

**Minutes of the Regular Meeting of The  
New Jersey Maritime Pilot and Docking Commission**

**July 17, 2018**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, July 17, 2018 at One Penn Plaza East, Board Room- 10A, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:01 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 the June 19, 2018 regular meeting minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the June 19, 2018 meeting minutes. All voted in favor.

Resolution #18-20 to approve the July, 2018 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #18-20 to approve the July, 2018 Treasurers Report. All voted in favor.

## Executive Director's Report

- A. There are two additions to today's agenda, the first was resolution #18-24 for the upgrade of Captain Kevin Walsh and Captain Randall Murphy will be working for the next three months, so he has been added for his annual appearance.
- B. Since our last meeting there has been a report of one transport job on the Hudson River.
- C. Maritime Apprentice Selection Process - The Apprentice Selection Committee has begun to review the results of the testing and interviews of all repeat applicants from the career counseling center. The Committee will meet soon to discuss the next steps. The Committee is still planning to interview the weeks of September 10<sup>th</sup> and 17<sup>th</sup>.
- D. FY2018 Audit - Treasury has deleted auditors from the list of Cooperative Purchasing Participants. I have been advised that DOT will conduct an internal audit. However, the Commission would like to continue with an independent audit. Ms. Stuckey has solicited proposals from local auditors. Letters were sent to twenty auditors listed in Newark, Union and Elizabeth. The deadline for proposal submission is July 20<sup>th</sup>. Ms. Stuckey has provided a draft of the letter that was sent.
- E. Coast Guard from #719k - The Coast Guard has finally completed the upgrade of their physical form. Ms. Stuckey provided the Commission with a copy of the new Coast Guard physical form that will expire on March 31, 2021. The Commission will begin to phase out the old forms to allow for an adjustment period. As of January 1, 2019, the Commission will no longer accept the old forms.
- F. New Coast Guard Radar Endorsement Rules - The Coast Guard is establishing new rules for pilots with radar certifications on their federal licenses. The new rule states that if you have if you have piloted a vessel for five consecutive years, you will not need to renew your radar endorsement. The Commission's regulations require that a pilot maintains a current ARPA and radar certificate. The rule has not yet become effective but it is anticipated that it will pass by the end of the year. At that time, the Commission will need to address it. If the

Commission desires to follow the Coast Guard, it can exercise its authority under N.J.S.A 12:8-13 "Acting as maritime, docking pilot during emergency". The Commission did this when the Coast Guard moved their operations for reviewing physicals to Virginia and the pilots could not get their forms approved in a timely fashion. The rule could then be amended during the Commission's next round of amendments. The second option is to do nothing and keep the requirement in the Commission's regulations. Ms. Stuckey would issue an advisory notifying NJ state pilots and apprentices that the rule would remain in effect.

- G. OPRA Request - Per Counsel Ms. Stuckey requested another extension until July 20, 2018. Ms. Stuckey prepared all the documentation and sent it to their OPRA Unit for review and approval. As of yesterday afternoon, Ms. Stuckey received the okay to release the requested information. All requested information will be sent out by the new deadline date. Commissioners Shisha and McEwing asked to review the documents before they were released.
- H. Annual Report - The annual report has been printed and distributed. Ms. Stuckey provided the Commissioners with a printed copy of the report. If there is anyone that the Commission would like to receive copies, please forward the information and Ms. Stuckey will get them a copy ASAP. Also, Ms. Stuckey provided a copy of the New York Commission's Annual report.
- I. Sandy Hook Fitness - The New York Commission has provided Sandy Hook with a fitness center in their new pilot house. With the Commission's permission, Ms. Stuckey would like to discuss with Sandy Hook how the New Jersey Commission can make a contribution to the new pilot station house.
- J. Sandy Hook Apprentice Training Report - Ms. Stuckey provided the Commission with the Sandy Hook Apprentice training report. Apprentice Paul Torres is scheduled to come the week of July 30<sup>th</sup> to sit for his exam. Ms. Stuckey had Commander Olthius updated the test to include questions about unlicensed operators, DWI and surge issues. Ms. Stuckey anticipates including a resolution on the August agenda for the Commission to approve his license. He is scheduled to join the rotation board on October 1, 2018.

K. Harbor Ops Meeting - Ms. Stuckey attended the last Harbor Ops meeting before the summer break. She provided the Commission with a summary of some of the items discussed.

1. The Coast Guard has begun operation safe Hudson. This initiative focuses on recreational boater safety throughout the summer.
2. There is a rule out to modify the LaGuardia security zones. The comment period ends on July 23, 2018. Ms. Stuckey advised that the Commission did not need to provide comments.
3. The Governor of New York signed a rule that would allow for a bike lane (a lane for human powered vessels) behind Ellis Island. The Coast Guard has asked for feedback from the maritime community during the first few months to try to determine whether the lane is working and if any adjustments need to be made.
4. The first Harbor Safety Committee of the Hudson River will take place on October 2, 2018. Ms. Stuckey does not plan to attend, but will ask Sandy Hook to report to the Commission at the October meeting.
5. The Lehigh Valley Bridge has gone back to opening on demand on June 29<sup>th</sup>. This will last until the Conrail work is complete. Once the work on Conrail is done there will be a test deviation sometime late September to get a feel on what works best.
6. The following dredging updates were provided:
  - Rocks were found in the construction area at Berths 94-96 in Port Elizabeth during maintenance dredging. Blasting to remove the rock will begin in mid-July.
  - Maher berths 64 & 66 deepening work is in progress
  - The bidding process has started for the 50<sup>ft</sup> project at PNCT berths 55 & 57
  - Bids are being reviewed for the maintenance dredging at New York Marine terminals.
  - There is currently a study taking place to look into deepening berth 63 in Elizabeth to 50ft.

- L. On the Right Whale issue, Ms. Stuckey asked Mr. Kelly to brief the Commission on the censors that were installed to identify the right whales in the shipping channel.
- M. There was a presentation from Freight NYC to propose a model to modernize freight distribution. This proposal was similar to the one presented by Red Hook a couple of years back in which they proposed the use of barges to move containers from PNCT into New Jersey. Although it makes sense to do so, a lot of research still needs to be done. Ms. Stuckey will continue to provide feedback to the Commission as this idea progresses.
- N. Legislative Cruise - Ms. Stuckey thanked Sandy Hook and all involved for a successful cruise.
- O. Coast Guard Sandy Hook Ribbon Cutting Ceremony - The ceremony was well attended. Ms. Stuckey took a tour of the facility and a great job was done in modernizing the building. Ms. Stuckey provided the Commission with pictures of the new facility. She believes the building will serve them well and aid in quicker responses for cutters and rescue missions in that area.
- P. Ms. Stuckey volunteered for the Seamen's Church Port Community Festival this year. It was a wonderful event and provided great networking opportunities.
- Q. Vacation Schedules - Ms. Stuckey initially planned to take vacation the week of July 23<sup>rd</sup>, but she will not be taking that time. She does plan to take a week off between now and the beginning of the apprentice interviews. Once her plans are finalized, she will let the Commission know.
- R. Ms. Stuckey provided the Commission with several articles of interest and advised them to read at their leisure.

Public Comment (s)

Comments from Captain John Oldmixon, President, Sandy Hook Pilots Association:

Captain Oldmixon reported that the Sandy Hook Pilots Association has been very busy with the increase in SULCV's coming into the ports. They have been handling the activity well

and there has been only one small issue that is being worked out with VTS and the tug companies.

Captain Oldmixon thanked Ms. Stuckey for her efforts in the apprentice selection process.

Captain Oldmixon advised the Commission that the Coast Guard rules on Radar Endorsement would not require a pilot to renew their endorsement, they would only need an initial endorsement to get licensed and therefore he did not believe it would be an issue.

Ms. Stuckey advised that the Commission's rules required a pilot to have a current Radar Endorsement and if they did not have to renew it for the Commissions purposes, the Endorsement would be outdated. Questions were asked by the Commission on whether the Coast Guard required a trip log when pilots renewed their endorsement.

Captain Flannery informed the Commission that there was no trip log requirement and there was only a test that had to be taken.

Captain Oldmixon also stated that the renewal would be waived if the pilot worked within a five year period therefore, a trip log would not be necessary.

Ms. Stuckey advised that she believed the language would say that if a pilot navigated vessels for five consecutive years the renewal would be waved. It is something the Commission would have to address since all active pilots certificates will expire. After open discussion, Commissioner McEwing suggested that the conversation be put on hold until the actual language was published and a discussion can be had at that time.

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

Captain Flannery reported that because of the rocks located at berth 96 and the channel being 47ft deep there will be dredging done at that location.

Captain Flannery reported that at ULCV berths 63 and 61 are 32ft and the extra room is needed there, so there will be dredging done to 50ft.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported New Jersey is now looking to develop Off-Shore wind. They are scheduled to have a hearing on Thursday, July 19<sup>th</sup> that he will be attending. The hearing will be led by BPU who is the leading agency behind Off-Shore wind in New Jersey. The maritime community's main concern with this is sea lanes. Mr. Kelly outlined what the community deemed sea lanes He explained that there are undesignated anchorages in the areas in question. Mr. Kelly reports that the maritime industry needs to know where the power is coming ashore and where there will be cables on the sea bed so the industry needs to make sure that these areas are safe. Mr. Kelly reported that construction is not scheduled to break ground until 2023 so there is time to get all of the industries concerns addressed.

Mr. Sternbach reports that he will pass along any comments or concerns that the industry has on this issue to the proper authority.

Mr. Kelly reports that he will forward all documentation and information that he has to Mr. Sternbach.

Mr. Kelly reported that there has been a Right Whale issue that has come up. He reports that Right Whales are an endangered species on the East Coast. The right whales issue ties right into the off-shore wind issue. In order for all the off -Shore wind projects to satisfy environmental concerns, these companies have been giving millions of dollars to research groups to determine the impact that off-shore wind platforms would have on various conditions and what type of marine mammals this could affect. Mr. Kelly reports that these companies are doing fly overs to see what kind of marine animals that are actually in this area. They have added bottom mounted detectors to listen to various sounds in the water to detect marine mammals up to a ten mile radius. Mr. Kelly reported that New York State Division of Environmental Control had a meeting on June 13<sup>th</sup> on Long Island to talk about the results of the first year of monitoring. He reports that the findings were a surprise to all in the amount of marine mammals that are in this area. This amount of activity will bring along seasonal slowdown restrictions and they are looking to expand restrictions to protect these whales. Mr. Kelly reported there is a high concentration of right whales in shipping lanes and more sightings can lead to more slowdown restrictions for the maritime industry. He reported that he will stay engaged in the situation and keep the Commission updated as things move forward.

## Committee Reports

### A. Investigation Committee :

- I. Constantinos P - 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.
- II. Ponington - Case is still under investigation and was tabled until next month's meeting.
- III. Ioanna D - Case is still under investigation and was tabled until next month's meeting.

### Resolution #18-21 to Approve the Docking Pilot Apprentice Selection List

Ms. Stuckey informed the Commission that she was pleased with the caliber of applicants and believes that this is the strongest list to date.

Captain Robert Flannery thanked Ms. Stuckey and Commissioner Shisha for doing a great job with the apprentice selection.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-21 to approve the Docking Pilot Apprentice Selection List.

All voted in favor.

### Resolution #18-22 to Approve the Appointment of Captain Donald Occhipinti into the Interport Pilot's Association Training Program.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-22 the Appointment of Captain Donald Occhipinti into the Interport Pilot's Association Training Program.

All voted in favor.

Mr. Occhipinti gave a brief summary of his career and thanked the Commission for the opportunity.

### Resolution #18-23 to Approve the Appointment of Captain Sean Meade into the Interport Pilot's Association Apprentice Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-23 the Appointment of Captain Sean Meade into the Interport Pilot's Association Training Program.

All voted in favor.

Mr. Meade gave a brief summary of his career and thanked the Commission for the opportunity.

Ms. Stuckey informed the Commission that she will be sending out a burst email to all pilots, apprentices and associations to inform them of Captain Occhipinti and Captain Meade's appointment as docking pilot apprentices.

#### 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 10:46 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 11:47 AM.

#### Resolution #18-24 to Approve the Upgrade of Captain Kevin J. Walsh

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #18-24 to Approve the upgrade of Captain Kevin J. Walsh.

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 11:48 PM.