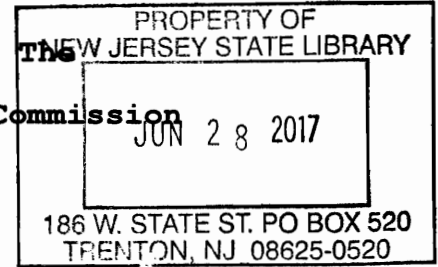


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**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
May 16, 2017**



The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 16, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05 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 (absent).

Approval of the April 18, 2017 regular meeting minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the April 18, 2017 meeting minutes. All voted in favor.

Resolution #17-16 to approve the May 16, 2017 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #17-16 to approve the May 2017 Treasurers Report.

Commissioner McEwing pointed out that a check was listed on the check register twice. Ms. Stuckey noted that she would make the necessary adjustment.

The motion was put to a vote to approve the report as amended. All voted in favor.

Executive Director's Report

- A. Waterfront Commission Stakeholders Meeting - Captain's John Oldmixon and Bob Flannery attended the Waterfront Commission's Stakeholders meeting, presenting the parameters from the Deep Draft Committee on the ULCV's and were not present for the meeting. Captain's Paul Klein and Doug Mattsson attended the meeting in their stead and will make the respective reports to the Commission.

The Commission was presented with a copy of the parameters on the ULCV's distributed by the Port Authority. The pilots are recommending that all movements when the ULCV's enter must be on time. All cranes must be positioned amidship or moved completely. Last month, Ms. Stuckey reported that PNCT started a pilot program to have their cranes positioned amidship as a standard practice. They are also mandating the number of tugs to be utilized for different movements in the channels. Some movements can require up to four as necessary, however, the turn in Elizabeth Channel requires four without question.

The Commission was presented with a copy of the press release from the Port Authority with the Governor's announcement that the Bayonne Bridge will be navigationally ready on June 30, 2017. The arrival of the first ULCV has not been announced. Once the information is received, Ms. Stuckey plans to be on site to document the arrival.

Captain Douglas Mattson expressed his concern about having to request a waiver each time a vessel passes under the Bayonne Bridge and believes the Coast Guard should come up with a temporary clearance so the pilots could use that clearance as a guide. Ms. Stuckey reports that she will continue to work with the Coast Guard in order to get the clearance specified.

The Commission provided a training grant to Sandy Hook for two New Jersey Apprentices to attend a five day training course at the Maritime Pilots Institute. The training course includes two days of bridge resource management; 3 days of manned model ship handling and an evening seminar in emergency ship handling on the simulator. This year the Commission sent Nicholas Pitch who is scheduled to take his exam the week of August 7, 2017 and Salvador Rivas who will be stopping up within the next month. Ms. Stuckey has asked each apprentice to write a summary of their experiences.

Ms. Stuckey provided a copy of each summary to the Commissioners.

- B. Updates on Regulations - The Commission's regulations were submitted to the Office of Administrative Law on May 20, 2017 and became effective on that date. The new expiration date is May 20, 2024. Ms. Stuckey was hoping to have them published in the May 26th edition of the New Jersey Register. However, due to manpower issues at the Office of Administrative Law, they will not be published until June 4th. Once they are published, the Commission's staff will send copies of the newly adopted regulations with a letter to all pilots and apprentices.
- C. Discussion with DOT Budget Office - Ms. Stuckey provided the Commission with a copy of an email correspondence with Ron Calderon from DOT's Budget Office. She attached the budget screens that were discussed in the correspondence. They show that the Commission collected \$185,866.61 in pilotage revenue. That revenue added to the Commission's surplus of \$288,578.48 carried over from last year brings the Commission's receipts to \$474,445.09. The Commission has expended \$227,411.58 as of May 1, 2017. This gives the Commission a surplus of approximately \$247,033.51. Based on these figures, Ms. Stuckey recommends minimal changes to the annual budget and for the Commission to hold off on raising the pilotage fee percentage. Ms. Stuckey will continue to monitor it to ensure that the Commission will not fall short for FY18.
- D. Hudson River Update - The Commission received a report of one transport job on the Hudson River since the last meeting. Also, Captain Ireland was initially scheduled to attend the meeting for his annual appearance. There are only three pilots on duty today with three movements on the Hudson River with each movement requiring two pilots. Ms. Stuckey has agreed to postpone his appearance until next month so they will be able to have enough manpower and avoid any delays.
- E. Fleet Week - Fleet Week is currently scheduled to begin on May 24th. This year's parade will have between 16-18 vessels. Captain Day will forward a list of the vessels scheduled to participate as soon as it is finalized. Mr. Hawkins and Ms. Stuckey will participate in the parade this year. Interport Pilots Association is working with the Coast Guard in the organization of the event.

Captain Lou Bettinelli gave a brief overview of the Fleet Week itinerary.

Sandy Hook Pilot Training- Ms. Stuckey provided photos that were forwarded over by Captain John Oldmixon. Captain Klein has been working with the apprentices on safety training. Ms. Stuckey asked Captain Klein to give the Commission a little more information on the program.

Captain Klein reported that he attended an Emergency First Responder's class that took two years to complete, which encouraged him to set up the program for the apprentices. All boats will be required to carry a medi-pack to insure the safety and transportation of all on board and each apprentice is undergoing CPR training.

Captain Mattsson gave an update on the Metro Pilots apprentice training program. He believes the system is doing well.

- F. Manhattan Heliport - Two weeks ago when the President came to New Jersey the Manhattan Heliport and the surrounding channels were shut down for several hours. The President changed his travel plans three times on the date. When he arrives at the Heliport the channel is shut down for seven miles in each direction. The COTP is attempting to work with the secret service to try to work out a compromise.
- G. There will be a Harbor Ops meeting on May 17, 2017, followed by an Oil terminal roundtable meeting. Ms. Stuckey will attend both meetings.
- H. Meeting with Pilot Presidents and New York Executive Director - Ms. Stuckey attended a meeting with Frank Keane, Captain John Oldmixon and Captain John DeCruz regarding bi-state issues. They discussed the Commission's putting together a joint advisory on parameters for the E-pilot to pilot exchange. They are waiting to receive information from MITAGs with things they observed during the simulation exercises. Frank Keane and Ms. Stuckey will then come up with a list of items that need to be discussed during the exchange. They also spoke about the working relationship the two Commissions have shared with the pilot Presidents, and the importance of keeping the relationship intact. They will continue to meet quarterly and John DeCruz who is the New York Pilot President will attend the Commission's June meeting for a meet and greet and to discuss any issues or

answer any questions the Commission may have. Lastly, there was discussion about the legislation the pilots are hoping to propose for a new set of five year increases. They are currently in the process of meeting with industry representatives, but to date, have not received any opposition. Once they have a final bill for proposal. They will present copies to both Commissions before it is submitted for proposal.

I. Meeting with Chris Maglin, Sandy Hook Director of Operations - Mr. Maglin and Ms. Stuckey met and spoke about his role within Sandy Hook and how he and Ms. Stuckey can work together. He has agreed to work with Captain Sondergaard on the training for docking pilots. He also would like to be involved in the testing process. They both will continue to meet quarterly and he will periodically attend board meetings to keep the Commission up to date on any issues that may arise. Mr. Maglin took Ms. Stuckey on a tour of the new Sandy Hook building. It seems to be coming together nicely inside and out. The contractor has stated that the building should be ready for habitation in 60 working days.

J. Maritime Association Hall of Fame Awards Dinner - Ms. Stuckey and Mr. Hawkins attended the Maritime Association Annual Hall of Fame dinner. The dinner was nice, and there was a lot of opportunity to network.

Ms. Stuckey provided the Commission with a copy of the ship stats for the month of March. She pointed out that the overall number of ships is down from 2016. This is due in part to the larger vessels that have begun to arrive.

Ms. Stuckey provided the Commission with a copy of the updated contact list which includes the New York Executive Director, and all the Association Presidents.

Ms. Stuckey provided the Commission with the finalized version of the Employee Handbook.

K. Articles of Interest :

- Maritime Executive - Record Container Ship Visit for the U.S. East Coast. The first port of call for the arrival of a 14,000 TEU vessels was Virginia and the

second was Savannah. Neither of these ports have the intricacies that we have in the New Jersey/New York pilots. Interestingly enough, Ms. Stuckey sat next to the President and Vice President of the Savannah ILA and got into a conversation about the larger vessels coming into port and how all entities in the port has worked to prepare for them.

- E Magazine "No Filer", Constitutional Collision Course - This article is about a movement by Federal pilots in Galveston Texas trying to pilot vessels with the federal licenses. In New Jersey port the statute allows for a fine if an unlicensed pilot attempts to pilot a regulated vessel. It will be interesting to see how see how this issues plays out especially since all pilot Commissions do not have the types of rules and regulations the New Jersey Commission has, which leaves their pilots vulnerable for this type of issue.
- Professional Mariner - The Coast Guard is working to fight the proposal to slash their funding.
- Professional Mariner - The NTSB looking into industry wide problems with close encounters with recreational boaters.

L. Video Presentation - Because all of the Commissioners and Association Presidents were not present, the presentation was tabled until the June, 2017 meeting.

Public Comment (s)

Comments from Captain Douglas Mattsson:

Captain Mattsson commented on the letter he received from the NY Pilot Commission in reference to the incident involving the Disney Magic vessel. He states that he was on that vessel on the date of the incident and he recalls the captain of the ship wanting to control the con and do everything himself. He also believes that the docking pilots should not be a bail out and should be used for what they are intended to be doing.

Ms. Stuckey pointed out that because NY does not license docking pilots, they may not fully understand the relationship between the docking pilots and the tugs. The issue was discussed during the joint meeting. She believes that when the Disney Magic brings forward that proposal, both NY and NJ Commissions will oppose it.

Committee Reports

C. Investigation Committee :

- I. **CACL America** - 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.
- II. **MOL Benefactor** - 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 #17-17 to Approve the Appointment of Craig Tomalo into the Interport Pilot's Association Apprentice Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve Resolution #17-17 to Approve the the Appointment of Craig Tomalo into the Interport Pilot's Association Apprentice Training Program. All voted in favor.

Mr. Tomalo was presented with a certificate of appointment by Commissioner Dacey.

Apprentice Tomalo gave a brief summary of his background to the Commission and thanked them for the opportunity.

Resolution #17-18 to Approve the Appointment of Joseph Casaletto into the Metro Pilot's Association Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve Resolution #17-18 to Approve the Appointment of Joseph Casaletto into the Metro Pilot's Association Training Program. All voted in favor.

Mr. Casaletto was presented with a certificate of appointment by Commissioner Dacey.

Apprentice Casaletto gave a brief summary of his background to the Commission and thanked them for the opportunity.

Resolution #17-19 to Approve the 2016 Annual Report

Ms. Stuckey reported that she has submitted the 2016 Annual Report to the Governor's Press Office for approval.

DAG, Thomas Huth reports that he had approved the Annual Report and submitted the report to communications on May 2,

2017. Although he has not received any feedback, he recommended that the Commission move forward with the report to avoid delays.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve Resolution #17-19 to Approve the 2016 Annual Report. All voted in favor.

Resolution #17-20 to Approve an FY18 Operating Budget

Ms. Stuckey reported that the budget was submitted to the Authorities Unit. The budget is basically flat with a few line items being adjusted.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve Resolution #17-20 to Approve the proposed FY18 Operating Budget. 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 goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:50 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:29 AM.

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 11:30 AM.

Executive Session

May 16, 2017

Appearance of Pilots

Captain Simon Zorovich - Docked/Undocked/Moved 260 vessels. All licenses are up to date. Pilot's Physician Certification form was complete. Pilot received signed physician statements indicating he is competent for duty. Absent 0 days.

Captain Zorovich - Reports that he has no plans to retire.

He does believe they have enough apprentices in place to cover the retiring pilots.

Captain Douglas Walsh - Docked/Undocked/Moved 142 vessels. All licenses are up to date. Pilot's Physician Certification form was complete. Pilot received signed physician statements indicating he is competent for duty. Absent 0 days.

Captain Walsh reports that he had a tough year due to the loss of family members. He also feels that there should be an adjustment made to the pay scale of the pilots because of the size change in ships.

Apprentice Russel Henschman - All Licenses are up to date. Apprentice Henschman received signed physician's statement indicating he is competent for duty. Absent 0 days.

Apprentice Henschman reports that the year is going well. He has seven pieces of pilotage with six more to go. He has been on 145 ships with McAllister and he is enjoying the rotations of 2 weeks on, 2 weeks off.

Legal Update

Ms. Stuckey reports that she has been advised that the Navy contract expires at the end of this year. Because of all of the disagreements between the different Pilot Associations, the Navy may not renew the contracts moving forward. They will let whatever Pilot Association the agent decides to call handle the Naval vessels.

DAG David Kahler stated that he believes that the Navy's decision will not affect the Opinion that he is working on.

Personnel Update

Ms. Stuckey reports that she had a conversation with Captain Doug Einhorn and he is recovering after another surgery. He feels that at this time, he is not prepared to make any decisions regarding his job status. Ms. Stuckey informed him that at this point, the Commission has suspended his grade and if and when he returns, it can be addressed at that time.

Ms. Stuckey reported that Captain Doug Holmes wanted to know if his wife recovered after her accident, would he be eligible to return to

work. Ms. Stuckey informed him that he would be able to return to work only if he had the proper medical statements indicating that he was fit for duty, and finished the required break in trips.

Discussion with Counsel

DAG Kahler advised the Commission of the difference between an OPRA request and a Subpoena. He advised Ms. Stuckey that the DAG's office will work with her if she receives either.