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**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot and Docking Commission  
December 20, 2016**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 20, 2016 at One Penn Plaza East, 9<sup>th</sup> floor, Newark, NJ 07105.

Commissioner Dacey Called the meeting to order at 10:06 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

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

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 Wowkanech that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:08 AM.

Commissioner Dacey stated that a year ago, the Governor's office decided that we could not give Ms. Stuckey her raise all at once. John Spinello requested that we split Ms. Stuckey's raise in two. One half increase last year and one half increase this year. Our first Executive Director made \$125,000 in 2003, and got raises over the years. He then retired in 2010-2011, at this time Chip was the Executive Director. John Sarubbi was paid \$125,000 a year and we fired John, then we promoted Andre. Ms.

Stuckey's salary was significantly different. The Commission has not heard from John, until last Thursday. We should not put Andre's raise on hold until next month. The Commissioners and Presidents evaluate our employees, not the Governor or the Authorities Unit. John raised some issues, if they had any issues with Andre's performance, John and Lisa should have made that clear during the course of the year. Andre has picked up the Commissioner's slack during that time.

Commissioner McEwing stated that based on what Mr. Sarubbi was making; Ms. Stuckey should be making more. The last Executive Director was making \$125,000 in 2003. Something is wrong here. Commissioner Shisha stated that all of the other Executive Director's did not have Maritime experience. Andre does, and do way more work.

Commissioner Dacey stated that we do not have bi-laws. If the Governor believes that we need bi-laws, we are willing to sit down and make that happen. The Governor's office also has issues with how and when they receive the agenda.

Ms. Stuckey stated that we email the Governor's office one copy of the agenda, and overnight two hard copies as well. This is the protocol the Governor's office wanted.

Commissioner Dacey states that the Governor's office has issues with our lease agreement. My friend, who is no longer here, initially gave the Commission the space at no cost. As far as I am concerned, they have breached the contract. New Jersey Transit has a revolving door in management; there has been no one here to sit down with. We are willing to sit down with Transit.

Tom Huth, Esq. States that they are not saying we are appose to Mrs. Stuckey getting a raise. We are just asking to allow us and opportunity to review the performance report, and then we can come back to it at the next meeting. All I am here to do is help. I realize there is an issue out there in New York. You could have some of those same issues show up for New Jersey in the future. Again, my request is that we table the matter for now; and revisit it at next month's meeting.

Commissioner Wowkanech states that he thinks that this issue has been here for some time. He has been through a few Executive Directors, and he believes that Ms. Stuckey has gone way beyond her call of duty. He believes that not fulfilling the agreement would be an embarrassment. I would make the motion to go ahead with the increase for our Executive Director.

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 10:23 AM.

#### Approval of the November 9, 2016 regular Meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to approve the Minutes of the November 9, 2016 meeting minutes. All voted in favor.

#### Resolution #16-33 to approve the December 2016 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #16-33 to approve the December 2016 Treasurers Report. All voted in favor.

#### Executive Director's Report

- A. Updates on Regulations - The regulations were published in the November 21, 2016 edition of the New Jersey Register with a comment expiration date of January 20, 2017. Copies of the notice of the rule proposal was sent to all interested parties, published on our website, the Star Ledger, Trenton Times and the state press office. To date, we have not received any comments.
- B. FY 2016 Audit - All the contact information, bank statements, budget, treasurer's report, etc. were sent to the auditor. The veto expiration date for the meeting in which the resolution was approved is December 21, 2016. After that date the auditor will begin to prepare the audit. He is anticipating a meeting with the audit committee early January to go over his findings. A resolution with the Committee's recommendations will be on the agenda for the January 17, 2017 regular meeting.
- C. Meeting with the Coast Guard and the New York Commission - At the invitation of Commander's Rivera and Vaughn I traveled to Manhattan for a joint meeting with the New York Commission. Commander Rivera is the Chief of Marine investigations and Commander Vaughn is in charge of Risk Management and assumed Commander Ellis Moose's position. They wanted to discuss a few joint issues like the unit mooring buoys, the anchorages near the Goethals bridge

yacht requirement for both states. They expressed the desire to work cooperatively with both states and have agreed to work with the Army Corp to see if the issues could be resolved without regulation, which would delay them for some time. We also spoke about the Memorandum of agreement that both states tried to establish with the Coast Guard. It was rejected by headquarters the reason given was the Coast Guard did not enter into those types of agreements with other agencies. Commander Rivera has agreed to continue to work with the Commissions in the sharing of information and working together on investigations. Chuck Wolfe a former marine investigator has retired from the Coast Guard and has assumed a civilian position in investigations. This is important as it will ensure consistency and we will be in a position to try to establish relationships with the new regime when their four year tour is over.

- D. Follow-up on Coast Guard Physical Requirement - Ms. Stuckey spoke with Commander Vaughn about the proposed new five year requirement for the submission of Coast physicals. She is sure that they will include some type of language on the physical that would require the physician and the pilot to report any "red flag" issues that would interfere with the pilot's ability to perform his or her duties. She will research the issue more and get back to Ms. Stuckey. In the meantime, Ms. Stuckey intends to reach out to Captain Andrew McGovern who is on the Committee to express our concerns. I have noticed recently that the new physical forms require that the doctors to input a lot of information and a lot of them are incomplete. When they are submitted to our office. Also since we are not trained physicians and some issues that require a second look may go unnoticed during that five year period.
- E. Connie Awards - It was Ms. Stuckey's pleasure to be able to attend the luncheon in which the Sandy Hook Pilots were issued a lifetime achievement award by the Containerization and Intermodal Institute. Commissioner Carmine Ragucci introduced the pilots and Captains Schoenlank and DeCruz accepted the award on behalf of the pilots. The pilots are often over looked for the work they do above and beyond their duties within the port and the award was well deserved.
- F. Port Authority Annual Briefing - I attended the Port Authority's annual briefing at the Marriot on December 5<sup>th</sup>.

Molly Campbell gave a brief summary of the top initiatives undertaken in 2016. The completion of the 50 foot channel, the Bayonne Bridge progress, the Panama Canal expansion; the 14,000 teu neo Panamax vessels that have begun to enter the port; the increase in cargo numbers; roadway improvements; the progress of the Council on Port Performance; ongoing outreach to customers and the great work done by the container terminals. She also pointed out that in 2017, they will focus on rising of the bridge; improving the port Jersey rail and supply chain transitions.

G. Commission Annual Briefing - John Nardiello from New York Shipping reported that even though many strides have been made in the past year, the completion of the 50 foot channel, the Goethals Bridge replacement and the establishment of the counsel on port performance more needs to be done. The growth within the port has stalled in the last seven months and there needs to be more competitive. He talked about the new longshore men that were hired. There were 977 in total and how productivity needs to be enhanced for the vessels and at the gates.

H. Hudson River Update - No transport jobs were reported since our last meeting.

I. Harbor Ops - I attended the Harbor Ops Meeting. In your folders is a copy of the agenda. I will highlight a couple of the issues discussed. The Captain of the Report announced the ice meeting will take place on November 17<sup>th</sup>. I was not able to attend, because of a last minute meeting with the Coast Guard to review the VDR from one of our investigations. He also reported that the port assessment report will be distributed once it is received.

- Duraport will begin to bring new business into the port and will be calling into the old Rollins Terminal in KVK.
- The first Oil Roundtable meeting will take place on January 18<sup>th</sup> after the full Harbor Ops meeting. Ms. Stuckey will attend.
- The Coast Guard has reached out to Chicago to get a copy of their report on how they handled the kayaker issue to see if anything can be distracted that would help in this port.

- The project to remove the pipe line began on December 12, 2016. Every morning weeks marine sends an email showing the location of the dredgers.
- In your folders is a copy of a flyer with instructions on how to sign on and navigate a new digital maritime museum and community guide from the Red Hook Portside group. They gave a presentation at the meeting that was very interesting.
- There was also a presentation from the Red Hook Barge Service and Port Newark Container Terminal. They have been working on a pilot program to transport containers between terminals utilizing barges. They believe that not only will the service ease up on wear and tear and maintenance on the roadways and bridges, but will also decrease traffic congestion by 40%. If all goes well, they will look to expand the program.

J. Ship Stats - In your folders is a copy of the ship stats for the month of November compliments of the Maritime Association.

K. Monthly Apprentice Training Report - You will also find a copy of the Maritime Pilot monthly apprentice report. Apprentice Nick Pitch will stop up on January 1, 2017 and is expected to sit for his state exam in October of 2017.

L. Maritime Matters - The Maritime Association sends a monthly publication to its members entitled Maritime Matters. It reports any issues within the port and is very informative. A copy of the December issues is in your folders.

M. Vacation Schedules - Today will be my last day in the office until the New Year. I will periodically check in and will come in to do payroll. As always, I will be available via email and cell phone and am prepared to work from home as needed.

N. Articles of Interest:

- Princes cruise lines and how they were hit with the largest criminal penalty ever.

How the Hanjin bankruptcy is affecting the revenue goals of many importers.

Public Comment (s)

Comment from Captain Robert Flannery, President Metro Pilots Association:

Captain Flannery states that the third group of pilots went to MITAGS. All parties agreed on the parameters in reference to the under keel clearance.

Comments from Captain Rick Shoenlank, Sandy Hook Pilots Association:

Captain Shoenlank attended the APA annual meeting. The feedback from the meeting was good to hear. They discussed what it will take to get the ULCV's in and out of the port, the speed of one way traffic and a whole number of similar issues. The talks will continue in the future and those efforts need to continue.

Andre Stuckey, Executive Director of NJ Pilot Commission:

Ms. Stuckey asked to be put on list for the next meeting.

Comment from Captain Rich Shoenlank:

Captain Shoenlank agrees with Ms. Stuckey attending. The PPV's tablets are now out in the field and seem to be working.

Comment from Jacob Shisha, Commissioner NJ Pilot Commission:

Commissioner Shisha asked if there were some issues with the ULV's.

Comment from Rich Shoenlank:

Captain Shoenlank states that some of the ship can be 6 to 7 knots and can be very hard to slow them down in Port Elizabeth or Port Jersey. They have been practicing to slow them down.

Resolution #16-34 to Approve Personnel Action

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanec to pass Resolution #16-34 to approve personnel action. All voted in favor.

Committee Reports

- A. Pension Surcharge Committee: Account meeting was postponed until March 17, 2017.
- B. Docking Pilot Apprentice Selection Committee: There are six completed applications at this time. Ms. Stuckey will reach out to the committee sometime in January, after the interview dates are established.
- C. Investigation Committee:
  - I. **Disney Magic** - 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 Wowkanech to accept the recommendations. All voted in favor.
  - II. **Stena Premium** - 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 Wowkanech 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

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

All voted in favor.

The Commission went into Executive Session at 11:02 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 12:43 AM.

### Adjournment

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

Meeting adjourned at 12:43 AM.

## **Executive Session**

December 20, 2016

### Appearance of Pilots

Captain Dennis E. Holmes - Piloted 336 vessels on the Regular New York Board. All Licenses are up to date. Pilot received signed physician's statements that he is competent for duty. Absent 90 days.

Captain Holmes is currently not piloting due to and family illness. He plans to be back within the next month.

Captain Robert E. Britton - Piloted 155 vessels on the Regular New York Board. All Licenses are up to date. Pilot received signed physician's statement that he is competent for duty. Absent 0 days.

Captain Britton feels that the year went well. He reports that he will be scheduling to go for simulation training soon.

Captain William M. Hansen - Piloted 132 Vessels, 97 on the Regular New York Board; 32 on Perth Amboy and 3 on Hell Gate. All Licenses are up to date. Pilot received signed physician's statements that he is competent for duty. Absent 0 days.

Captain Hansen has participated in the simulation program. He expressed his concern over the traffic in the Kills. He feels that his year went well.

Captain Douglas R. Mattsson - Piloted 407 vessels on the Regular New York Board. All Licenses are up to date. Pilot received signed physician's statements that he is competent for duty. Absent 0 days.

Captain Mattsson had a very busy year. He attended the MITAGS Simulation exercise. He feels that the simulation was not realistic and needed some work.

Captain William E. Blake - Piloted 160 vessels, 136 on the Regular New York Board and 24 on Perth Amboy. All Licenses are up to date. Pilot received signed physician's statements that he is competent for duty. Absent 0 days.

Captain Blake feels he has had a very good year. He expressed that he likes a small pilot group and enjoys taking more trips.

Captain Fred L. Dashkoff - Piloted 396 vessels on the Regular New York Board. All Licenses are up to date. Pilot

received signed physician's statement that he is competent for duty. Absent 0 days.

Captain Dashkoff feels that his year has gone well, and he is looking forward to next year.

Captain Scott Esposito - Piloted 726 vessels on the Regular New York Board. All Licenses are up to date. Pilot received signed physician's statement that he is competent for duty. Absent 0 days.

Captain Esposito reports that the number ships piloted are over a 12 month time period, and all of the ships are smaller vessels.

Captain Coleen M. Quinn - Piloted 117 vessels, 115 on the Regular New York Board, 2 on Perth Amboy and 33 Perth Amboy break in training trips. All Licenses are up to date. Pilot received signed physician's statements that she is competent for duty. Absent 0 days.

Captain Quinn reports that she has had a very good year. Captain Quinn also reports that she will continue her pilot training until December 2017.

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

Apprentice Pitch reports that on January 1, 2017 he will start his stopped up faze. Apprentice Pitch also reports that in October 2017, he will be joining the board.