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

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, September 20, 2016 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 (present).

Tyler Yingling Esq. from the Governor's Authorities Unit participated via teleconference.

Approval of the August 23, 2016 Meeting Minutes

Ms. Stuckey made the following amendments to the minutes: Page 14 of the Executive Session should refer to Captain Douglas Einhorn and not Captain Leonard Evans.

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to approve the amended minutes of the August 23, 2016 meeting minutes. All voted in favor.

Resolution #16-27 to approve the September 2016 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Wowkanech to pass Resolution #16-27 to approve the September 2016 Treasurers Report. All voted in favor.

## Executive Director's Report

- A. Commander Jack Olthius - Ms. Stuckey informed the Commission that Commander Jack Olthius has announced his retirement effective February, 2017. She said the news is bittersweet. Not only is Commander Olthius a colleague, but also a good friend. Ms. Stuckey has learned a great deal from him. The industry will not be the same with his departure.
- B. Update on NTSB Response - The Commissioners were provided with a copy of the response Ms. Stuckey received from the NTSB on their safety recommendations M-11-09 to M-11-21. They have thanked the Commission for responding and marked each recommendation "Closed-Reconsidered" since the Commission has already put practices into place to address each recommendation.
- C. Updates on Regulations - The regulations have been submitted to the Office of Administrative Law in anticipation of the September 29, 2016 veto expiration date. On September 30, 2016 Ms. Stuckey will give the office the green light to proceed. They will be published in the November 7, 2016 edition of the New Jersey Register. The comment period will expire on January 6, 2017. Outside of any comments that would require the Commission to make substantive changes, Ms. Stuckey anticipates having the response to comment document with a resolution for the Commissioners to vote on at the January 17, 2017 regular meeting. If all goes as planned they will be published and become effective on February 21, 2017.
- D. Docking Pilot Ad - The ad was published in the October editions of the Workboat and the Professional Mariner magazines. It has also been posted on the Commission's website with an updated application. The application deadline is December 16, 2016. Ms. Stuckey anticipates that the committee will conduct interviews in late January. A copy of the open ad was provided to the Commissioners.
- E. 2017 Meeting Dates - The Commissioners were provided with a list of meeting dates for Calendar Year 2017. Ms. Stuckey asked the Commissioners to review the dates and inform her by October 3<sup>rd</sup> which dates conflict with their schedules. Ms. Stuckey will put a resolution on the agenda for the dates to be approved at the October board meeting.

F. A.K. Pipeline Removal Meeting -Ms. Stuckey reported that the meeting seemed to have gone well. The dredgers came up with a plan on how they intend to break up and remove the existing pipeline. They will cut the pipeline into small 100 foot pieces, scoop them up with a bucket and remove them via barge. They intend to work 7 days a week and anticipate that the whole project will take 25-30 days. If it becomes necessary they will use divers. However, they are hoping the work can be done without them. They anticipate channel closures that will last 1-2 hours for at least one day a week. Ms. Stuckey reported that they are going to try to work around commercial traffic. They talked about procedures for the contractors to be notified of incoming traffic as early as possible. They are also trying to determine if they can work outside high water slack. VTS will put out broadcast alerts to notify the industry when the channel will be closed. The start date has not been set because at the time of the meeting the contract was not finalized. They don't anticipate any future meetings and all communication moving forward will be done via e-mail.

G. Discussion with NJDOT re: budget - At the Commission's last minute, Ms. Stuckey informed the Commissioners that she had a series of teleconferences set up with DOT to discuss the Commission's budget and to help them allocate funds to the proper accounts. The first call that was scheduled for September 6<sup>th</sup>, did not take place. When Ms. Stuckey called to find out what happened, but did not get a clear answer. Ms. Stuckey believes they are busy trying to figure out how to fund the TTF. Once Ms. Stuckey is finished with apprentice selection interviews at the end of the month, she will reach out again to try to address this issue.

H. Oil Spill Tabletop Exercise - Ms. Stuckey attended the table top exercise which took place at the Bayway Refinery on August 31, 2016. Check in was at 7:30 AM and the exercises lasted the whole day. The Commissioners were provided with a copy of the handout that included the agenda, purpose and objective of the exercise Ms. Stuckey mentioned that the handout was the only piece of paper she was allowed to remove from the room. All other documents were collected at the end of the day. Ms. Stuckey stated it was a very interesting exercise, however, she does not believe the Commission needs to attend quarterly, but should attend one annually.

I. USCG Meet & Greet - Ms. Stuckey attended the meet and greet on September 9, 2016. She thought it was a nice casual event. The Coast Guard officers circulated and introduced themselves and their roles. Unfortunately the Captain of the Port was called away on business.

Captain Schoenlank and Mr. Ed Kelly both attended and agreed the event was good, but they hoped more industry members would have attended.

J. Ribbon Cutting for the Completion of the 50ft Channel Deepening Project - Ms. Stuckey was unable to attend due to vacation time. She asked Captain Schoenlank to update the Commissioners during the Public Comment session.

K. Arrival of the John Brown - The arrival of John Brown was delayed a day due to Hurricane Hermine. Commissioner Dacey and Ms. Stuckey were aboard the vessel with NY Commissioner, Lucienne Bulow. Ms. Stuckey reported that it was a great day, and that she was able to get some really great pictures for the Commission's Annual Report. Captains Basciano and Ellis did a great job bringing the vessel in and docking it.

L. Safer Seas Digest - A copy of the complimentary publication from the NTSB entitled Safer Seas Digest was provided to the Commissioners in their folders. It is a written summary of all the marine accidents investigated by the NTSB from 2015 with lessons learned.

M. Update letter from Port Authority - A copy of an update letter from the Port Authority outlining some of the efforts they are undertaking to ensure the port is ready for the ultra large container vessels was provided to the Commissioners.

N. Shipping 101 - Ms. Stuckey reported that the Maritime Association is offering the Shipping 101 course. A copy of the course syllabus was provided to the Commissioners. Anyone interested in attending should let Ms. Stuckey know.

O. Port Industry Day - Port Industry Day will take place in Jersey City at the Liberty House at Liberty State Park. Captain Schoenlank will be one of the panelist to discuss how the pilots are getting ready for the ultra large container vessels and Commissioner Ragucci from New York is

a panelist and will talk about his experience in building a container terminal.

P. Articles of Interest:

- "Canal expansion complete, East Coast welcomes 'neo-Panamax' ships" - Professional Mariner - regarding the Panama canal and new neo-Panamax ships.
- "Port of NY & NJ, Army Corps announce completion of Harbor Deeping Navigation Program" - Port Authority Breaking Waves - regarding the harbor deepening navigation program.
- "Hanjin posts fleet status update" - American Shipper - regarding the Southern Korean ocean carrier, Hanjin, recent operation status.

Public Comment (s)

Comment from Richard Schoelank, President, Sandy Hook Pilots Association:

Captain Schoenlank stated the Ribbon Cutting ceremony for the 50ft Channel was a very big deal. A lot of congressional members were in attendance. The project is done and 50 foot channel is completed. This will help allow the 14,000 and 18,000 TEU ships come into the port.

Captain Schoenlank also updated the Commission on the simulation training. He believes that 18,000 TEU will be able to come into the port, but it will be at a price. Certain parameters and conditions will need to be put in place to ensure all maneveurs are done safely. All pilots will get a chance to attend the simulation exercises.

Ms. Stuckey will attend and observe one of the simulation training sessions.

Captain Schoenlank thanked Captain Basciano for all of her work with the John Brown event. He acknowledged that she spent a lot of her personal time making sure that the event went smoothly.

The Bridge projects regarding the Bayonne, Goethals, and Tappan Zee Bridge involve dismantling the existing bridges without interrupting traffic. Captain Schoenlank stated that it is important that the committee works with everyone to minimize the impact on traffic.

Captain Schoenlank also reported that Hanjin filed for bankruptcy which has created a shakeup. There is a vessel scheduled to come into the port today and there are talks about how to handle.

Ms. Stuckey attended the hearing and informed the Commission that Hanjin was directed to pay in cash in advance for any vessels entering the port.

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

Captain Flannery reported that the platform under the Gothals Bridge has reduced the air draft so every vessel that comes in will be affected. Captain Flannery stated the platform under the Bayonne Bridge is not a problem because it can move on demand.

The USCG Meet & Greet was a great event. He wished it was attended better.

Captain Flannery reported that the simulation training has allowed them to set parameters to help handle currents and winds. The conditions will be discussed among associations. Everyone wants to make sure all pilots are well trained.

Comment from Edward Kelly, Executive Director, Maritime Association of the Port of NY & NJ:

Mr. Kelly reported that on September 13<sup>th</sup> the NY Maritime Forum which usually focuses on finances, banking, and legal issues, focused more on maritime operations for the first time. Mr. Kelly moderated the panel. Captain Flannery was one of the speakers. The forum was free and open to all. It was a great learning opportunity.

Mr. Kelly & Captain Schoelank are both scheduled to attend the NAMEPA meeting to discuss whales and acoustic buoys. Mr. Kelly reported that the whales near the entrance of NY Heights do not seem to be aggressive.

Tug and Barge day took place on September 14, 2016.

There are also approximately 3,000 public comments, regarding proposal for the new anchorages in the Hudson River. The comment period has been extended to December. Mr. Kelly stated a public hearing can be expected. He believes the Coast

Guard will move in favor of the anchorages because it is a safety issue. Mr. Kelly encourages anyone who has not made their position clear to submit comments.

Mr. Kelly reported that Admiral Glang of NOAA has retired and has been replaced by Admiral Shep Smith.

Mr. Kelly stated that Hanjin is operating under federal bankruptcy 15. The industry can expect to hear about them for the next 2 years.

Captain Flannery also added that representatives from NOAA attended the ULCV simulation training at MITAGS to discuss currents and readings.

Ms. Stuckey thanked Captain Schoenlank for hosting the Harbor Inspection Tour. The Commission's investigators and Commissioner Dacey were in attendance. It was a great networking event.

Commissioner Dacey took a group to tour the John Brown over the weekend.

#### FY2016 Audit

The Commission's Audit Committee is scheduled to meet with the State Comptroller's office following the Board Meeting. Ms. Stuckey has briefed the comptroller on the current issue with the FY2016 audit.

Mr. Yingling asked Ms. Stuckey to keep him updated on the outcome of the meeting.

#### Swearing in of Captain Ryan Pakalik as a Deputy Maritime Pilot

Ms. Stuckey reported that Captain Ryan Pakalik sat for his state exam the week of August 15th. He did extremely well. Captain Pakalik will join the rotation board on October 1, 2016. Captain Pakalik was sworn in by Commissioner Shisha.

#### Committee Report

A. Maritime Pilot Apprentice Selection Committee. Ms. Stuckey reported that the committee is interviewing up to 6 applicants per day. They are trying to complete the interviews by September 30<sup>th</sup>. Commissioner Shisha will attend on September 23<sup>rd</sup>. Commissioner Dacey also plans to attend and will advise Ms. Stuckey which day he is

available. Ms. Stuckey anticipates having a list for the Commission to vote on at the October Meeting.

B. Investigation Committee:

Ms. Stuckey reported that the Commission is up to date and there are no open cases.

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 Wowkanech and seconded by Commissioner Shisha that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:54 AM.

Resolution #16-28 to Approve the Upgrade of Captain James R. Britton to a Pilot of the Second Grade

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #16-28 to approve the upgrade of Captain James R. Britton to a Pilot of the Second Grade. All voted in favor.

Adjournment

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

The meeting was adjourned at 11:55 AM.

Executive Session.  
September 20, 2016

Discussion Re: Kinta Montilus

Ms. Montilus was excused from this portion of Executive Session. Ms. Stuckey informed the Commission that Ms. Montilus has resigned, and her last day of work will be on September 30<sup>th</sup>. They discussed a plan, to temporarily staff the office until the job description can be updated and properly posted.

Appearance of Pilots

Captain William Clifford - Docked/Undocked/Moved 400 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 2 days. Captain Clifford reported having a quiet year. He is not looking forward to working with the 14,000 TEU vessels.

Captain Clifford is a member of the USMMA Alumni Fund and serves as a marine expert witness.

Captain William McGovern - Piloted 146 vessels on the Regular New York (112), and Perth Amboy (34) Boards. He stated he had a very good year. He was absent for 7 days due to an allergic reaction to bees. All licenses are up to date. Pilot received signed physician's statement indicating he is competent for duty.

Captain McGovern hosts presentations on Operation Clear Channel. Ms. Stuckey asked Captain McGovern if he would be interested in being a part of awareness presentation for the Carteret Marina. Captain McGovern stated he would be happy to help.

Captain Stephen A. Richter - Docked/Undocked/Moved 183 vessels (79 Port NY/NJ, 1 LIS, & 103 Delaware Bay/River). All licenses are up to date. He reports having a busy year both professionally and personally as his two children were recently married. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Commissioner Dacey asked Captain Richter if he is submitting monthly reports. He stated that he was. Captain Richter reported that most of his work is on US Flag barges in the Hudson River.

Captain Richter is a marine consultant, expert witness and also works on the Advisory Board at the Maritime Academy Charter School.

Captain Mark P. Hershey - Docked/Undocked/Moved 220 vessels. All licenses are up to date. He tore his distal bicep and had surgery in January 2016, and is glad to be back to work. Pilot received signed physician's statements indicating he is competent for duty. Absent 3 ½ months.

Captain William A. Speiser - Piloted 143 vessels on the Regular New York (113), Perth Amboy (23), and Hell Gate (7) Boards. All licenses are up to date. He was absent 8 days for a scratched cornea. It was inconvenient but he managed. Pilot received signed physician's statement indicating he is competent for duty. Captain Speiser had nothing further to report.

Captain David J. Graves - Piloted 139 vessels on the Regular New York (23), and Perth Amboy (30) Boards. He reports having a good year. He had shoulder surgery due to a torn rotator. Everything is okay now and he is back to work. All licenses are up to date. He received signed physician's statements indicating he is competent for duty. Absent 51 days.

Captain Alex L. Woodworth - Docked/Undocked/Moved 280 vessels (237 Port NY/NJ, 23 Connecticut, & 20 LIS). All licenses are up to date. He reports having a good year. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Commissioner Dacey asked Ms. Stuckey if Captain Woodworth was mandated to submit monthly reports. Ms. Stuckey stated that it is not necessary because Captain Woodworth's numbers are okay.

Ms. Stuckey also mentioned that Captain Woodworth has been attending a lot of industry events. Captain Woodworth stated that he just wants to stay informed and share the information with his colleagues.

Captain Woodworth stated he does most of his work in the Port of NY/NJ on tankers.

Captain Woodworth has attended Harbor Ops Meetings and the USCG Sector NY Meet & Greet.

Captain James R. Britton - Piloted 158 vessels on the Regular New York (158) Boards. All licenses are up to date. He received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Britton is eligible to be upgraded to a pilot of the Second Grade effective October 1, 2016. The proper notice was posted at the pilots' headquarters and the pilot station. No negative comments were received.

Ms. Stuckey pointed out that she and Commissioner Dacey were both around when Captain Britton became an apprentice and are looking forward to seeing him become a full branch pilot.

#### Personnel Update

Ms. Stuckey reported that Captain Lou Bettinelli had shoulder surgery. He does not expect to be out for a long time but will notify the Commission when he has been cleared.

Ms. Stuckey also pointed out that she has been told that Captain Bettinelli often pays his pilots \$50 to attend industry meetings on his behalf.

#### Legal Update

DAG Kahler reported that there is nothing major to report on the foreign flag issue. He believes that if everyone called the foreign vessels irregular vessels instead then they would have to use a NJ pilot.

Commissioner Shisha questioned if a state can regulate a foreign vessel.

DAG Kahler stated that the military has jurisdiction and the foreign vessel is what is in question. NY hopes to coordinate with the Federal, State, and Navy to help come to a diplomatic decision.

Commissioner Shisha asked if the issue has ever come up before or in any other port. Ms. Stuckey stated that it has not, but the issue began as an Interport issue with Sandy Hook.

#### Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:54 AM.