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**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
February 21, 2017**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 21, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:09 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

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

Approval of the January 17, 2017 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the January 17, 2017 meeting minutes. All voted in favor.

Resolution #17-05 to approve the February 21, 2017 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-05 to approve the February 2017 Treasurers Report. All voted in favor.

Executive Director's Report

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- A. Welcome to Captain John Oldmixon - Ms. Stuckey welcomed the New Sandy Hook President, Captain John Oldmixon. They met and discussed some of the issues that needed to be addressed.
- B. Meeting with Thomas Huth - Ms. Stuckey thanked Mr. Huth for meeting with her, and his interest in the Commission and its functions. Ms. Stuckey will arrange a harbor tour for Mr. Huth in the coming months.
- C. Updates on regulations - The regulations have been submitted to the Governor's Rules office and the Commission is still waiting for their approval. Ms. Stuckey is hoping to get the approval before the March meeting. If so, there will be a resolution for the Commission to vote on and adopt them.
- D. Hudson River Update - To date, the Commission has not received any report of transport jobs since the last meeting.
- E. Maritime Pilot Apprentice - New York has called Kirsten Healy to be the next apprentice into service. Normally she would have been appointed in New Jersey, but since the list is ranked and New Jersey already has three women pilots and New York has one, Ms. Stuckey agreed to switch Ms. Healy. New Jersey will receive the next two apprentices on the list, and Ms. Stuckey believes the next one is scheduled to be called in the fall of 2017.
- F. Sandy Hook Monthly Apprentice Training Report - Ms. Stuckey reports that she has spoken to Chris Manglin, who is in the process of settling into his new role. He will begin to circulate the reports in March.
- G. NYSA Luncheon - New York Shipping is hosting a luncheon today for the ship owners, agents and terminal operators to release and discuss the parameters that need to be set for the ultra large container vessels. Ms. Stuckey provided copies of the flyer that will be distributed at the meeting. She also reported that she will be traveling to MITAGS for two days to observe the simulation exercises.

H. Harbor Ops - Ms. Stuckey attended on January 18, 2017. She reported on some of the topics that were discussed:

- The Tappan Zee Bridge construction and how the construction company does not want to open the back channel for navigation. The Coast Guard is working with them to provide relief for navigation by making arrangements for the barges to be moved on demand with a 2-6 hour notice.
- The Goethals bridge construction is going well and only one vessel reported issues with clearance due to low water.
- The Steering Committee is working with the Coast Guard, NOAA, Stevens and the Port Authority to make sure the pilots have the data needed for the ultra large container vessels.
- The maintenance dredging on the Sandy Hook Channel will begin in the fall.
- The 40-50 foot project in the Newark Bay will begin in the summer.
- Maritime Resources is leading a study on data and toxicology in the harbor with hopes of finding a way to reduce the cost of dredging.
- The Coast Guard is experiencing issues at the Manhattan Heliport and the President. When he utilizes the heliport, there is a mandatory 7 mile closure in the east river. He does not stick to his schedule and often times arrive late or without notice. The Coast Guard is going to work closely with the secret service to try and get the issue more regulated.

I. Pilot Terminal Roundtable Meeting - Despite the Captain of the Port sending out a letter to terminal operators, encouraging them to attend only a half of them showed up. There was no representation from the problematic terminals. The issue of unsafe gangway is still very big. The Coast Guard has the authority to fine any terminal where the gangway is deemed unsafe

but is reluctant to do so because of all the red tape. The pilots agree that the meetings are not constructive if the terminals don't attend. Ms. Stuckey suggested before the next scheduled meeting that the Captain of the port send a semi-threatening letter to the terminals stating that they have the authority to fine them for unsafe gangways and stating it is in their best interest to attend the meeting to work the issue out. The Committee will continue to meet quarterly, however if the terminals do not participate the pilots have expressed their desire to discontinue the meetings.

The issue with lines parting, especially with the expected arrival of the ULCV's was discussed. It was suggested that the terminals use additional spring lines to make sure they are tight and to have line tenders available when a ship is passing.

The issue with the shoaling at Ward Points Bend was also discussed. The Coast Guard is working with the Army Corp to get them to begin maintenance dredging to eliminate the need for draft restrictions.

- J. Bayonne Bridge - The port Authority is expected to make an announcement on February 28th with an updated timeline for the navigational clearance of the Bayonne Bridge. It is expected that the date will be moved up.
- K. Employee Handbook - Ms. Stuckey introduced the first draft of the Employee Handbook. She provided a copy to David Kahler and Thomas Huth to review for legal issues. After their feedback, she will finalize the Employee Handbook.
- L. Fast Facts - Ms. Stuckey updated the Governor's budget book. In addition to updating the numbers, she also updated the percentage the Commission is receiving for pilotage fees.
- M. Pension Surcharge Committee Meeting - There will be a Pension Surcharge Committee meeting following the March 21, 2017 board meeting.
- N. Audit Evaluation Committee - The Commission will have an audit evaluation committee meeting following the March board meeting. Thomas Huth has advised that per

E.O. 122 he is not allowed to serve on the committee, but he is looking to find someone possibly from New Jersey Transit to be a part of the committee. He will notify Ms. Stuckey of his progress.

O. Ship Stats - Ms. Stuckey provided a copy of the ship stats for the months of December and January.

P. Articles of Interest :

- The Maritime Executive - Hyundai Merchant Expects losses until mid-2018
- The Professional Mariner - Towing companies working to get up to speed with Subchapter M (which is the U.S. regime for the inspection of towing vessels)
- The Professional Mariner - Tips on how to save time and money when renewing medical certificates.

Public Comment (s)

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

Captain Flannery reports that the Metro Pilot elections have taken place and the President, Vice President and Secretary remains the same. He also states that at the Oil Terminal meetings, the participation needs to improve and suggests that a letter may need to be sent out by the Commission.

Captain Flannery thanked the Docking Pilot Apprentice Selection Committee for their hard work, and believes the selection process went well.

Ms. Stuckey agreed and she believes that the apprentice selection process is allowing the committee to bring in a better quality candidates.

Captain Flannery reported on the New York shipping lunch. They will discuss parameters of the ULCV simulations with the shippers, terminal operators and agents.

Comment from Captain John Oldmixon, New Jersey President of Sandy Hook Pilots Association:

Captain Oldmixon reported that the pilots have been attending the ULCV simulation exercises at MITAGS. He states

that Captain Robert Flannery, Captain Rick Schoenlank, Captain Bob Blake, Captain John DeCruz, Captain Steve Napels and himself spent nine days at MITAGS setting up the simulation training and its parameters. He also reports that they are working on an information hub, for points of contact with all the terminals.

Captain Oldmixon states his concern about Carteret trying to force the pilots to wear safety equipment as part of their uniforms.

Ms. Stuckey reminded Captain Oldmixon that the issue was addressed a few years ago when a letter was sent to Carteret stating that pilots are required to wear safety equipment pursuant to the Commission's regulations. The letter made it clear that the Commission does not support the use of steel toe shoes as it presents a safety hazard. She will pull out the file and discuss the issue in more detail with Captain Oldmixon.

Ms. Stuckey reports that although he is not the President of Inter-Port Pilots, Alex Woodworth will be the Interport representative attending Commission meetings going forward and she encouraged him to participate.

Committee Report

- A. Docking Pilot Apprentice Selection Committee: Ms. Stuckey thanked Captain Flannery for his previous report on the interviews. She reported that the Apprentice Selection List maybe depleted before two years because each of the associations expressed their intent to pull apprentices off of the list immediately once it becomes approved. She outlined the Commission's procedure when a selected apprentice has yet to receive his or her first piece of pilotage.
- B. Investigation Committee:
- I. **Hoegh Trident** - Will be discussed in Executive Session.
 - II. **MSC Roma** - 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.
 - III. **Msc Aniello** - 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.

- IV. Spirit of Tokyo - This incident is still under investigation.

Resolution #17-06 Honoring Captain Richard J. Schoenlank

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-06 Honoring Captain Richard J. Schoenlank. All voted in favor.

Captain Schoenlank expressed his gratitude to the Commission.

Resolution #17-07 Honoring Commander John H. Olthuis

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-07 Honoring Commander John H. Olthuis. All voted in favor.

Captain Olthuis expressed his gratitude to the Commission.

Resolution #17-08 to Approve the FY16 Audit

The committee met with the auditor to review its findings. A few minor adjustments were recommended to finalize the Audit. Due to a death in his family, he was not able to get the final copy to the Commission's office before the meeting. Therefore, the Resolution will be tabled.

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 10:51 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 12:01 PM.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the Opinion and Order in the matter of the Hoegh Trident. 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.

Meeting adjourned at 12:03 AM.

Executive Session
February 21, 2017

Discussion on Port Authority Meeting for Harbor Master Position

Ms. Stuckey began the discussion by informing the Commission that the port Authority is not planning on developing the Harbor Master position. That position if developed will solely be the responsibility of the pilots. She gave a brief description of the position, and feels that if the position is developed; it should be regulated by a governing authority.

Commissioner Shisha feels that the position if developed will have to be regulated by the Port Authority, because both New York and New Jersey will have to be involved.

Commissioner Dacey states that the governing body can't be a private agency. He also states that if the Port Authority would like to develop the office and claim the responsibility, he is willing to meet with them to discuss the issue.

Ms. Stuckey states that she will continue to meet with all parties to attempt to come up with a resolution on the matter.

Appearance of Pilots

Captain Richard Reilly - Docked/Undocked/Moved 82 vessels. All licenses are up to date. Pilot's Physician Certification form was not complete. (We have received a complete and updated Physician Certification form on February 22, 2017). Pilot received signed physician statements indicating he is competent for duty. Absent 0 days.

Ms. Stuckey expressed her concern about Captain Reilly's physical and physician Certification not being updated and completed correctly.

Commissioner Dacey reminded Captain Reilly that because he is over the age of sixty five, the Commission's regulations mandate that he must undergo bi-annual physicals. He also informed Captain Reilly that his physical does not display his medications.

Captain Reilly was provided with a copy of the appropriate form and was advised to submit the form by the close of business

on February 24, 2017. He stated that he will get the matter taken care of right away.

Ms. Stuckey advised Captain Reilly to send monthly reports to the Commission to insure that he maintains recency.

Captain Kevin Gadow - Docked/Undocked/Moved 411 vessels. All licenses are up to date. Pilot's Physician Certification form was not complete. (We have received a complete and updated Physician Certification form on February 22, 2017). Pilot received signed physician's statement indicating he is competent for duty. Absent 0 days.

The Commission informed Captain Gadow that he has to send in a complete and updated Physician Certification form by February 24, 2017. The Commission also reminded Captain Gadow that because he is over the age of sixty five, that the Commission's regulations mandate that he undergo bi-annual physicals.

Captain Gadow states that he understands and will get the updated forms to the Commission right away.

Captain Karl Gadow - Docked/Undocked/Moved 375 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Gadow reports that he has had a good year and that in July of 2018 he will be a full share pilot. He also states that he is scheduled to do simulation training on March 15 and 16.

Captain Christopher Baker - Docked/Undocked/Moved 324 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Baker reports having a good year, and he is scheduled to go to MITAGS for simulation training in March.

Captain Joseph Paulis - Docked/Undocked/Moved 92 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Paulis reports his first full year as a full branch pilot went very well. He also reported that although his doctor is no longer doing Coast Guard physicals he was able to find a new physician.

Apprentice Robert Flannery III - All licenses are up to date. Apprentice Flannery received signed physician's statements indicating he is competent for duty. Absent 0 days.

Apprentice Flannery reports that he is currently the mate on the pilot boat. He also states that he is riding sixteen trips a month and has seven route extensions.

Legal Update

Dag Khaler informed the Commission that while he was preparing the broad based opinion, he came across another source that could be interpreted differently. He stated that the Foreign Sovereign Immunities Act gives the state the authority to regulate all foreign flagged vessels. He is in the process of preparing two opinions for his superiors to review to reflect the broad based opinion and another that would reflect the Commission's authority to regulate all foreign flagged vessels. He stated that if the Commission would prefer to continue with the broad based opinion, he would advise his superiors and proceed in that direction. DAG Khaler took questions from the Commissioner's regarding the issue to clear up any issues they may have with either approach. The Commission directed DAG Khaler to proceed as he proposed and would accept whichever opinion the DAG's office approves.

Hoegh Trident Opinion and Order

Ms. Stuckey reviewed the facts surrounding the Hoegh Trident allision with the Commission. She advised the Commission that after the investigation, she is comfortable in recommending the suspension and fine for the Docking Pilot.

Board Administrator

Ms. Stuckey advised the Commissioners that the ad for the position was placed in the Star Ledger and on the Commission's website. She received seven resumes, including Mr. Al Hawkins. Each applicant was interviewed and she gave the Commission a brief overview of the top three candidates. She recommended that the Commission offer the position to Mr. Al Hawkins who has been working as a temporary employee since Ms. Montilus resigned in October. She has been monitoring his work and believes that he will be an asset to the Commission.

Commissioner Dacey pointed out that Mr. Hawkins has been working on the pilots files and was able to identify several deficiencies and agreed that the Commission should offer him the position.

After discussion, the Commission agreed to authorize Ms. Stuckey to proceed with offering the position to Mr. Hawkins at

\$50,000 annually with all the benefits and privileges awarded to a state employee.

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 12:01 PM.