committee will meet and interview the applicants within the next couple of weeks.

B. Investigation Committee:

- I. **President Truman** - 12/20/08 - (CAL) - Power Loss. Based on the attached investigation report, Mr. Licata recommended that the incident be closed and the pilot issued a letter of non-culpability. A motion was made by Commissioner Daly and seconded by Commissioner Amster to accept the recommendations in the report. All voted in favor.
- II. **President Adams** - 4/15/09 - (TJD) - Alleged Surge. This incident is still under investigation and has been carried.
- III. **CMA CGM Eiffel** - 5-4/09 - (TFD) - No Engine. 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 Azzolina and seconded by Commissioner Wiklinski to accept the recommendations in the report. All voted in favor.
- IV. **M/V Liamare** - 5/4/09 - (TFD) - Hard Landing. This incident is still under investigation and has been carried.

Old Business

Report from Captain McGovern regarding pilot census:

Captain McGovern reported to the Commission that there are currently 43 New Jersey pilots and 39 New York pilots. Four of the New Jersey pilots are working on the Hudson River and two of the New York pilots are expected to retire in June. The first Hudson River pilot is expected to return to New York in June. The next two pilots to return from the Hudson River are from New

Jersey and will return when the Hudson River apprentices have completed their training.

Commissioner Daly asked the Commission and the Sandy Hook Pilots to consider the idea of not permanently assigning apprentices to either New Jersey or New York until the last year of their apprenticeship. Captain McGovern stated that this would be a good idea and would allow the association some flexibility. The subject will be looked at further.

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

All voted in favor.

The Commission took a break at 10:55am.

Return to Public Session

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

The Commission returned to Public Session at 12:10pm.

Upgrade of Maritime Pilot - B.L. Foley from Fourth Grade to Third Grade

A motion was made by Commissioner Daly and seconded by Commissioner Wiklinski that Captain B.L.Foley be promoted from a Pilot of the Fourth Grade to a Pilot of the Third Grade effective June 7, 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 12:12pm.