

**Minutes of the Meeting of The
New Jersey Maritime Pilot & Docking Pilot Commission
October 20, 2015**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 20, 2015 at One Penn Plaza East, 9th Floor, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:00am.

Open Public Meetings Statement

Pledge of Allegiance

Roll Call

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

Approval of the September 15, 2015 Regular Meeting Minutes

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the minutes of the September 15, 2015 meeting minutes. All voted in favor.

Resolution #15-30 to approve the October 2015 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #15-30 to approve the October 2015 Treasurers report. All voted in favor.

Executive Director Report

Ms. Stuckey introduced Mr. Al Hawkins. Ms. Montilus is attending the Shipping 101 course offered by the Maritime Association this week and Mr. Hawkins is providing temporary employment services. Ms. Stuckey pointed out that he has worked for the Commission in the past and she is happy to have him return.

Ms. Stuckey welcomed Captain Thomas Ferrie who is attending the meeting on behalf of Captain Schoenlank who is in DC attending the annual APA Convention.

Ms. Stuckey thanked Commissioner Dacey for attending the Sandy Hook Industry Cruise. She reported that the cruise was well attended and Commissioner Dacey had the opportunity to meet with the Captain of the Port, members of the New York Commission as well as other key players in the maritime industry.

Ms. Stuckey provided the Commissioners with a copy of DOT Commissioner Jamie Fox's farewell address to DOT employees.

Since the Commission's last meeting there has been no report of New Jersey State licensed pilots performing transport services on the Hudson River.

The Commission has received 6 resumes for the consultant position to update the docking pilot test. Of the 6 she would like to have the Committee interview three. She is currently looking for a date when the Committee members are available. She is hoping to have a recommendation for the Commission at the November meeting.

Ms. Stuckey will speak to the Commission regarding compensation recommendations during the Executive Session.

Ms. Stuckey attending the September 16, 2015 Harbor Ops meeting.

This was the committee's first meeting after the summer break. Although the meeting was not very well attended the following items were discussed:

1. In preparation for hurricane Joaquin, the Coast Guard went over hurricane plans.
2. Maintenance dredging will begin in the Newark Bay Pierhead channel, the Buttermilk channel and Flushing Bay. The Army Corp is working on permits to begin maintenance dredging off the tip of the Sandy Hook Channel. The work in the Arthur Kill is continuing. The Commissioners were given copies of soundings from berth 30 and Phillips66 Bayway Marine Terminal. As a result of these soundings maintenance dredging began the week of October 5, 2015 and was completed in three days. Ms. Stuckey commended Captain Flannery for his work in getting the soundings and ensuring that the proper dredging was done.
3. The Commissioners were given a copy of the presentation on the proposed East Midtown Water Esplanade from New

York Economic Development Corp. They are still soliciting comments from the maritime community. There are concerns from the pilots, specifically about the proximity of the Esplanade to the edge of the channel. Ms. Stuckey will attend the next public hearing.

4. Ms. Lucy Ambrosino announced her pending retirement. Ms. Stuckey pointed out that she has been very instrumental in establishing the pilot/terminal roundtable meetings, organizing and facilitating the Harbor Ops meetings and numerous other projects. She also served as the Commission's point of contact at the Port Authority, Ms. Ambrosino will be honored at the Harbor Ops annual holiday luncheon and Ms. Stuckey would like to present her with a resolution in the form of a plaque on behalf of the Commission. She will draft a resolution and forward it to Commission for review.

Ms. Stuckey met with the COTP, Michael Day. The following items were discussed:

1. The Grey Shark - Captain Day immediately took action after receiving letters from the pilot associations and the Commission and the vessel was banned from entering the port. Since that time Canada has taken the same action.
2. Shoaling at Pierhead Channel - Captain Day agreed to pay close attention to this issued and contact the Army Corp to ensure that the proper maintenance dredging is completed.
3. Claremont Channel - They discussed the recommendations given to the Coast Guard after the **Sam Eagle** incident to replace the damaged buoys with lighted buoys. Captain Day agreed to follow-up on the request and to try to expedite the process.
4. Incident Investigations - They spoke about the importance of continuing the information sharing relationship. Ms. Stuckey pointed out the Commission's frustration on not receiving certain information since Commander Grossman has moved from the Investigation Division. Later in the week Ms. Stuckey was called to return to Staten Island to meet with the Investigative team and during that meeting papers were drawn up naming the Commission interested parties to any Coast Guard investigation that involves a New Jersey State licensed pilot.
5. Captain Day expressed his desire to work with the Commission and agreed to attend the Commissions November meeting to speak about ways we can work together to ensure the safety of the ports.

Ms. Stuckey met with Beverly Fdorko from the New York Shipping Association. She assured Ms. Stuckey that the simulator training on the ultra large container vessels will be funded; however there are still a couple of issues that need to be worked out.

Ms. Stuckey attended Port Industry Day at the Bayonne Cruise Terminal. The theme of the day was "Seeking Solutions to Complex Issues". The Vice President of Royal Caribbean gave a speech on the Arrival of mega cruise ships and the effect on port operations. The Council on Port Performance put together an informative panel on improving the issues with terminals, truckers, distribution centers and railways. Ms. Stuckey reached out to Beth Rooney from the Port Authority and invited her to attend a future Commission meeting to brief the Commissioners on the council's progress. The second panel discussion on "Reshaping the Port Environment" was not as informative. The speakers on the panel seemed more interested in pointing out issues, rather than offering solutions. For the most part, the day was very informative.

The pilots have been experiencing an issue with traffic in the KVK due to the duel projects, the Bayonne Bridge and the deepening of the 50 foot channel. A vessel transiting underneath the Bayonne Bridge can only do so at low water. Once the vessel clears the bridge it then has to slow its transit and wait for high water to gain enough under keel clearance to safely transit over the existing water siphon. This delay often causes other vessels to be held up in the Upper Bay which generates a chain of delays. The Commissioners were given copies of letters from Ms. Stuckey and the Sandy Hook Pilots Association sent to Colonel Caldwell, District Engineer, Army Corp and Ms. Campbell, Director of Port Commerce at the Port Authority advising them of the issue and the Commissions willingness to help in any way they can to expedite the deepening of the channel and the removal of the siphon. Ms. Stuckey will follow-up her letters with phone calls and attempt to meet with each party.

The Commissioners were given copies of articles on the delays with the new construction of the locks in the Panama Canal and the Raising of the Bayonne Bridge. The first article talks about the issue with the Panama Canal and how the source of the leaks that were causing the delay were identified. The article points out that the leaks will be repaired and the new locks are back on track to open in April 2016. The next two

articles talk about the delay in the raising of the Bayonne Bridge. The date has been pushed back to late 2017 as opposed to early 2016. Ms. Stuckey spoke to a representative from the Port Authority who informed her that the reasons for the possible delay were predicted snowfall for the winter of 2016, push back from local communities and structural issues with the bridges steel. Ms. Stuckey invited the Port Authority to send someone to a future Commission meeting to address the issue.

The Commissioners were given a copy of a Notice of Violation issued to China Shipping by the Coast Guard for providing incorrect information on the vessels pilot card. The Coast Guard is serious about this issue and are assessing more fines. The Commission will aid in the process by noting in our reports that the wrong information was provided and the importance of doing so. Ms. Stuckey pointed out that this is done routinely and the reports are sent to the vessel agents and owners.

The State Ethics Commission has contacted Ms. Stuckey regarding ethics training for the Commissioners. Ms. Stuckey informed them that it would be easier for them to send someone to the Commissions office to do a fast track version of the training at a future monthly meeting. They have agreed to do so. Ms. Stuckey will set the training up at a future meeting where the agenda is light and all Commissioners are in attendance.

The Commissioners were given a copy of a White Paper Report on the Panama Canal expansion and how it is re-drawing the logistics map.

Public Comment

Comment from Captain Robert Flannery, President Metro Pilots Association:

Captain Flannery informed the Commission that the maintenance dredging at berths 30, 32 & 34 and berth 46 will be completed in 1 - 1 ½ months. The maintenance dredging at the Claremont Channel is still in the decision stage but should be moving shortly.

He informed the Commission that all pilots will attend the simulator training for the ALCV's.

MSC has agreed to fund a trip for Captains Flannery and Schoenlank to travel to San Francisco to pilot one of the ALCV's first hand to bring their experience back to all New Jersey pilots.

Ms. Stuckey inquired whether Interport pilots would be attending the simulator training. Captain Flannery stated that there was no need to include them in the training as they do not pilot these types of vessels.

Comments from Captain Thomas Ferrie, Member of the Sandy Hook Pilots Executive Committee:

Captain Ferrie reiterated that the Sandy Hook Pilots sent a letter to the Port Authority and the Army Corps concerning the delays that are caused by the water siphon. He states that it is happening on a more regular basis. Although the removal of the siphons is scheduled to take place on March 21, 2015, attention and action to this issue needs to take place ASAP.

Captain Schoenlank is the Chair of the Emergency Response Committee. They conducted a conference call on October 2, 2015 in preparation for hurricane Joaquin. Although the hurricane by-passed the port, the threat was taken seriously.

During the most recent Harbor Ops Steering Committee meeting positive feedback was received from potential funding sources for the simulation training for the ULCV's.

The petition to lift the Right Whale Restrictions was denied.

Comments from Retired Commissioner Stanley E. Wiklinski:

Commissioner Wiklinski gave a tribute to the life of the late retired Commissioner Thomas F. Daly.

Commissioner Daly stated that during a trip to the Atlantic Highlands he noticed that a new bridge connecting the Highlands to Sandy Hook was named in honor of former Commissioner Joseph Azzolina. He stated his pleasure at seeing the bridge and would like to have been notified so that members of the Commission could have attended the dedication ceremony.

Resolution #15-31 to appoint Kenneth Barsch into the Metro
Pilots Apprentice Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve Resolution #15-31 to appoint Kenneth Barsch into the Metro Pilot Associations Apprentice Training program. All voted in favor.

Kenneth Barsch gave the Commission a brief summary of his background and thanked them for the opportunity.

He was presented with the certificate of appointment by Commissioners Dacey and Shisha.

Resolution # 15-32 to Approve the Meeting Dates for Calendar
Year 2016

Ms. Stuckey informed the Commissioners that the dates on the attached list were for the third Tuesday of each month. She recommended that the Commission approve the list as is to reserve the Board Room and any adjustments could be made to the schedule at a later date.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the meeting schedule for calendar year 2016. All voted in favor.

Committee Reports

A. Pension Surcharge Committee:

Commissioner Shisha reported that the Committee met on September 22, 2015 at the Commission's office. After reviewing the actuaries and accountants reports the Committee voted to leave the surcharge at its current rate and tentatively scheduled the next meeting for December 15, 2015.

B. Investigation Committee:

- I. Hanjin Newport - October 4, 2014. See below.
- II. Maersk Chicago - October 21, 2014. See below.
- III. Hyundai Glory - December 5, 2014. See below.
- IV. Saint Nikolaos - December 29, 2014. See below.
- V. Stolt Jade - January 8, 2015. See below.
- VI. Singapore Bridge - February 7, 2015. See below.
- VII. La Boheme - February 25, 2015. See below.
- VIII. MSC Jemima - March 7, 2015. See below.
- IX. Axel Maersk - March 28, 2015. See below.
- X. Paglia - June 15, 2015. See below.
- XI. Jinsei Maru - June 26, 2015. See below.
- XII. Celebrity Summit - July 7, 2015. See below.

- XIII. **M/V Portugal** - July 25, 2015.
This incident is still under investigation.
- XIV. **Grey Shark** - July 28, 2015. This incident is still under investigation.
- XV. **Lena S** - August 25, 2015. This incident is still under investigation.
- XVI. **MY A2** - September 8, 2015. See below.
- XVII. **Carnival Splendor** - September 13, 2015. Based on the investigation report, Ms. Stuckey recommend that the Commission find no fault on the part of the pilot but he be fined for his violation of Commission regulations by not making a timely verbal report or submitting to the post-incident drug test. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the recommendations. All voted in favor.
- XVIII. **Qi Lin Quo** -October 9, 2015. This incident is still under investigation.

Ms. Stuckey recommended that in the interest of time that she go through each case and the Commission pass a blanket resolution if they agree with her recommendations. In the case of the Hanjin Newport, Maersk Chicago, Hyundai Glory, Saint Nikolaos, Stolt Jade, Singapore Bridge, La Boheme, MSC Jemima, Celebrity Summit and MY A2 Ms. Stuckey recommended that each file be closed and the Commission find no fault on the part of any of the pilots involved. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing 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 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 go into Executive Session.

All voted in favor.
The Commission took a break at 10:56am.

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 11:53am.

Public Announcements

Ms. Stuckey announced that during the Executive Session the Commissioners were briefed on her meetings with the Docking Pilot presidents and their future plans regarding apprentices.

Ms. Stuckey announced that the date of the November meeting has been changed to November 10, 2015 and will take place at the Commission headquarters beginning 10:00am. All the proper notices will be made.

Adjournment

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

The meeting was adjourned at 11:54am.