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**Minutes of the Regular Meeting Of The
New Jersey Maritime Pilot and Docking Commission
March 22, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 22, 2016 at One Penn Plaza East, Board Room, Newark, NJ 07105.

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

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

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

Approval of the February 16, 2016 Meeting Minutes

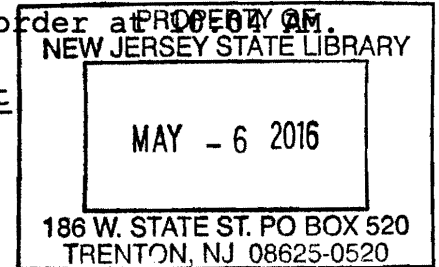
A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the minutes of the January 19, 2016 meeting minutes. All voted in favor.

Resolution #16-09 to approve the March 2016 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #16-09 to approve the March 2016 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Hudson River update - Since the Commission's last meeting Ms. Stuckey reported that there has only been one transport job. The New York Commission swore in Captain Steven Doherty as a Hudson River Pilot on March 8th. The manpower issue on the Hudson River is working itself out and they are not utilizing transport pilots as much.
- B. COTP Visit - Ms. Stuckey advised the Commissioners that Captain Day will attend the Commission's May 17th Board



Meeting to meet the Commissioners and address any issues they may have.

C. Quarterly Staff Meeting - Ms. Stuckey reported that she held her quarterly staff meeting with the investigators on February 22, 2016. The following items were discussed. The investigators were informed of the huge turnover of the Coast Guard's investigative team. Once the Coast Guard is situated, Ms. Stuckey will arrange a teleconference meeting with them so that everyone can familiarize themselves with each other. Ms. Stuckey will also have the investigators attend the meet and greet in Fort Wadsworth in July. The investigators were advised that the Commissioners would like for them to be assigned all cases. Ms. Stuckey will continue to work with them on collecting information and attending interviews, but she will only write up reports if there is a backlog. They spoke about the desire to keep the cases up to date and have the report written within a month of the actual occurrence. The issue of billing for traveling to and from meetings was discussed. After speaking with Commissioner Dacey, it was decided that the Commission should not be responsible to pay them for travel to meetings. Ms. Stuckey advised the investigators that unless they are going to an occurrence site they will not be paid for travel time. They were asked if they had any feedback or concerns. They spoke about some of the marine occurrence reports not being filled out completely. The investigators suggested that the Commission begin to refuse incomplete reports and fine any pilots for not resubmitting the reports within the 72 hour deadline. Ms. Stuckey noted that an incomplete report is a rare issue that is not seen often.

D. Docking Pilot Test Committee: The committee held its first meeting with the Consultant on February 24, 2016. During that meeting, Ms. Stuckey executed the contract with the consultant and each member of the Committee signed a non-disclosure agreement. The Committee then went over a sample test module for each section which included one to two sample questions and talked about the essay and chart work. Copies of the sample test along with a study guide were provided in the Commissioner's folders. In the past, the docking pilot tests were strictly question and answers which would take the apprentices 2-3 hours to complete. The new test is structured similar to the Maritime pilot test. There will be four question and answer modules, some of the questions will be in short answer format as opposed to the

multiple choice given in the past. The first section should take a day. The following day, the apprentice will have three written essays with chart work to accompany them. In the essay, the apprentice will be assigned a job and given a pilot card. He/she will have to write an essay walking through the job from beginning to end starting with the Master Pilot exchange. They will be given an outline of the berth and will have to chart out and label all pertinent information that they need to know in order to safely dock the vessel. The next committee meeting will take place this Thursday, March 24th.

- E. Harbor Ops - Captain Mike Day spoke briefly about the tug that sank near the Tappan Zee Bridge and a moment of silent was observed in memory of the three lives lost. To date there is not much information to report. A special crane is being brought in to lift the wreck and hopefully recover the body of the third crewman that was aboard the tug.

Ms. Stuckey reported that Captain Basciano gave a great presentation on the John Brown. She provided great information on the history of the vessel. Ms. Stuckey did not realize that the vessel was actually one of the first harbor floating schools.

The Captain of the Port gave a brief update on the America's Race Cup. It is a three day event scheduled to take place the weekend of May 6, 2016. The closures on Saturday and Sunday will be from 11:00 AM to 4:00 PM.

The Captain & Paddlers Day is now going to be a shared harbor tour. A boat was donated by New York Waterways. It is a two hour tour departing from the World Financial Center on Saturday, April 16th. The purpose of the tour is to bring professional and commercial mariners together to talk about issues like: channels and channel crossing, currents and maneuverability, traffics and wakes, visibility, communication, etc. . . . There is no fee to attend but anyone interested will need to RSVP. A copy of the flyer was provided to the Commissioners. Ms. Stuckey plans to attend.

The legislation for the new anchorages is going through the process. The Coast Guard has requested that when the comment period begins anyone that has an interest should comment, especially those in favor of the new anchorages so

that the comments won't just reflect the opinion of those on the negative side of the proposal.

Captain Flannery reported that Berth 59 in Port Newark will be closed at the end of the month for the fenders to be either repaired or replaced.

Captain Day ended the meeting by expressing his appreciation of the Harbor Ops Committee and thanked all for their participation. A copy of the agenda was provided to the Commissioners.

- F. Oil Terminal Meeting - Ms. Stuckey reported that there was a 1PM Oil Terminal meeting on the same day as Harbor Ops, but the notification was not properly distributed. She did not attend because she was not notified of the meeting. Captain Flannery did attend and informed Ms. Stuckey that there was minimal participation. The Coast Guard will send out a letter encouraging terminals to attend or decisions will be made without their input. Ms. Stuckey also verified that her name has been put back on the distribution list for future meetings.
- G. Simulation of the ULCVs - The grant has been approved and the first meeting with the joint pilot associations and MITAGs took place via teleconference to begin the process to set up the training. Ms. Stuckey advised that the presidents are planning to travel to MITAGs in April to review the models to ensure it is what they are looking for. The first group of pilots is tentatively scheduled for June/July. Ms. Stuckey plans to attend one of the training sessions.
- H. Annual Report - Ms. Stuckey reported that this year's annual report is a little different than previous years. In addition to the usual information that is included, Ms. Stuckey has included information to give the readers a better understanding of the Port and the issues faced by our pilots. There is a brief write up on the new Captain of the Port and the work he did as the Chief of Waterways in 2001 as the Coast Guard's team leader in evacuating 500,000 people from lower Manhattan during the 9/11 attacks.

There is an article about the Ultra Large Container Vessels, the article explains why they are arriving and why the simulator training is necessary and the steps being taken by all to prepare for them. Ms. Stuckey also went

into detail about the Bayonne Bridge project and the netting issue. The report also includes bios for the members of the Investigative Team and a tribute to the four lives that were lost over the year. Ms. Stuckey wanted to make the report interesting, educational, but also to show readers that the Commission is aware of the issues and is working on ways to get them solved.

- I. Pension Surcharge Committee - The Pension Surcharge and Capital Improvement Committee is scheduled to meet following today's board meeting. Commissioner Shisha will attend.
- J. Apprentice Selection Committee - The Maritime Apprentice Selection Committee Meeting will take place on April 20, 2016.
- K. Shipping 101 - A copy of the flyer for the Shipping 101 course offered by the Maritime Association was provided to the Commissioners. Ms. Stuckey understands it may be difficult for the Commissioners to commit to a weeks' worth of training, but is willing to work with Ed Kelly to create a "fast tracked" version that can highlight a portion of the training that can be presented at a future Board Meeting.
- L. Articles of interests - Ms. Stuckey provided the Commissioners with several articles of interest.
 - "McAllister Taps Horizon to Build New Tractor Tugs" - An article in the Maritime reporter, which discussed the new tractor tugs being built by Horizon for McAllister Towing for the ULCVs.
 - "World's Largest Undersea Restaurant Installed" - An article in the Maritime Executive, which discussed the World's Largest Undersea Restaurant.
 - "CGM Benjamin Franklin Arrives in Seattle" - An article in the Maritime Executive, which discussed the largest container vessel, Benjamin Franklin, arriving in Seattle. The Benjamin Franklin can hold as many as 18,000 TEU's of cargo.
 - "Maritime Casualty News, February 2016" - An article in the Professional Mariner, which discussed how glitches can happen anywhere. The article highlighted last summer's incident in a non-US port when several vessels lost their signal causing key navigational issues.

M. Ethics Meeting - Ms. Stuckey advised that she assigned Ms. Montilus as the Ethic Liaison Officer for the Commission. Ms. Montilus attended the Quarterly Ethics Meeting on February 24, 2016. Ms. Montilus provided the Commission with a brief summary of the meeting events. Financial Disclosure (FDS) forms are due May 15th. All individuals who are required to file FDS forms will receive an e-mail directly from the Ethics office by the end of this week. Any FDS received after the May 15th deadline will be charged a daily late fee of \$50.00. Ms. Montilus also discussed casino waiver forms and the importance of maintaining updated outside activity forms. A copy of the outside activity form was provided in the Commissioner's folders. Ms. Montilus asked everyone to complete the forms and return them to her as soon as possible.

Public Comment(s)

Comment from Captain Richard Schoenlank, President Sandy Hook Pilots Association:

Captain Schoenlank reported that on March 12th the tugboat The Specialist crashed near the Tappan Zee Bridge. Three people died as a result of this incident. There is news that they will remove the tug from the wreck site today. Captain Schoenlank mentioned that within the Maritime Community everyone knows at least one person that was involved in that incident, so it is very sad news.

Captain Schoenlank also reports that Captain Douglas Einhorn Jr. had an incident while disembarking a vessel where he fell off of a ladder. Captain Einhorn was brought to base and transferred to the hospital. He is scheduled to have his third surgical procedure today to repair his ankle. He is young and strong with a good attitude.

The APA held its East Coast Meeting. Ultra Large Container Vessels was the topic of conversation. Everyone wants to know what size vessels they can receive, how they can receive, and when they can begin to receive them.

Captain Schoenlank also reported that simulation training will begin soon. He is looking forward to reviewing the modules in April. Phase one will deal with handling 14,000 TEU vessels and phase two will handle 18,000 TEU vessels. They will be testing

the modules early next month. Phase one will last a week. The associations are trying to figure out how to cycle everyone through and make it a two/three day experience.

Captain Schoenlank reports that all ports are doing simulation training and looking for ways to prepare for the arrival of the ULCVs.

Presentation of Certificate of Appointment Scott Britton

Apprentice Scott Britton was presented with a Certificate of Appointment by Commissioner Dacey. He thanked the Commission and Sandy Hook and expressed his excitement to begin working.

Resolution #16-12 to approve the appointment of a Docking Pilot Russel Henschman

Ms. Stuckey reported that the Harbor Pilots Association expressed a need to call an apprentice into duty. Russel Henschman will be appointed to the Apprentice Training Program effective March 22, 2016. Apprentice Henschman will attend the Commission's April meeting.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #16-12 to approve the appointment of Apprentice Russel Henschman. All voted in favor.

Committee Report

A. Investigation Committee:

- I. Hanjin Baltimore - February 1, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilots, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent.
A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- II. Northern Grace - February 2, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilot, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent.
A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- III. MSC Laura - February 17, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the

pilots, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.

Commissioner Dacey stated that the Port Authority mentioned that they would monitor the Bayonne Bridge project better and tighten the construction netting. Ms. Stuckey stated she will follow-up with the Port Authority to confirm the tightening of the netting has been addressed.

IV. MC Buxcliff - February 19, 2016. Ms. Stuckey recommended that the Commission find no fault on the part of the pilots, the file closed, and a copy of the report sent to the Coast Guard, the vessel owner, and the agent.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.

V. Bomar Resilient - March 9, 2016. This incident is still under investigation.

Regulatory Review

Ms. Stuckey reported that the Commission's regulations will expire October 2016. Ms. Stuckey and DAG Kahler have done a review of the current regulations and adopted a list of some proposed changes. Copies of the changes were provided to the Commissioners.

The following items were discussed:

- Page 2 - "Definitions" - The definition for a deputy pilot has been amended to include second grade.
- Page 4 - "Fees for maritime pilotage" - Paragraph three has been changed to say "The intermediate or intra-harbor movement of vessels is the same as those charged by maritime pilots by the State of New York." The table and footnotes regarding the tables were deleted since the Commission approves these rates via resolution after consulting with New York. Also, the table currently listed is out of date because the rates were raised in the summer of 2015.
- Page 15 - "List of Apprentices" - This section was amended to show that the Committee consists of three docking pilots representatives not two. The Commission's standard practice has been to appoint one representative from each docking pilot association to serve on the Committee, so there has always been three.

- Page 16 - "Qualifications" - This section has been amended to include the Commission's Physician Certification form and the subsequent paragraphs renumbered. This form has always been a part of the Commission's process and is listed on the application so this change is to ensure the regulations match the Commission's standard procedure.
- Page 26 - "Master Pilot Conference and Unsafe Passages" - Point "i" of this section has been amended to add "Vessel Traffic Service" under "notify Captain of the Port" and point "ii" deleted. Because of the changes, the paragraphs had to be renumbered. This change has been made to reduce redundancy, since notifying VTS is the way to notify the COTP.
- Page 29 - "Definitions"- The definition for "Fails chemical drug test for dangerous drug" the term "Medical Review Office" was corrected to "Medical Review Officer".

Ms. Stuckey reported that DAG Kahler is working on the Hearing section which will be discussed in Executive Session. She also noted that DAG Kahler also has to submit the regulations for approval within his office before the Governor's Authorities Unit approval.

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

All voted in favor.

The Commission went into Executive Session at 10:41 AM.

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 12:07 PM.

Resolution #16-10 to Approve the Request to Upgrade Michael C. Chambers

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the Resolution #16-10 to upgrade Captain Michael C. Chambers to a Pilot of the Third Grade. All voted in favor.

Resolution #16-11 to Approve the Request to Upgrade Captain Douglas P. Einhorn Jr.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the Resolution #16-11 to upgrade Captain Douglas P. Einhorn Jr. to a Pilot of the Five (A) Grade. 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 12:08 PM.