

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot & Docking Pilot Commission  
May 20, 2014**

The regular meeting of The New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 20, 2014 at One Penn Plaza East, 9<sup>th</sup> Floor, Newark, NJ 07105.

Commissioner Stapleton called the meeting to order at 10:25am.

Open Public Meetings Statement

Roll Call

Commissioner Timothy J. Dacey, present; Commissioner Brian McEwing, absent; Commissioner Charles Stapleton, present; Commissioner Charles Wowkanech, present.

Approval of the April 15, 2014 Regular Meeting Minutes

A motion was made by Commissioner Dacey and seconded by Commissioner McEwing to approve the Minutes of the April 15, 2014 regular meeting with the following amendment: page 6, paragraph 2 under New Business the eighth line should read..."the remaining parts sits on the shore of Staten Island...".

The resolution was put to a vote and passed as amended.

Resolution #14-13 to Approve the May 2014 Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to pass Resolution #14-15 to approve the May 2014 Treasurers report.

All voted in favor.

Staff Report

Administrator Stuckey informed the Commission that the Coast Guard will hold listening forums on the Future of Navigation on Tuesday, June 10, 2014 from 10:00am to 12:00pm at the Customs House in Lower Manhattan. The purpose of the forum is to discuss the use of virtual buoys. The panel will consist

of representatives from the U.S. Coast Guard, Army Corps of Engineers and the National Oceanic and Atmospheric Administration. Ms. Stuckey was advised to attend the forums and report back to the Commissioners.

The Commissioners were given copies of charts distributed each morning by Great Lakes Dredging advising all interested parties of the location of the dredgers and the relocation of any buoys in the Arthur Kill. The Commission's staff is on the distribution list and will forward the charts to the Commission as requested. Captain Flannery will speak more on this topic during his report to the Commission.

Ms. Stuckey gave the Commission an update on the status of the Hudson River. Since the April meeting only one pilot was called to do a transport job on May 7, 2014 (Captain Nil Tribus). The New York Commission appointed two apprentice pilots and one withdrew (Kenneth Bash). The other (Samuel Zapindinsky) was a person on the Commissions Docking Pilot Apprentice Selection List. He has sent the Commission a letter requesting that his name be removed from the list. She has been informed by Frank Keane that New York plans to appoint more apprentices in the near future. Captain Schoenlank was asked to expand on this issue during his report to the Commission.

Only one comment was received on the Rule Proposal that was published in the March 17, 2014 edition of the New Jersey Register from Richard Van Wagner, Esq. on behalf of the Sandy Hook Pilots Association. The Commissioners were given a copy of the comments and asked to get any feedback to Ms. Stuckey ASAP so that she can prepare the Response to Comment document. DAG Schwartz was asked to look at the comments and report any legal issues to the Commission. Ms. Stuckey plans to draft the responses, circulate them to DAG Schwartz and upon her approval circulate them to the Commission. If all agree, there will be a resolution on the Commission's June 17, 2014 meeting agenda to approve the rule proposal. If the proposal is approved they must be submitted to the Office of Administrative Law by July 11, 2014 for publication in the New Jersey Register on August 4, 2014 and they will become effective on that date.

Peter Simon, Esq. reminded Ms. Stuckey that the proposal must be submitted to the Governor's Rules Office for a final approval before the Commission can vote on them.

Public Comment

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

Captain Flannery advised the Commission that the daily emails received from Great Lakes are very helpful. They are sent directly to the pilots.

Fleet Week will begin on April 16, 2014. It is anticipated that four vessels will participate, 3 Naval ships and 1 Coast Guard Cutter.

The July 4<sup>th</sup> fireworks will take place in the East River.

Carteret is appealing the decision to put a hold on the proposed marina.

There will be a meeting on June 28<sup>th</sup> to discuss the Goethals Bridge renovation and the fourth phase of dredging in the Arthur Kills with the Coast Guard, Port Authority, the Army Corp, all terminal operators in the Arthur Kill and Maritime Resources.

There is a problem at Bergen Point and the pilots lost 300 feet in the channel due to lack of maintenance dredging. The Coast Guard was advised and reacted immediately. The dredging will begin in July 2014.

Three cranes were delivered to Port Newark on Sunday. All entities worked together and Maher terminal seized activity to allow the vessels to berth.

NCL sent Moran a thank you letter for the help they provided when the vessel lost power; however, they are still not utilizing tugs.

Comments from Captain Richard J. Schoenlank, President, New Jersey Sandy Hook Pilots Association:

Captain Schoenlank informed the Commission that Sandy Hook was involved in the arrival of the cranes and it took a few days to get them berthed.

Sandy Hook will attend the listening forums on the proposal to utilize virtual buoys. There are a lot of safety concerns and they are prepared to make comments if allowed.

The New York Commission has plans to appoint one more apprentice on the Hudson River on August 1, 2014.

Captain Schoenlank informed the Commission that there is some confusion regarding the new medical certificates issued by the Coast Guard. The certificates are misleading because the expiration date is the date the physical is received and reviewed by the Coast Guard and not the actual date of the physical. It also has a two year expiration date which is not in accordance with the requirement for a First Class Pilot who must obtain a physical within a year of the previous one. The certificate still includes waiver information however, the dates are not valid.

Captain Schoenlank was reminded that pilots are required to submit annual physicals to the Commission. He was advised to give a copy of the certificate to Administrator Stuckey for her to review.

### Committee Reports

#### A. Pension Surcharge Committee:

The Committee met on April 14, 2014 to review the status of the account and the economic situation within the port. The status of both were in decent shape, therefore the Committee agreed to retain the current rate. They will meet again in six months to revisit the issue.

Investigation Committee:

- I. **MSC Rania** - February 2, 2014. This incident is still under investigation.
- II. **Sun Round** - March 2, 2014. This incident was discussed in Executive Session.
- III. **Wanderer** - March 18, 2014. This incident is still under investigation.
- IV. **Jona** - March 31, 2014. Based on his report it was recommended by Captain Sarubbi that the Commission find no fault on the part of Captain Clifford and the incident closed. A motion was made by Commissioner Wowkanech and seconded by Commissioner Stapleton to accept the recommendations. All voted in favor.
- V. **Maersk Danang** - April 15, 2014. Based on his report it was recommended by Captain Sarubbi that the Commission find no fault on the part of Captain Brown and the incident closed. A motion was made by Commissioner Dacey and seconded by Commissioner Wowkanech to accept the recommendations. All voted in favor.

Discussion Re: FY2015 Budget

Administrator Stuckey advised the Commission that although in previous years the Governor's office has requested that the budget remain flat, there are a few line items in the Commission's budget that may need to be adjusted for FY15. The Commission went over each item in question. Ms. Stuckey was authorized to make the necessary changes and prepare a proposed FY15 budget with a resolution for the Commission to vote on at the June 17, 2014 regular meeting.

#### Review of Draft Contract Re: Captain Leonard Evans

Administrator Stuckey explained to the Commission that Captain Leonard Evans volunteered to serve as a Transport pilot for the Hudson River. In order to prepare himself he is required to serve a six month apprenticeship on the Hudson River and sit for a state licensing exam administered by the New York Board of Commissioners of Pilotage. Once the apprenticeship is complete the pilot will return to the New Jersey rotation and work on the Hudson River when needed. The contract lists the conditions that he would need to meet in order to keep his New Jersey state license current. It also provides a clause that requires the pilot to request an extension if for any reason the apprenticeship goes longer than six months.

#### Old Business

##### A. Joint Pilot Card:

Administrator Stuckey advised the Commission that per their directions she contacted the New York Executive Director, Mr. Frank Keane to advise them that the Commission would be moving forward with a separate pilot card. Ms. Stuckey was advised that New York was not opposed to a joint pilot card but had some concerns over the card being factually correct. She was also advised that the New York President would be willing to travel to New Jersey to meet with the New Jersey President to discuss this as well as other issues that affect both Commissions. She was advised to move forward with setting up the meeting.

#### New Business

Commissioner Dacey circulated an article from the Marine Log online magazine regarding vessels that strike the Bayonne Bridge. The article explains that the bridge is undergoing a two-year construction and a bulletin (MSIB 01-14) has been

issued warning of civil penalties for future vessels that strike the bridge.

Commissioner Dacey also presented two articles from the American Shipper magazine. The first article talks about the labor shortage (ILA workers) in the ports of New York/New Jersey which has led to problems such as long truck lines, cargo not getting to retailers, etc. The second article talks about freight and the need to focus on freight and how that will stimulate job opportunities and growth within our ports.

#### 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 Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:58am.

#### Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 12:05pm.

Commissioner Stapleton announced that Captain Jonathan Sarubbi resigned his position as Executive Director for personal reasons.

Commissioner Stapleton announced that the July 15, 2014 regular meeting will be cancelled.

Adjournment

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

The meeting was adjourned at 12:05pm.