

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

October 16, 2018

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 16, 2018 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:02 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (Absent); Commissioner Jacob Shisha (present);

Approval of the August 21, 2018 regular meeting minutes

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to approve the August 21, 2018 meeting minutes. All voted in favor.

Resolution #18-30 to approve the September/October, 2018
Treasurers Report

A motion was made by Commissioner Dacey and seconded by Commissioner Shisha to pass Resolution #18-30 to approve the September and October, 2018 Treasurers Report. All voted in favor.

Ms. Stuckey informed the Commission of the contractual rent increase from New Jersey Transit and advised that the rental amount included the retro payments from July and August.

Commissioner Dacey announced that Commissioner Wowkanech resigned from the Commission and spoke about the many years he dedicated to the Commission.

Commissioner Dacey then reminded all that the Commission has been functioning without the full complement of Commissioners since 2010. He implored that the Governor's office strongly look into appointing new Commissioners since there are only three currently serving with expired terms.

Commissioner Dacey then made a motion to appoint Commissioner Shisha to serve the dual role of Secretary/Treasurer since there are not enough Commissioners to fill current roles. The motion was seconded by Commissioner Shisha and all voted in favor.

Executive Director's Report

- A. Commissioner Wowkanech - Ms. Stuckey read a statement that was provided to her by Commissioner Wowkanech. Commissioner Wowkanech was instrumental in getting the 2004 law passed to bring docking pilots under state jurisdiction. He has also been extremely helpful in Trenton with helping the Commission's newly appointed Commissioners through the confirmation process. Commissioner Wowkanech has been appointed to a National position by the AFL-CIO which takes up a lot of his time and he is not able to regularly attend Commission meetings. He has made the tough decision to resign since he is not able to give this appointment 100%. Ms. Stuckey is hoping to have Commissioner Wowkanech come to a future meeting so the Commission can wish him well. Ms. Stuckey provided the Commission with a copy of his letter of resignation.
- B. Pilot Summary Log - Ms. Stuckey provided the Commission with an updated pilot summary log that is maintained by the Commission's office that has pilot's names, affiliation, trips to date and association totals.
- C. Hudson River Update - Since the Commission's last meeting, Captain Nils Tribus has done three transport jobs on the Hudson River.

- D. Maritime Pilot Apprentice Selection Process - After a lengthy process and interviews that took approximately 2 ½ weeks, the Committee came up with a list of ten ranked applicants and four alternates. Ms. Stuckey previously sent the Commissioners a summary of each applicant's background and qualifications. She believes that the Commission will be happy with the current list. Sandy Hook will be calling a new apprentice in November. There are currently 39 New Jersey pilots and 35 New York pilots, so the next apprentice will be registered in New York. There is a resolution on the agenda for the Commission to vote on ratifying the list.
- E. Russel Henschman - Apprentice Russell Henschman is scheduled to take his state licensing exam on Monday, October 23th and Tuesday, October 24th.
- F. Monthly Apprentice Update - Ms. Stuckey provided the Commission with a copy of the Sandy Hook monthly apprentice training report along with reports from docking pilot apprentices.
- G. Utopia - Captain Dan Foley and Ms. Stuckey met with representatives from the newly built Utopia. They came in for clarification of the Commission's requirement for a yacht over 200ft to take a compulsory pilot and wanted to discuss ways they could get around the requirement particularly for shift arounds. The yacht's length overall is 207ft, therefore they were advised that the requirement could not be waived. They also discussed the possibility of hiring a retired pilot to be on call for them. It seems that their biggest complaint is that they did not want to have to call in and then wait for a pilot every time they wanted to move. They were advised that retired pilots are no longer state pilots and they are required to abide by the laws of the state of New Jersey. It was also suggested that they plan better, for example if they knew they were going to need a pilot at 12pm, they could call and request the pilot at 9am which would satisfy the 3 hour minimum requirement for Sandy Hook and then they would have the pilot when needed.
- H. Port Industry Day - Ms. Stuckey attended Port Industry day on September 24th. The day started with a financial report from Dr. Nariman Behravesh on World Trade and the Global

Economy. He predicted that although the economy is currently on the upswing that if the current administration in Washington continued with the trade wars the economy would take a turn for the worse. After his presentation there were the two panel discussions on new initiatives that are being made throughout the industry to aide in the safe, fast and reliable transport of commerce.

- I. Molly Campbell the Director of Port Commerce at the Port Authority has resigned to take a position at Harvard University. There is currently a search for her replacement. Ms. Stuckey will continue to monitor and report back to the Commission once someone is named.
- J. Ms. Stuckey provided the Commission an announcement from the Maritime Association introducing their first in a series of maritime luncheons. The luncheon will take place on November 9th at the India House in New York and the Maritime Administrator Admiral Buzby will be the speaker. Ms. Stuckey plans to attend and advised if any of the Commissioners are interested in attending, please let her know and she will make the necessary RSVP.
- K. Harbor Ops meeting - Ms. Stuckey reported that she was not able to make the last Harbor Ops meeting and advised if any one that was in attendance had anything to report, please do so during public comments.
- L. New Jersey Transit - New Jersey transit is renovating the board room, so the Commission's meeting next month will take place in the conference room on the tenth floor. Hopefully the renovations will be completed in time for the Commission's December meeting.
- M. Vacation Schedules - Ms. Stuckey is planning to take vacation time on Thursday, November 2nd and Monday, November 5th. Mr. Hawkins currently does not have any vacation time planned.
- N. Articles Of Interest - Ms. Stuckey provided the Commission with several articles of interest that she encourages the Commissioners to read at their leisure.

Public Comment (s)

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

Captain Oldmixon reported that Sandy Hook, McAllister, Moran and VTS are in discussions with Phillip 66 about the large ships coming into Bay Way. He reports that the pilots have been adamant about sailing during daylight only. Captain Oldmixon reported that Phillip 66 would like to expand that time and Sandy Hook is currently in discussions with them on the matter. The current agreement is to sail two hours prior to sunrise and four hours prior to sunset.

Captain Oldmixon reported that a British aircraft the HMS Queen Elizabeth will be arriving in the Bay Ridge flats for a week and Sandy Hook has been in discussions with VTS and the Commander of the vessel regarding the matter.

Captain Oldmixon reported that he is excited about the Deputy Pilot Upgrades and hopes that the Commission accepts the proposal. He reports the upgrades are an effort to get younger pilots onto larger ships before getting on an ULCV or an SULCV. He reported that this will be beneficial for the pilots to practice before getting on the larger ships.

Captain Oldmixon reported that Sandy Hook went down to the APA convention two weeks ago. He reported that they viewed all of the new systems for the carry aboard laptops. He reports that there is a lot of new technology that they are looking forward to working with.

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

Captain Flannery reported that the kills will be closed from Wards Point to Bay Way upon pilots request during the daylight transits.

Captain Flannery reported that all of the presidents will meet with IMTT to insure all is safe during large ship transits.

Captain Flannery reported that Newark Bay is 95% dredged and Wards Point should be dredged within the next month.

Captain Flannery reported that the Port Authority met with the Deep Draft Committee to discuss changing the recommendations. He reported that the Committee will not change the deep draft recommendations, but will republish them.

Comments from Chris Maglin, Director of Operations, Sandy Hook Pilots Association:

Mr. Maglin reported that they closed one pilot ladder deficiency report last month. He reported that the Atlantic Crown had an unsecure gang way on the starboard side. Mr. Maglin reported that he contacted the ships management and received detailed information to make things satisfactory from Sandy Hook's perspective. He reported that he will update the Commission on the progress as it moves forward.

Mr. Maglin reported that Sandy Hook would like to send an apprentice pilot for training at the Manned Model School. He reported that once he receives the information, he will forward all documents to Ms. Stuckey.

Comments from Captain Adam Richardson, Interport Pilots Association:

Captain Richardson reported that both Interport apprentices Don Occhipinti and Sean Meade are moving along and doing very well.

Committee Reports

A. Investigation Committee :

- I. **MSC Angelina** - 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 Dacey to accept the recommendations. All voted in favor.
- II. **Torm Estrid** - Discussed in Executive Session.
- III. **Torm Sara** - 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 Dacey to accept the recommendations. All voted in favor.
- IV. **Carnival Horizon** - Discussed in Executive Session

Resolution #18-31 to Approve the Maritime Pilot Apprentice Selection List

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve Resolution #18-31 to approve the Maritime Pilot Apprentice selection List.

All voted in favor.

Resolution #18-32 to Approve the Hiring of an Auditor

Ms. Stuckey explained that on the advice of counsel, the Commission followed the (request for proposal). Process outlined in E.O. 122. The Audit Evaluation Committee set the criteria to choose an auditor based on price due to the size of the audit. RFP's were sent to 24 auditors listed on the previous list of cooperative purchasing participants on the Treasure's website. Then, the Audit Committee reviewed and chose the firm of Kayode Agunbiade, LLP.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve Resolution #18-31 to approve the Hiring of an Auditor.

All voted in favor.

Resolution #18-33 to Approve the Appointment of Captain Adam R. Graves into the Harbor Pilot's Association Apprentice Training Program.

Resolution #18-33 to Approve the Appointment of Captain Adam R. Graves into the Harbor Pilot's Association Apprentice Training Program has been tabled until the Commission's November 20, 2018 regular meeting.

Maritime Deputy Pilot Upgrade

Captain Oldmixon explained to the Commission the importance of the Deputy pilot upgrades to ensure the deputy pilots are prepared for the larger generation of vessels entering the port.

Ms. Stuckey explained to the Commissioners that if they agreed with the upgrade that she would begin the regulatory process. This process includes, drafting regulations, submitting then to the Governor's office for approval. Once approved, there will be a resolution for the Commission to vote on to move forward with the proposal. At that time, the regulations would be submitted to the Office of Administrative Law to be published in the New Jersey register with a 60 day comment period. At the end of the comment period, Ms. Stuckey would prepare a response to comment document for the Commissioner's review. The regulations would then be submitted to the Governor's office for a final approval. They will then come before the Commission one final time before the regulation is sent back to OAL for publication. The regulation will become effective on the date they are published.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to authorize Ms. Stuckey to begin the proposal process for the Maritime Deputy Pilot Upgrade.

All voted in favor.

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 Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:33 AM.

Return to Public Session

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

All voted in favor.

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

Torm Estrid Report

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

Carnival Horizon

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to accept the Opinion and Order as amended. All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 11:55 AM.

Executive Session

October 16, 2018