Minutes of the Regular Meeting of The

New Jersey Maritime Pilot and Docking Commission

January 15, 2019

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, January 15, 2019 at One Penn Plaza East, 10A Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:04 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (Via-teleconference); Commissioner Jacob Shisha (present);

Election of Officers

Ms. Stuckey read the names of the current officers; Timothy Dacey, President; Brian McEwing, Vice President; Jacob Shisha, Secretary and Treasurer.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to nominate all officers as read.

All voted in favor.

Committee Appointments

Commissioner Dacey made the attached Committee Appointments and advised that they are amended to reflect the departure of Commissioner Charles Wowkanech.

Approval of the December 18, 2018 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the December 18, 2018 meeting minutes. All voted in favor.

Resolution #19-01 to approve the January, 2019 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #19-01 to approve the January, 2019 Treasurers Report. All voted in favor.

Executive Director's Report

A. Pilot Trip Log - Ms. Stuckey provided the Commission with a copy of the pilot trip log. She informed the Commissioners that the log has been zeroed out for 2019, with the carry over totals from 2018 noted on the bottom to compare with 2019.

B. Hudson River Update - Since the Commission's last meeting, there has been a report of two transport jobs on the Hudson River. Ms. Stuckey reminded the Commission that Captain Len Evans stated that he no longer wished to work on the Hudson River as a transport pilot. His license with New York was terminated on December 15, 2018, this means that Captain Nils Tribus is the only New Jersey pilot that is serving as a transport pilot for the Hudson River.

C. Hudson Tank Terminals - Conversations continue with Hudson Tank and the Port Authority. Ms. Stuckey has learned that due to issues under the water level the berth cannot be dredged to 40 the first twenty feet from the dock. Ms. Stuckey provided the Commission with a picture of the most recent fenders that were installed by the terminal. The idea of using Yokohama tires was mentioned as an alternative if the new set of tires fail to provide proper protection.

D. Offshore Wind Meeting - Adam Sternback of the Authorities Unit set up an offshore wind meeting with Ms. Stuckey, Ed Kelly and Madeline Urbish the Governor's policy person, Captain John Oldmixon, Adam Guziejewski (lobbyist) and Carol Katz (lobbyist) for the Maritime Association. The meeting turned out to be extremely informative and Ms. Stuckey was pleased to report that the Governor's office is very much involved and on top of the subject. Currently there is not much the state can do outside of making the

concerns of the maritime community and other entities they represent known. Once the planning gets to the point where they have to cross state lines to lay the pipes, the state will be in a stronger position to let their concerns be known. It was also explained that there is one final process to get feedback and they are on top of the issue. Currently the lobbyist were advised to continue to attend hearings to express their concerns.

E. Association Updates - This is the time of year when each of the Associations have their annual meetings and elections. To date, the Commission received reports from two Associations. Interport reported that Captain Charles Jonas will remain President and Captain Adam Richardson has been named Vice President. Sandy Hook has reported that Captain Dan Foley, Bill Speiser and Mark Wanderer have been elected to the Executive Committee. Of these three individuals, a President, Vice President and Secretary will be chosen. Their reorganization meetings will take place on January 16th and Ms. Stuckey will advise the Commission as soon as she receives the results. She have not yet gotten reports from Harbor and Metro at this time, however each association stated that they don't anticipate any changes.

F. FY2018 Audit - Ms. Stuckey reported that when the Commission's computers were updated, the quick books program was updated as well and a lot of the information was lost. After consultation with the auditor, it was recommended that all of the information beginning from July 1, 2017 be input into the new program. Ms. Stuckey is more than halfway done with that process and she plans to get the financial reports to him by the end of the week. He anticipates having the audit complete and reviewed before the February meeting.

G. Docking Pilot Apprentice Selection List - Ms. Stuckey provided the Commission with a copy of the ad that will be published in trade publications and the Commissions website on March 1, 2019. The application deadline date is April 30, 2019. She will contact each of the Association Presidents to set up a Committee to review the applications and interview applicants. Ms. Stuckey is looking to replenish the list by June of 2019.

H. Rule Proposal - Ms. Stuckey provided the Commission with a copy of the proposal as it was published in the January 7, 2019 edition of the New Jersey register. The deadline date

for submitting comments is March 8, 2019. Ms. Stuckey's goal is to review the comments and have a response to comment document ready for the Commission's review by the March 19th meeting. If no comments are received, the rules will be resubmitted to the Governor's office for a final approval before they are submitted for proposal. If all goes as planned, the Commission will look to have the rules become effective on May 6, 2019.

I. Atlantic City Test - Ms. Stuckey provided the Commission with a copy of the draft of the Atlantic City test along with the chartlet the applicants will be required to draw. Since the Absecon inlet is such a small area the test will contain ten questions and there are 10 items including depths and aids to navigation the test will be graded on. The question and answer portion will be worth ten points and each item on the chartlet will be worth ten points. Her understanding is that Sandy Hook is proposing to test four pilots, three from New Jersey and one from New York. She has put together a review package that she will forward to each applicant one month before they are scheduled to take their exam.

J. Harbor Ops Meeting - Ms. Stuckey reported that she has not received the agenda for the Harbor Ops Meeting for Wednesday, January 16, 2019. She plans to attend the meeting.

K. Monthly Apprentice Training Report - Ms. Stuckey provided the Commission with a copy of the Sandy Hook monthly apprentice training report. Apprentice James Britton is currently stopped up and will be attending manned model training funded by the Commission.

L. Articles of Interest - Ms. Stuckey provided the Commission with articles regarding the Government shut down and how it affects the maritime industry. The Coast Guard is working without pay, but that is only for essential workers. The piece that affects the pilot industry is the closure of the testing facilities and the medical review facilities. The Coast Guard has passed emergency rules that allow for an extension for any pilot whose medicals have expired. The testing facilities remain closed.

Public Comment (s)

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

Captain Flannery reported that at the Marine Terminal meeting he had a discussion with Maersk about ships sailing on time. He reported that Maersk is trying to get things together with the cranes and there are future plans to meet with them and the agents to discuss the details. Captain Flannery advised the Commission that he will report back to the Commission after that meeting takes place.

Ms. Stuckey advised Captain Flannery that she would like to be present when that meeting takes place.

Comments from Captain Dan Foley, Sandy Hook Pilots Association:

Captain Foley reported that he was filling in for Captain John Oldmixon and advised the Commission that Captain Oldmixon would be stepping away from the Board this year. He thanked Captain Oldmixon for his twenty four years of service on the Sandy Hook Pilots Board of Trustees.

Captain Foley reported that the pilot boat New York has passed all of the ships inspections.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly introduced Ms. Tiffany Torres and advised the Commission that she will be working with the Maritime Association as well as attending meetings as a backup to him as needed.

Mr. Kelly reported that there was a question of where the Harbor Ops meeting will be held because of the Coast Guard being shut down. He reported that there will be a full Harbor Ops Committee meeting that will be held in a local chapel near the Coast Guard headquarters. Mr. Kelly advised the Commission that Captain Tama was very helpful in keeping the meeting as scheduled and declared that all attendees are essential to the safety of the port.

Mr. Kelly reported that he wanted to thank Adam Sternbach for organizing the Off-Shore wind meeting that was attended by himself, Ms. Stuckey, Captain Oldmixon, Carol Katz and Adam Guziejewski. He reported that he believes that there is still an issue regarding Off-Shore wind. He reported that the issue is with Bohm and not the state department. Mr. Kelly advised the

Commission that there has been several meetings with BPU, but the issue just continues to be ignored. He reported that Bohm has leased the property in Massachusetts without any setbacks that were proposed. Mr. Kelly believes that the maritime industry needs to continue to monitor the issue.

Ms. Stuckey advised Mr. Kelly that the Coast Guard is the lead federal agency regarding this issue. She will set up a meeting with Captain Tama to better understand their position.

After further discussion, Ms. Stuckey reported that she will reach out to Adam Sternbach to see is the Governor's office would like to talk to the contact with the Coast Guard so the two agencies can talk directly and get on the same page.

Comments from Captain Bob Ellis, President, Metro Pilots Association:

Captain Ellis reported that from a developer's stand point if they go from a one mile to two mile setback, it will push them further off-shore which in turn makes it more expensive and logistically more difficult to provide the amount of electricity they are looking to provide. He believes that they are looking at the North Sea where there is only a half a mile to a mile setback and is much busier than the port of New York/ New Jersey.

Letter from Captain Oldmixon

Ms. Stuckey read the following letter from Captain John Oldmixon.

Good Morning Tim, Jacob and Brian

I first would like to apologize that I can't attend the January meeting. I am in the middle of dealing with a lot of pain in my Sciatic nerve in my left leg from a pinched nerve. Captain Dan Foley is attending in my place. I want to thank you all for your help and friendship these past two years while I was President. My history with the New Jersey Pilot Commission goes back twenty years being on the New Jersey Sandy Hook Pilots Executive Committee. The New Jersey Sandy Hook Pilots appreciate the work you have always done. We know the effort you all put forward, while receiving no compensation and we truly appreciate it. The Commission is a key role in sustaining State Pilotage in New Jersey. In today's climate, this is more important than ever. The Ships are getting larger and our work is getting a bit more difficult. Knowing that the Commissioners support our work, training and ability is good to know and helps us deal with

problems that may arise while doing our job. The New Jersey Pilot Commission has been dealing with its own "shutdown" for many years now. I commend your fortitude and willingness to keep the Commission running and functioning. State pilotage in New Jersey needs you as do the pilots whether they realize it or not. Please take care of Andre and Al, they are dedicated to our effort and our work as well as dedicated to you all. I have met many hundreds of people these past twenty years, Andre and Al are dedicated and work hard supporting the New Jersey Commission. Thanks again and I wish you all well in 2019 and in the coming years.

Respectfully,

Captain John C. Oldmixon.

Committee Reports

A. Pension Surcharge & Capital Improvement Committee:
   1. **Pension Surcharge** – Commissioner Shisha reported that it has been a very good year. He reported that there is no scheduled raises in the surcharge at this time, and he is helpful that 2019 will follow the same course as 2018.
   2. **Capital Improvement** – Commissioner Shisha reported that Sandy Hook pilots came up with a possible solution to their aging ship issue. He reported that the Oil Pollution Syndicate in Portland Maine has a possible vessel that may be converted for pilot use. Captain Foley reported that the Naval architects are currently doing the analytics on the hull to see if the ship will perform the way Sandy Hook needs it to perform. He reported that all the information will be presented to the board in the next week to be voted on to proceed or go in another direction.

B. Investigation Committee:
   I. **Amber Bay** – Ms. Stuckey advised the Commission that the two pilots onboard, was a Deputy pilot not licensed for a year and an apprentice pilot. The actions of the pilots is a true testament to the Sandy Hook pilots training program. She reported that this is the second time this ship has caught on fire when coming to our port. 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 McEwing and seconded by

Commissioner Shisha to accept the recommendations. All voted in favor.

II. **MSC Angela** - 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 McEwing and seconded by Commissioner Shisha to accept the recommendations. 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 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 McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:57 AM.

Resolution #19-02 to Approve the Upgrade of Captain Karen A. Basciano

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #19-02 to Approve the upgrade of Captain Karen A. Basciano.

All voted in favor.

Resolution #19-03 to Approve the Upgrade of Captain Mark Wanderer

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #19-03 to Approve the upgrade of Captain Mark Wanderer.

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 11:59 AM.