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**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
January 17, 2017**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 17, 2017 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:08 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 Election Officers

Ms. Stuckey stated that she received Commissioner Wowkanech's proxy to nominate Commissioner Timothy Dacey, President, Commissioner Brian McEwing, Vice President, Commissioner Charles Wowkanech, Treasurer and Commissioner Jacob Shisha, Secretary.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the nominations. All voted in favor.

Committee Appointments

Commissioner Dacey pointed out that in addition to the regular committee appointments pursuant to E.O 122 an Evaluation Committee was added. The Executive order calls for a third Committee member that is not on the Commission. Ms. Stuckey informed Thomas Huth, Assistant Counsel, Authorities Unit that in the past, representatives from his office would participate

in Committee meetings, and asked if he would be willing to be the third member of the Committee. He expressed his willingness to do so.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the Committee appointments. All voted in favor.

Approval of the December 20, 2016 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the December 20, 2016 meeting minutes. All voted in favor.

Resolution #17-01 to approve the January 2017 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-01 to approve the January 2017 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Update on regulations - The comment period closes on January 20, 2017. No comments have been received. If no comments are received by the expiration date, Ms. Stuckey will send them to the Rules Office for final approval on January 23, 2017. The new expiration date for the Commission's regulations has been extended to May 9, 2017.
- B. FY 2016 Audit - The auditor was hoping to get the audit completed and meet with the Audit Committee prior to today's meeting, however he had to travel to Nigeria to take care of the arrangements for his sister's funeral. He has advised Ms. Stuckey that he will be back in time to complete the audit and meet with the Committee before the February 21, 2017 meeting.
- C. Hudson River Update - There has been no transport jobs since the Commission's last meeting.
- D. Harbor Ops - The next Harbor Ops meeting is scheduled for January 18, 2017, which will be followed by an Oil Terminal Roundtable meeting. Ms. Stuckey plans to attend both meetings.

- E. Board Administrator Search - The ad has been published in the Star Ledger and posted on the Commission's website. The closing date for submission of resumes is January 20, 2017. Ms. Stuckey's hopes to have a recommendation for the Commission at the February 21, 2017 meeting.
- F. FY 16 Annual Report - Ms. Stuckey has begun to collect information to work on the FY16 annual report. The focus of the report will be moving forward. Ms. Stuckey will highlight a lot of the accomplishments that occurred within the port, like the completion of the 50ft channel, the rejuvenation of fleet week and the Bayonne Bridge progress. Ms. Stuckey will also highlight the historic vessels that visited the port this year. She has reached out to different people to write articles. Captain Basciano is going to write an article on the John Brown. Captain Clark, will write an article on his experiences in completing investigations. Each of the Association presidents will write an article and there will be a tribute to retired Commissioner Richard Amster. She will also highlight a pilot in each issue. This year's nominee will be Captain Elizabeth Miller, the first full branch female pilot.
- G. The Sandy Hook Pilots have hired Christopher Maglin to take on some of the work that has been completed by Commander Jack Olthius, who is retiring in February. Captain Richard Shoenlank will formally introduce Christopher Maglin. Ms. Stuckey informed the Commission that Jack Olthuis will be attending the February 21, 2017 regular meeting. She is in the process of preparing a resolution for the Commission to present to him in the form of a plaque.
- H. Ms. Stuckey informed the Commission that she is scheduled to travel to MITAGS to observe the simulation exercises on February 21-23, 2017.
- I. Articles of Interest :
- The Port Authority regarding the initiation of the appoint system at Global Container Terminal in Bayonne
 - The Port Authority regarding the draft of a 3.2 billion dollar 10 year capitals plan.
 - The Maritime Executive about a pilot program being initiated by the port of Singapore to test self-driving trucks as an answer to the truck driver

shortage. Ms. Stuckey sits on the board of the Association of Bi-State Motor carriers and they are going to watch this program closely and if it works, they will initiate steps to implement the same program in this port.

Public Comment (s)

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

Captain Flannery informed the Commission that the draft for Global New Jersey has been set at 50 feet. It was previously 42 feet at low water and 49 feet at high water.

The contractors for the Bayonne Bridge have begun to remove the old roadway. They have placed a barge under the section that is being removed. The pilots will meet with the Port Authority to discuss parameters because the current situation is affecting traffic.

The parameters set for the ULCV's are in draft form. All pilots are scheduled to participate in the simulation exercises. Once the simulation exercises are complete, parameters will be established.

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

Captain Schoenlank introduced Christopher Maglin, the new Operations Director.

Comments from Christopher Maglin, Operations Director, Sandy Hook Pilots Association:

Christopher Maglin gave the Commission a brief summary of his background.

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

Captain Schoenlank informed the Commission that the Army Corp. released survey's that was taken last spring. The survey's revealed that Shoaling at Ward Point Bend has grown significantly over the past year.

Captain Schoenlank reported the results of the Sandy Hook elections. Captain Jon Oldmixon is the New Jersey President, Captain Ed Sweeney is the Vice President, Captain Brendon Foley is the Secretary and Captain Paul Klein is the Treasurer.

He announced his retirement and expressed how the great working relationship with the Commission and its staff, made things easier for him and he will miss them.

Comment from Robert Flannery, Captain, Metro Pilots Association:

Captain Flannery expressed his gratitude towards Captain Schoenlank.

Sandy Hook Training Grant

Commander Jack Olthius last project before his retirement is to set up the training session for Maritime Pilot apprentices at the Maritime Pilots Institute. The apprentices usually attend right before they become Deputy Pilots. He has been able to secure space for the week of March 27, 2017. Commissioner Dacey pointed out that funds for training were already in the Commission's budget. Ms. Stuckey advised that as in the past, the Commission does not need to approve the grant via resolution, but make a recommendation that she proceed. She has been advised to work with Commander Olthius to set up the training.

Committee Report

- A. Docking Pilot Apprentice Selection Committee: There were 6 applications received. The Committee will meet immediately following today's Board Meeting to select which applicants to interview and set interview dates.
- B. Investigation Committee:
- I. **Hoegh Trident** - Will be discussed in Executive Session
 - II. **Atlantic Sea** - The Commissioners reviewed the facts regarding the Atlantic Sea at the December 20th meeting. Based on the information in the report, Ms. Stuckey was advised to prepare an Opinion and Order outlining sanctions for the pilot. The Commissioners reviewed the Opinion and Order.
- A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the Opinion and Order in the matter of the Atlantic Sea. All voted in favor.
- III. **MSC Roma** - This incident is still under investigation.
 - IV. **MSC Aniello** - This incident is still under investigation.

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 10:32 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 11:43 AM.

Resolution #17-02 to Approve the Upgrade of Maritime Pilot Ronald S. Perry to a Pilot of Second Grade

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-02 to approve the upgrade of Captain Ronald S. Perry to a Pilot of the Second Grade. All voted in favor.

Resolution #17-03 to Approve the Upgrade of Maritime Pilot Karen S. Basciano to a Pilot of Fourth Grade

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-03 to approve the upgrade of Captain Karen S. Basciano to a Pilot of the Fourth Grade. All voted in favor.

Resolution #17-04 to Approve the Upgrade of Maritime Pilot Mark Wanderer to a Pilot of Fifth Grade

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #17-04 to approve the upgrade of Captain Mark Wanderer to Pilot of the Fifth Grade. 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.

The meeting was adjourned at 11:45 AM.

Executive Session

January 17, 2017

Appearance of Pilots

Captain Brian Mercereau - Docked/Undocked/Moved 156 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Mercereau reported having a quiet year, and he is looking forward to simulation training in February.

Captain Mercereau attended a one day computer course for the new computers.

Captain Robert Ellis - Docked/Undocked/Moved 360 vessels. All Licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Ellis reported that he participated in simulation exercises at MITAGS several times this year, and he believes the training will be beneficial when the ULCV's begin to arrive.

He also reports that his ankle fusion has not affected his work.

Captain Brian Paiva - Docked/Undocked/Moved 407 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Paiva reports that he had a very busy year, but he believes it was manageable.

Captain Paiva is scheduled to take his physicals at the end of January, 2017.

He also reports that he will attend MITAGS for simulation training in February, 2017.

Captain Elizabeth Miller - Docked/Undocked/Moved 126 vessels. All licenses are up to date. Pilot received signed physician's statements indicating she is competent for duty. Absent 0 days.

Captain Miller reports that she has had a good and uneventful year. She served on the Apprentice selection Committee, and feels that it was very rewarding. She is honored to be highlighted in the annual report and will work with Ms. Stuckey on the article.

Captain Timothy Ferrie - Docked/Undocked/Moved 153 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 6 days.

Commissioner Shisha expressed how much he appreciates all that Captain Ferrie does within the industry.

Captain Ferrie spoke about his work in Atlantic City. There are only 2 pilots with endorsements to work in that area and he believes the Commission should look into endorsing at least 4 junior pilots for that route.

Ms. Stuckey - will work with Sandy Hook to get copies of the test and meet with the new President to discuss this issue.

Captain Ferrie informed the Commission that the Marine Society will be honored at the New York Harbor School dinner, for the scholarships they provide to students.

Captain Ferrie is the President of Marine Society (New York), President of Sailors Snug Harbor trust, East Coast Rep I.O MMP pilot group, Member of Board Director of Maritime Association of NY and NJ, Board member of Suny Maritime Museum.

Captain Paul Klein - Docked/Undocked/Moved 145 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Klein reported having a good year, and his foot is doing well after surgery.

He also states that he attended MPI with the apprentices and he believes it is a great opportunity for them.

Captain Sheldon Davis - Docked/Undocked/Moved 311 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Davis reports that his year has been great.

Ms. Stuckey thanked Captain Davis for his work on the Docking Pilot Test Committee.

Captain Davis informed the Commission that during his simulation training, McAllister sent two of their tug operators for the training.

Captain Ronald Perry - Docked/Undocked/Moved 137 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Perry reports that he had a nice year, with no problems.

Captain Perry states that he is not sure the Association should bring in new apprentices because he would like to maintain the integrity of state piloting.

He is part of the Harbor Ops Committee, Nautical Inst, Marine Society and Naval Order of the US.

Captain Perry is eligible to be upgraded to a pilot of the Second Grade effective February 1, 2017. The proper notice was posted at the pilot's headquarters and the pilot station. No negative comments were received.

Captain Karen Basciano - Docked/Undocked/Moved 145 vessels. All licenses are up to date. Pilot received signed physician's statements indicating she is competent for duty. Absent 0 days.

Captain Basciano reported that she had a very busy year.

She organized the WW2 Liberty Ship SS John W. Brown's visit to NY, Volunteered at the Harbor school on Governor's Island and the Bronx charter school.

Captain Basciano is eligible to be upgraded to a pilot of the Fourth Grade effective March 1, 2017. The proper notice was posted at the pilot's headquarters and the pilot station. No negative comments were received.

Captain Mark Wanderer - Docked/Undocked/Moved 285 vessels. All licenses are up to date. Pilot received signed physician's statements indicating he is competent for duty. Absent 0 days.

Captain Wanderer reported that he had a very good year.

Captain Wanderer reported that he usually pilots yachts on the Hell Gate Board.

He believes that when the bridge is raised, that will be a better gauge on how many apprentices would be needed.

Captain Wanderer is eligible to be upgraded to a pilot of the Fifth Grade effective February 1, 2017. The proper notice was posted at the pilot's headquarters and the pilot station. No negative comments were received.

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

Apprentice Barsch reports that he has been getting his trips done.

Apprentice Barsch stated that he likes what he is doing and believes that he is on track.

Apprentice Barsch explained his process of drawing charts.

Legal Update

DAG Kahler reported that there is nothing to report. The memo on the Foreign Flag Public Vessels will be ready for next month's meeting.

Personnel Update

Ms. Stuckey reported that Captain Doug Einhorn will not be returning to work. Do to his injuries; he will be out on permanent disability.

Hoegh Trident

Ms. Stuckey presented the facts surrounding the Hoegh Trident investigation. Based on the findings in the investigation report, the Commission found that there were grounds to take action against the pilot for his failure to submit a complete report, which is a violation of the Commission's regulations. It was further determined that his actions while piloting the Hoegh Trident were questionable. As a result, Ms. Stuckey was directed to prepare an Opinion and Order with recommendations to sanction the pilot. The Opinion and Order will be prepared for the February 21st regular meeting.

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 11:43 AM.