

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
June 19, 2007**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 19, 2007 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

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.

Minutes of Prior Meetings

On a motion by Commissioner Azzolina and seconded by Commissioner Wowkanech that the minutes of the May 15, 2007 regular meeting be approved. All voted in favor.

Treasurers Report

On a motion by Commissioner Wowkanech and seconded by Commissioner Wiklinski that the Treasurer's report dated June 2007 be approved. All voted in favor.

Executive Directors Report

The Commissioners were given a copy of the Sandy Hook Pilots Apprentice Training Report dated June 15, 2007.

The Commissioners were given copies of correspondence with the NTSB regarding the **New Dehli Express** matter.

Mr. Licata attended the May 16, 2007 Harbor Ops meeting. The Commissioners were given a copy of the agenda.

The Commissioners were given a copy of an email with the latest update on the TWIC program.

The Commissioners were given a copy of an article regarding funding of the Coast Guards "Deepwater" project.

Ms. Stuckey attended the Shipping 101 course offered by the Maritime Association of the Port of New York/New Jersey in conjunction with the Artemus Group. Ms. Stuckey found the course to be worthwhile and passed with high marks. Mr. Licata has heard good things about the course and plans to attend in the future.

Mr. Licata received an invitation from Senator Jarret T. Barrios to testify at the hearing of the Joint Committee on Public Safety and Homeland Security regarding ports and port safety issues on June 20, 2007. After consultation with President Dacey, Mr. Licata accepted the invitation.

Captains Kenneth Sorensen, Richard Seeth, Alan Braendly, George Kissenberth, Paul Harris, and Kevin Gadow are currently out on sick leave. Captain Christopher Weiss has taken a leave of absence. Mr. Licata will contact Captain Weiss regarding his return to work.

Resolution to approve the list of qualified Docking Pilot Apprentices

The Docking Pilot Apprentice Selection Committee interviewed a total of eight candidates for the Docking Pilot Apprentice Program. Three of the candidates interviewed did not meet statutory requirements and therefore are not eligible to be included on the list of qualified Docking Pilot Apprentices. The Committee recommended that Mr. Licata send a letter to these applicants informing them of their deficiencies and encouraging them to reapply at a later date. The Committee recommended that the other five qualified applicants be placed on the list.

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster Resolution #07-04 was passed approving the list of qualified Docking Pilot Apprentices. All voted in favor.

Resolution to approve Docking Pilot Apprentice Training Programs

Proposed apprentice training programs were received from Interport Pilots Agency, Inc., McAllister Towing Company of New York, and Metro Pilots. Review of these programs indicated that they are in compliance with the requirements of N.J.A.C. 16:64-9.4. Mr. Licata recommended that the Commission approve each of the programs with the provision that the individual must serve as an apprentice a minimum of two years as required by N.J.A.C. 16:64-9.4(a).

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster that Resolution #07-06 be passed approving the docking pilot apprenticeship programs submitted by the above referenced entities subject to the requirement that the apprenticeship be served over a minimum of two years. All voted in favor.

Mr. Licata will develop a form to be used for the training program detailing how each applicant has complied with each aspect of the training program.

Resolution to approve the appointment of current apprentices

Applications were received from Captain Richard Jermak and Ted Melancon to be considered "current apprentices" as provided for in N.J.A.C. 16:64-9.8. Review of the applications indicate that both candidates meet the criteria set forth therein.

The Interport Pilots Agency, Inc. has expressed a need to call two new apprentices into duty and has submitted proposed training programs for both individuals which will result in the apprentices meeting all the ship handling statutory and regulatory requirements to be eligible for licensure as Docking Pilots.

On a motion by Commissioner Wowkanech and seconded by Commissioner Amster Resolution #07-05 was passed appointing Captains Richard Jermak and Ted Melancon as "current apprentices" and approving their apprenticeship programs. All voted in favor. Both pilots will appear at the July 17, 2007 meeting to be sworn in.

Public Comment

Report from Captain Robert Flannery - President, Metro Pilots Association:

Captain Flannery reported that while leaving a vessel Captain Richard Wieners fell between the dock and the ship at Maher Terminal because the gangway was not fully deployed as he was disembarking. Captain Wieners was not hurt and climbed out of the water on his own will. Captain Flannery met with the Dock Manager regarding the issue. He has assured Captain Flannery that the situation will be rectified.

Captain Flannery believes that MOB retrievals by Moran are practiced on a monthly basis, although he has never witnessed one.

Captain Flannery participated in the Hands on Deck program sponsored by New Jersey Department of Transportation.

Mr. Licata thanked Captain Flannery for his work on the Docking Pilot Apprentice Selection Committee.

Captain Flannery will travel to Boston to testify on behalf of the Joint Committee on Public Safety and Homeland Security on June 20, 2007.

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

Fleet Week ran smoothly with no problems although there were fewer ships than in previous years.

Captain Schoenlank and Captain Simon Zorovich attended a roundtable meeting with the container terminals to discuss the issue of the gangways not being fully deployed when a ship is docked at the pier. The pilots find this inexcusable. There will be a follow-up meeting with the port facility managers on Thursday, June 21st. The terminals feel that it is the ships responsibility to make sure the gangways are deployed not the longshoremen's.

They also discussed the issue of large ships passing tied up ships causing a surge. There is really no way of getting around this issue, except to make the pilots aware and to make sure the lines on the ships are tight and secure.

Captain Schoenlank attended a dredging partnership meeting last week. That portion of dredging in the Upper Bay will be finished by September 2007.

There is a 100-year-old drinking water line that needs to be removed.

The dredging in the Ambrose channel will resume on the green side on July 15th. Eighty percent of the dredging should be completed by the end of the summer.

Three weeks ago a section of the Stapleton Anchorage was closed because a ship lost an anchor prior to Fleet Week. The Coast Guard feels that the lost anchor could be a hazard. The search for the anchor has been halted due to lack of funding. The Anchorage remains closed while they look for a funding source. The Coast Guard is attempting to change their regulations to allow them to bill the shipping company that lost the anchor. Commissioner Daly suggested that because the anchor has value commercial salvors might be interested in salvaging it.

Captain Schoenlank provided the Commission with a copy of the A.K. Railroad Bridge's latest advisory notice.

Captain Schoenlank provided the Commission with an article regarding the completion of the sale of New York Container Terminal.

Captain Schoenlank provided the Commission with an article re: a record year for NY-NJ ports.

Captain Schoenlank provided the Commission with an article regarding dredging in the Delaware River.

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

The Maritime Association will offer another Shipping 101 course in the fall. Several persons have already contacted the Maritime Association to preregister.

The Mayor of New York is looking at a plan to development waterfront property into residential property. This is a major concern for the shipping industry and those that support the shipping industry. The development would have an impact on the entire port community.

Committee Reports

A. Pension Surcharge and Capital Improvement Committee:

Capital Improvements: The Committee met on June 18th. Those present were Commissioner Amster, Mr. Licata, Commissioner Ragucci, Mr. Pouch, Captain Schoenlank, Captain Wheeler and via telephone a representative from the New York Governor's office. The first of the new pilot boats will be paid off in 2010 and the purchase of the new computers is in a stable position. The Committee agreed to make no changes at this time.

Pension Surcharge: Sandy Hook is approaching a "knuckle" in the actuarial process, which should be over by 2010. Although trade is up, the income per ship is diminishing due to a 500-unit cap placed on each vessel. The current pension is currently eating into a three-month reserve. The Committee recommended no increase at this time, but will meet in September to discuss a possible increase.

B. Investigation Committee:

- I. **New Delhi Express** - 4/15/06 - Bottom Strike. This incident remains under investigation by Commissioner Daly and has been carried. The NTSB has sequestered vital data, which has inhibited the Commission's investigation of this occurrence. Mr. Daly and Mr. Licata attended a public meeting on May 30, 2007 where the professional staff of the NTSB provided recommendations and findings. Their findings criticized the use of the radar by the pilots. The Commission has retained an expert to review the radar data and report back. The NTSB has also made a recommendation that the pilots undergo joint bridge management training and insinuated that the accident could have been avoided had the Commissions followed a previous recommendation that all pilots undergo Bridge Management Resource Training. Mr. Licata has sent a letter to the NTSB informing them that both pilots aboard the **New Dehli Express** had undergone Bridge Management Resource Training following a 1993 recommendation from NTSB that all pilots under the jurisdiction of the Commission at that time should undergo the training. Mr. Licata has also asked the NTSB for a retraction of its press release which erroneously suggested that this prior recommendation of the NTSB had not been followed. Commissioner Daly is considering a recommendation that an attempt be made to enter into a MOA between the Commission and the NTSB to avoid the delay in getting data in the future.
- II. **Kobe Express** - 3/17/07 - Engine Failure and Grounding. This incident is being investigated by Commissioner Dacey and has been carried.
- III. **Zim Mediterranean** - 5/17/07 - Ship broke away from pier due to high winds. This incident is being investigate by Commissioner Dacey and has been carried.
- IV. **T/V Ocean Dignity** - 5/19/07 - Power Loss. Based on the attached investigation report, Commissioner Daly recommended that the investigation be closed and the pilot found nonculpable.
- V. **Ludwigshafen Express** - 5/22/07 - Antenna allision with Bayonne Bridge. This incident was investigated by Commissioner Daly. Based upon interviews with the CGIO and the pilot it was determined that there was no allision.

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 litigation 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.

On a motion by Commissioner Wowkanech and seconded by Commissioner Daly the Commission went into Executive Session.

All voted in favor.

Return to Public Session

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

Adjournment

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