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**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
September 19, 2017**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 19, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:08 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

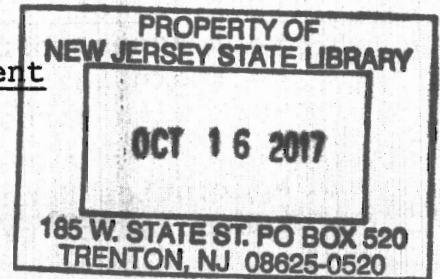
Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (present).

Approval of the August 15, 2017 regular meeting minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to approve the August 15, 2017 meeting minutes. All voted in favor.

Resolution #17-27 to approve the September 19, 2017 Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #17-27 to approve the September 2017 Treasurers Report. All voted in favor.



Executive Director's Report

- A. Hudson River Update - The Commission received a report of one transport job on the Hudson River since its last meeting.
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- B. Legislative Cruise - Due to Hurricane Jose, the Commission had to cancel their Legislative cruise for September 19, 2017. Ms. Stuckey sent out a notice to all RSVP's and they expressed their desire to attend once the cruise is rescheduled. The Commission will look to reschedule the cruise sometime in June of next year.
- C. Apprentice Eric Lavin State Exam - Apprentice Eric Lavin took his state exam on September 13th and 14th and passed. He will appear before the Commission at the October meeting to be sworn in and receive his license. Captain Lavin will work with Harbor Pilots.
- D. Apprentice Kenneth Barsch - Apprentice Kenneth Barsch is scheduled to take his state exam on September 25th and 26th.
- E. Docking Pilot Apprentice Selection list - There is only one name left on the list. Ms. Stuckey believes that Harbor Pilots will take him as an apprentice once he has obtained his first piece of pilotage. The Commission may need to replenish the list before the two year expiration date.
- Sandy Hook is taking in a new apprentice Peter Rooss, Jr. He will appear at the Commission's October meeting for his final review and Certificate of Appointment.
- F. Joint Training Seminar - The Commission held three training sessions, with 24 pilots and apprentices in attendance. Captain Steve Naples from Sandy Hook gave a great presentation on the many functions of the pilot's PPU. He also stressed how important it is for the Docking Pilots to be familiar with the functions and for both pilots to work together. Ms. Stuckey has an electronic copy of the power point presentation if anyone is interested in seeing it. Captain Sondergaard gave a great presentation on bridge resource management. He took the unconventional approach and talked about things like getting on a ship to find out that the elevator is broken and a pilot finds that he/she has to walk up ten flights of stairs, one needs to keep their composure and not take their frustrations out on the

bridge team. Another good example was getting on a ship and finding out that you are working with a pilot that you are not fond of. You still have to remain professional, etc. Ms. Stuckey ended the seminar by reminding the pilots and apprentices of their obligations to comply with the Commissions regulations, specifically when it comes to reporting requirements. Each pilot that attended was given a certificate of completion that will count towards their recurrent training requirements. Ms. Stuckey provided a copy of the certificate to the Commissioners. Captain Sondergaard and Captain Naples are both retiring, Ms. Stuckey would like to invite them to the October meeting to thank them for working with her on the training seminars and honor them for their years of service.

- G. Commission Advisory - With the recent arrival of the Super Ultra Large Container Vessels, the issue with surge damage has come to the forefront. Although these types of occurrences are not always avoidable; during a meeting with the Coast Guard and the pilots it was decided that the Commission would send out an advisory reminding the pilots of their responsibility to slow vessels down when approaching the berths and the Coast Guard would send an advisory to the agents and terminals reminding them of their obligations to try to mitigate the probability of surge occurrences. Ms. Stuckey provided both advisories to the Commission.
- H. Pension Surcharge Committee - There is a Pension Surcharge Committee meeting immediately following today's meeting. The Commission will host the meeting and Commissioner Shisha will attend on behalf of the Commission.
- I. Arrival of the Theodore Roosevelt - The Port welcomed the first 14,000 TEU vessel on September 7, 2017. Captain Oldmixon arranged to have the New Jersey on hand to escort the vessel into the harbor. Ms. Stuckey was aboard the New Jersey and during the transit, sent out several photographs to document its arrival. Captain Steve Naples, John Oldmixon and Robert Flannery were the pilots on board. Ms. Stuckey provided the Commission with a report submitted by Captain Steve Naples outlining his experiences in bringing the vessel in from sea. Ms. Stuckey feels it is a very detailed and informative report and she encourages the Commission to read it at their leisure.

J. Sandy Hook Monthly Apprentice Training Report - Ms. Stuckey provided the Commission with a copy of the Sandy Hook monthly apprentice training report. Apprentice Nicholas Pitch is at today's meeting to be sworn in as a Deputy Maritime Pilot. Ms. Stuckey reported that Apprentice Pitch is the first pilot to complete the test in three days. She is proud of Apprentice Pitch and knows he will make an exemplary pilot. Apprentice Sal Rivas is stopped up and scheduled to take his state exam the week of December 11th. Apprentice Paul Torres is currently the President of the pilot boat and is expected to stop-up in January 2018.

K. Roundtable Meeting w/New York Commission - Ms. Stuckey attended a roundtable meeting hosted by the New York Commission with representatives from different pilot associations. In addition to Ms. Stuckey, the New York Board, Captain John Oldmixon, John DeCruz, Timothy Ferrie, Captain Don Mark (the President of Master Mates & Pilots), Captain Rich Moore (Houston Pilot representative for the Gulf Coast) and Captain Kip Carlson (San Francisco Bar Pilot) representing the West Coast were present. Ms. Stuckey provided a copy of the agenda with items that were discussed. The discussions were very informative. Ms. Stuckey could not stay for the entire discussion; Captain Oldmixon updated the Commission on the remainder of the meeting.

Ms. Stuckey provided the Commission with a copy of the most recent Seafarer's Seas Digest compliments of the NTSB.

Ms. Stuckey provided the Commission with a copy of a report from 2014 written by Captain Simon Pelletier the then president of the IMPA regarding the complexity in the relationship between the pilot and the bridge team.

L. Port Industry Day - Ms. Stuckey provided the Commission with a copy of the program for Port Industry Day. Captain John DeCruz, President of the New York Sandy Hook Pilots Association will be on the panel and talk about the arrival of the SULCV's.

M. Harbor Ops - The first Harbor Ops meeting after the summer break is scheduled for September 20, 2017, Ms. Stuckey will be attending.

N. Vacation Schedules - After the Harbor Ops meeting on Wednesday, Ms. Stuckey plans to take Thursday, September 21

and Friday, September 22, 2017 off as vacation days. There are no vacation plans in the immediate future for Mr. Hawkins.

- O. Articles of Interest - Ms. Stuckey provided several articles of interest. She encouraged the Commissioners to read them at their leisure.

Public Comment (s)

Comments from Captain John Oldmixon, President, Sandy Hook Pilots Association:

Captain Oldmixon Thanked Captain Robert Flannery, Sandy Hook and all of the pilots who participated in the simulation exercises at MITAGS for the anticipation of the T. Roosevelt's arrival. He reported that everything went smooth during the transit. He stated that he felt that the ship handled a lot better in real life then it did on the simulator.

Captain Oldmixon reported that during the Round Table Meeting the focus was on items that were affecting pilots all over the United States. The main concern was the condition of the pilot ladder.

Captain Oldmixon expressed how sorry he was that the Legislative Cruise had to be cancelled due to the inclement weather. He let the Commission know that he would be happy to reschedule at the Commissions convenience.

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

Captain Flannery thanked Sandy Hook and Captain Steve Naples for the training seminars.

Captain Flannery reports that he felt the cargo ship Theodore Roosevelt handled a lot better in person then it did on the simulator.

He also reports that he felt that the e-pilot worked out very well.

Captain Flannery also reported that the closures on the Goethals Bridge will be delayed for another six weeks.

Committee Reports

A. Investigation Committee:

- I. Grande Senegal - This matter will be discussed in Executive Session.
- II. Kanome Victoria - This matter will be discussed in Executive Session.
- III. MB Bobcat - Ms. Stuckey will send out an email to all pilots and apprentices regarding any abnormalities at the terminals to be reported to the Commission. Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.

Resolution # 17-28 to approve the issuance of a License to Nicholas Pitch III as a Deputy Maritime Pilot

Captain Nicholas Pitch III was sworn in as a New Jersey State Deputy Maritime Pilot by Commissioner Wowkanech.

Ms. Stuckey informed the Commission that Captain Pitch became the first Pilot to complete his state exam with charts in three days.

Captain Pitch thanked the Commission and the Pilots Association for the opportunity to become a pilot.

Discussion with Chris Manglin

Chris Manglin reported that he has been very busy trying to get their new building in order. He inquired whether the new reporting format was sufficient for the Commission and if they would like to see anything changed.

Mr. Manglin also reported that he started new man over board training exercises for the apprentices.

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 legal and personnel matters, and

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 Shisha and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:40am.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:08pm.

Resolution #17-29 to approve the Upgrade of Maritime Pilot Captain James R. Britton to a pilot of the First Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #17-29 to approve the Upgrade of Maritime Pilot Captain James R. Britton to a pilot of the First Grade.

All voted in favor.

Captain Britton was sworn in as a Full Branch Pilot by Commissioner McEwing.

Resolution #17-30 to approve the Upgrade of Deputy Maritime Pilot Ryan P. Pakalik to a pilot of the Sixth Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #17-30 to approve the Upgrade of Deputy Maritime Pilot Ryan P. Pakalik to a pilot of the Sixth Grade.

All voted in favor.

Grande Senegal

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to accept the Grande Senegal investigation with the recommendations.

All voted in favor.

Kamome Victoria

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to accept the Komome Victoria Investigation. All voted in favor.

Opinion and Order

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to accept the Opinion and Order in the matter of the Komome Victoria.

All voted in favor.

Executive Session

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A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 12:25pm.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 12:30pm.

Hearing for Captain Randall Murphy

The Commission conducted a formal hearing in the matter of Captain Randall Murphy's DUI case.

Counsel James Mercante, gave the Commission a brief summary of the events leading to the charges against Captain Murphy.

Captain Bob Flannery, President of Metro Pilots Association and Captain John Oldmixon, President of Sandy Hook Pilots Association addressed the Commission as character witnesses on behalf of Captain Murphy.

Captain Murphy addressed the Commission with words of regret and disappointment for the incident.

Commissioner Dacey informed Captain Murphy on the Commission's expectations for all pilots.

The Commission gave Captain Murphy the opportunity to summarize his version of the incident in his own words.

After Captain Murphy summarized the incident, there was a brief question and answer session with Captain Murphy.

Captain Murphy updated the Commission on the details of his fines, alcohol treatment program and license suspension.

Executive Session

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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 Shisha and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 1:29pm.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 2:39pm.

Settlement Agreement in the matter of Captain Randall Murphy

The Commission and Captain Murphy mutually agreed on a settlement. The agreement states that;

- Captain Murphy's New Jersey State Docking Pilot License to be suspended for the duration of his Motor Vehicle suspension
- Upon restoration of his license, Captain Murphy shall perform 28 familiarization trips (1/2 being done at night)
- Captain Murphy shall undergo increased scheduled and unscheduled alcohol testing at his expense, for one year following the restoration of his Docking Pilot's License.
- Captain Murphy agrees to enter an extensive alcohol counseling program prior to November 1, 2017, said program to be submitted to the Commission's office for review and approval.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to accept the Settlement Agreement in the matter of Captain Randall Murphy.

All voted in favor.

Adjournment

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

The meeting was adjourned at 3:20pm.