

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
April 17, 2012**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 17, 2012 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 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 March 20, 2012 regular meeting be approved with the following amendments: In the Public Comments section under comments by Ed Kelly, President of the Maritime Association of New York/New Jersey in the fourth paragraph it should state "The Navigation Response Team" not "National Response Team". Also, in the New Business section Commissioner Wiklinski requested that the second paragraph of his statement be deleted and replaced with the following..."The Governor's defunding of the Commission in 2010 has not allowed the Commission to effectively carry out its responsibilities, weakened the security of the port and has a deleterious affect on state pilotage".

All voted in favor.

Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton that the Treasurer's report dated April 2012 be approved.

All voted in favor.

Staff Report

Mr. Sarubbi has been focusing on becoming familiar with the Commissions process, meeting with the Commissions maritime partners and completing the investigation of occurrence reports. He has met with the following persons and organizations: Admiral Fagan from Coast Guard Sector New York where he was given a tour of VTS; LCDR William Grossman, Chief of the Coast Guards Marine Investigations Unit; Mr. Frank Keane, Executive Director of the New York Board; Captains McGovern, Schoenlank, Oldmixon and Mahlmann from The Executive Committee of the Sandy Hook Pilots Association; Jeff McAllister, Senior Pilot of Harbor Pilots of NY/NJ; Captain Robert Flannery, President, Metro Pilots Association.

Mr. Sarubbi and Ms. Stuckey have also taken an educational cruise with Commander Jack Olthius aboard the Pilot Boat New Jersey and witnessed the undocking of a Zim line container from one of the McAllister Tugs.

In the future he will meet with the Interport Pilots Agency and plans to attend the Area Maritime Security Committee meetings, the Harbor Ops meetings and future pilot/terminal roundtable meetings.

Mr. Sarubbi updated the Commission on the status of the Commissions new office space. The blueprints have been submitted to DRC to obtain the necessary permits. Once the permits are obtained the construction can be done over one weekend. The new space is expected to be ready by late May, early June. Mr. Sarubbi feels that the move is critical due to the amount of sensitive information that is worked on by staff and the need for an exam room for pilots.

The Commissioners were given a copy of an April 9, 2012 memo from the Authorities Unit requesting information regarding certain policies, employee compensation and benefits of the Commission. Mr. Sarubbi and Ms. Stuckey will work together to prepare a response for the Commissions approval.

The Commissioners were given a copy of the Sandy Hook Monthly Apprentice Training Report. Mr. Sarubbi noted that Len Evans is scheduled to sit for his state licensing exam the week of April 30th.

At the Commissions March 20, 2012 meeting Mr. James Perduto gave a presentation on the PortVision Live Ships Real Time Position Information system. Since Mr. Sarubbi will be investigating the occurrences he will meet with Mr. Perduto to review the program and ascertain whether it is suitable for the

Commissions needs. He will be prepared to make a recommendation at the Commissions May 15, 2012 regular meeting.

Mr. Sarubbi has been working on the outstanding occurrences and has completed 8 of the 16 that are open. The Commissioners were given a copy of a case log created by him to better track case status. He has created two new documents that will replace the existing documents that are currently used by the Commission. The first is an Occurrence Review Report which serves as the primary investigative report summarizing the findings, conclusions and recommendations to the Commission. The investigative report would be signed by Mr. Sarubbi as the investigator. The second is the Commission's Opinion and Order. This document summarizes the Commission's findings and orders, serves as the primary record of the Commission's decisions and orders and serves as the document that communicates the Commission's actions to interested parties. The Commission's Opinion and Order form would be signed by the Commission President.

Public Comment

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

There has not been any progress in getting the Wind Gauge at the Bayonne Bridge Relocated. The National Oceanic and Atmospheric Administration (NOAA) informed Sandy Hook that they could purchase a wind gauge for the new site and gave them a quote of \$18,000 for the wind gauge; \$18,000 for the installation and \$18,000 for upkeep and maintenance. The pilots feel that the quote is too high. New York Container Terminal purchased a wind gauge and put it on one of their cranes. The Gauge cost them \$1,000. The pilots have also looked into the pricing of wind gauges and the most expensive one they found is \$1,500. They have asked NOAA to justify the \$46,000 quote they provided.

The dredging in the Sandy Hook Channel is complete and the buoys will be moved shortly.

The PSA Video for Operation Clear Channel is available to review at safeharbor.us.

Stevens Institute is looking into putting a wind gauge at Bergen Point. The Coast Guard does not want to use any equipment that is not Government approved. Stevens is working with NOAA to get their equipment approved.

The recurrent training program for the Sandy Hook Pilots will include a 5 day course at Maritime Institute of Technology and Graduate Studies (MITAGS) over the next three years. The course will include the following topics: Bridge Resource Management Refresher Course; Electronic Chart and Display Information Systems (ECDIS)/Electronic Navigation (ENAV) course for Pilots; Security Awareness; and Pilots/Coach Instructor Training. Commander Olthuis will put together a formal syllabus for the Commissions approval.

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

The Docking pilots have begun their rotation at MITAGS to participate in the simulation exercises for the next phase of dredging at Shooters Island. The channel will be very narrow with only 15ft to spare and some of the buoys may have to be sacrificed. A second set of pilots are scheduled to go the end of the week and all docking pilots will have undergone the simulation exercises by the end of May. The pilots may have to approach the Port Authority to solicit more funding.

The Docking pilots will include an ECDIS course in their next phase of recurrent training. The training will be done at a hotel in Staten Island and all three associations will attend. They will submit a course syllabus for the Commission to approve.

The agents from the Oil Terminals did not show up for the most recent roundtable meeting. Captain Flannery reached out to the agents to request soundings to be published on the Commission's website.

Captain Flannery met with the people at KMI to discuss the recent safety procedures they have put into place. Nothing has been settled and discussions will continue.

The Pilots would like for the Commission to publish the current drafts under the bridges on their Website. They feel as if this information would be extremely helpful to the pilots.

The Annual Harbor and Docking Pilots meeting will be held on April 19th & 20th in Philadelphia. Captain Flannery and Captain Schnepf will attend.

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

There is still no funding source for the Ports system. Mr. Kelly is continuing to meet with people in Washington, DC and has started a letter writing campaign. He will forward a copy of the letters to the Commission.

Committee Reports

A. Apprentice Selection Committee: Captain McGovern has reported that 50 applications have been received. They are currently being reviewed to make sure they are complete. The first Committee meeting will be held on April 25, 2012. Commissioner Wiklinski will attend the meeting.

B. Investigation Committee:

- I. **High Wind** - October 28, 2011 - Allision. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilots. A motion was made by Commissioner Wiklinski and seconded by Commissioner Dacey to accept the recommendation. All voted in favor.
- II. **M/V Imari** - October 28, 2011 - Allision. This incident has been carried.
- III. **Stolt Innovation** - November 4, 2011 - Allision. This incident has been carried.
- IV. **Maersk Wiconsin** - December 5, 2011 - Allision. This incident has been carried.
- V. **Caroline Maersk** - December 12, 2011 - Power Loss/Allision. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilots. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendation. All voted in favor.
- VI. **Feyza** - December 28, 2011 - Allision. This incident has been carried.
- VII. **Stolt Confidence** - January 10, 2012 - Allision. This incident has been carried.
- VIII. **Spica** - January 11, 2012 - Power loss. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilot. A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to accept the recommendation. All voted in favor.
- IX. **Horizon Trader** - January 13, 2012 - Dragged buoy off station. This incident has been carried.
- X. **Stolt Topaz** - January 14, 2012 - Power loss. Mr. Sarubbi recommended that the Commission find no

fault on the part of the pilots. A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the recommendation. All voted in favor.

- XI. ***Star Canopus*** - January 16, 2012 - Alleged contact with barge. Mr. Sarubbi recommended that the Commission close the case to file. A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to accept the recommendation. All voted in favor.
- XII. ***Cap Moreton*** - February 27, 2012 - Power loss. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilots. A motion was made by Commissioner Wiklinski and seconded by Commissioner Wowkanech to accept the recommendation. All voted in favor.
- XIII. ***Hanjin Ottawa*** - March 1, 2012 - Power loss. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilots. A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to accept the recommendation. All voted in favor.
- XIV. ***M/V Santa Paola*** - March 27, 2012 - Power Loss. Mr. Sarubbi recommended that the Commission find no fault on the part of the pilots. A motion was made by Commissioner Stapleton and seconded by Commissioner Wiklinski to accept the recommendations. All voted in favor.
- XV. ***CSCL Dalian*** - March 31, 2012 - Power Loss. This incident has been carried.
- XVI. ***Skagen Maersk*** - April 2, 2012 - Allision. This incident has been carried.

Resolution #12-07 to Approve the FY11 Audit

The Audit Committee met and reviewed the draft audit with the Auditors via teleconference on March 20, 2012. The final audit has been submitted via email to all Commissioners and a hard copy has been provided in their meeting packets. The Audit Committee has recommended that the Commission pass Resolution #12-07 to Approve the FY11 Audit. A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to accept the recommendation. All voted in favor.

Resolution #12-08 to Approve the Adoption of Regulations

The regulations were proposed at the Commissions December 20, 2011 regular meeting and published in the February 6, 2012 edition of the New Jersey Register. The regulations would amend the grades of licenses and grade advancements for deputy maritime pilots and allow for a new grade. The comment period expired April 6, 2012 and no comments were received. The regulations will be adopted as published.

A motion was made by Commissioner Stapleton and seconded by Commissioner Wowkanech to pass Resolution #12-08 to Approve the Adoption of Regulations. All voted in favor.

Resolution #12-03 to set the salary for the Administrator

The Commissioners were given a revised resolution based on feedback from the Governor's office. The revised resolution amended the salary increase to 10% with a retro date of February 22, 2012.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to pass Resolution #12-03 setting the salary for the Administrator. All voted in favor.

Presentation on Dredging from John Tavalaro, Deputy Chief of Operations, Army Corp of Engineers

Mr. Tavalaro gave a PowerPoint presentation on the current dredging and maintenance projects in the ports of New Jersey/New York. After which there was a question and answer session.

New Business

Commissioner Wiklinski welcomed the Commission's New Executive Director, Jonathan Sarubbi, and gave a brief description of his background. He feels that Mr. Sarubbi is a great fit for the Commission and looks forward to working with him for years to come.

Old Business

Staff reported on the following items:

Ship Information Recording System - Mr. Sarubbi and Ms. Stuckey met with some of the pilots regarding a ship information system. They feel as if it would be helpful to the pilots to have the

system in place but would not feel comfortable inputting the information themselves as it may jeopardize their relationships with the vessel owners. The Commissions staff will continue to research this issue.

Purchase of Live Ships Real Time Position Information - As previously stated Mr. Sarubbi will meet with Mr. James Perduto to review the program to see if it would be beneficial to the investigation of occurrences prior to making a recommendation to the Commission.

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

All voted in favor.

The Commission took a break at 11:20am.

Return to Public Session

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

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

Upgrade of Pilot Michael C. Chambers from a Pilot of the Sixth Grade part A to a Pilot of the Sixth Grade Part B

A motion was made by Commissioner Wiklinski and seconded by Commissioner Stapleton to promote Captain Michael Chambers to a Pilot of the Sixth Grade Part B to become effective May 1, 2012.

All voted in favor

Adjournment

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

The meeting was adjourned at 12:37pm.