

BOARD OF COMMISSIONERS OF PILOTS OF THE STATE OF NEW YORK
Minutes of the Meeting of 2 January 2019

The following Commissioners were present:

James Mercante, President
Carmine Ragucci
Lucienne Bulow
Russell Johnson
Andrew Garger

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY VOTED UPON, (EXCEPT AS OTHERWISE MINUTED) IN A PUBLIC MEETING, WHICH CONVENED AT 10:30 A.M., THE BOARD CONDUCTED THE FOLLOWING BUSINESS:

1. The President called the meeting to order at 10:30 AM.
- 1a. Appearances in Public Session: None.
2. The Draft Minutes of the 18 December 2018 Regular Meeting were reviewed, amended and approved.
3. Renewed, for a period of one year, (unless otherwise noted), the following New York State pilot license(s) following a personal interview and review of work performance data, training, and medical/health records:

No licenses were renewed at today's meeting.
- 3a. Other Pilot/Personnel Matters:

Christine Razukas – Dep. SHP. Fit-for-Duty/Return to Work.
4. **The Board adjourned to Executive Session to discuss and/or act on personnel, investigative and/or legal matters.**
5. **The Board returned to Public Session from Executive Session.**
6. Sandy Hook Pilots Association:
 - 6a. Commissioner Ragucci reported on the 18 December 2018 meeting of the SHPA Pension Surcharge Board. No adjustments to the rate were made for this quarter.
 - 6b. Port Security Grant Application: At the 28 August 2018 meeting, the Board was informed that its Port Security Grant application was not among those selected for funding in the 2018 application process. The Board was seeking federal funding for a pilots security training course. The Board intends to resubmit its application in the 2019 Port Security Grant Application process. At today's meeting, the Board discussed the concept of virtual reality training as a part of the security training program. Continued on the docket.
7. Hudson River Pilots Association:
 - 7a. At the 25 September 2018 meeting the Board noted correspondence to the HRP A from the owner of the Yonkers Pilot Station dock advising the HRP A that they must vacate the location by 31 January 2019 since the property has been sold. The HRP A is appealing to the developer for an extension of time to remain at the existing dock through this winter. Continued on the docket.
 - 7b. Hudson River Ports and Waterways Safety Assessment ("PAWSA") Study: At the 10 October 2017 meeting, the Board reviewed a press release announcing dates of the USCG's workshops for a Ports and Waterways Safety Assessment ("PAWSA") study of the Hudson River. The study included a

review of the establishment of additional anchorages, the use of the navigation channel for proposed power transmission cables, fish habitats, dredging, petroleum carrying vessels and other environmental and recreational issues concerning the Hudson River. At the 17 October 2017 meeting, the Board was informed that the HRPA will be a participant in the PAWSA workshops. At the 30 January 2018 meeting, the Board was briefed on the formation of a Hudson River Safety, Navigation and Operations Committee ("HR Committee") to address, with local stakeholders, these and any additional issues, just as the Harbor Operations Committee provides a forum for New York Harbor issues. At the 20 March 2018 meeting, the Board reviewed the completed Hudson River PAWSA. The Board continues to monitor the progress of these issues through the HRPA's participation in the HR Committee. Continued on the docket.

8. Long Island Sound/Block Island Sound Pilotage: Relative to the Motor Yacht UTOPIA IV, the Board was advised of the Connecticut Pilot Commission's revised position regarding the determination of Length Overall.

9. REPORT(S) OF MARINE ACCIDENTS/INCIDENTS UNDER INVESTIGATION:

9a. M/T AMBER WAY ex: M/T FENG HUANG AO (Built 2016): 19 December 2018. Engine Room Fire. App. SHP Russell Stuebe, II. Outbound in Ambrose Channel in the vicinity of Buoys 17 and 18 while under the conn of New Jersey Dep. SHP Salvadore Rivas, with New York App. SHP Stuebe piloting under the authority of Captain Rivas, the vessel suffered an engine room fire resulting in a complete loss of power and propulsion. The fire was extinguished by efforts of the crew and New York City Fire Department. The vessel was then anchored just outside of Ambrose Channel to await USCG instructions. Report annexed. See below Item 9d. Continued on the docket.

9b. M/V JENNIFER SCHEPERS (Built 2009): 13 December 2018. Loss of Propulsion. Dep. SHP Thomas Sullivan. After undocking from Berth 76 Port Newark under the conn of New Jersey State Licensed Docking Pilot Mark Hershey, the vessel suffered a loss of propulsion. The vessel was returned to the berth by the assist tugboats. The USCG was notified. The cause of the loss of propulsion was determined to be undetected deterioration of the pneumatic solenoid valves on the remote engine control system. No violation of the New York Navigation Law or the New York Codes, Rules and Regulations. No personal injury, pollution or damage. The Board voted to close the case.

9c. M/V RICKMERS SINGAPORE (Built 2003): 9 November 2018. Surge Damage. FBHRP Samuel Zapadinsky. During the vessel's northbound transit in the upper Hudson River, just south of the Port of Albany, while under the conn of FBHRP Zapadinsky, complaints were received by the Albany Port District Commission from several riverfront landowners in the vicinity of Van Weis Point alleging water displacement onto their properties as the vessel transited north. A hearing has been scheduled for 22 January 2019 with Captain Zapadinsky. Commissioner Bulow was appointed as Board Hearing Officer. Continued on the docket.

9d. M/T FENG HUANG AO (Built 2016): 8 October 2018. Hard Landing by Tugboat. Limited Branch SHP Joshua Pieterse. The vessel was inbound from sea under tow due to an engine room fire, under the conn of Limited Branch SH Pilot Pieterse. During the vessel's transit of Ambrose Channel, the assist tugboats were called from time to time to come alongside to help in controlling the vessel given its tendency to sheer within the channel. As the tugboat Ellen McAllister approached the starboard side to prepare to assist in one of these corrections, it landed hard against the side of the vessel causing an indentation to the vessel's hull. See above Item 9a. The Board closed this incident without further review.

10. PORT OF NEW YORK ISSUES:

10a. The Board previously reviewed 46 U.S.C. Section 8501 regarding the coordination between federal and state law with respect to pilotage on cruise ships when docking in the Port of New York. At the 27 February 2018 meeting, the Board reviewed and discussed Alaska Administrative Code 12 ACC 56.960 (a) relative to the transfer of the conn policy between an Alaska state licensed pilot and a ship's officer. At the 27 March 2018 meeting, the Board discussed this issue with former Alaska pilot David Gray, also a New York licensed FBLIS/BISP, as well as how responsibilities between Alaska state pilots and cruise ship masters are coordinated when docking. At the 10 April 2018 meeting, the Board discussed the issue of cruise ship docking by the vessel's master, including ship handling, steering and propulsion systems, with FBLIS/BISP Vincent Kirby. At the 11 December 2018 meeting, the Board noted that the Maritime Institute of Technology and Graduate Studies ("MITAGS") was asked by the Southeast Alaska Pilots Association and Norwegian Cruise Lines to develop a best-practice course for Very Large

Cruise Ships scheduled to begin calling at various ports within the Alaska cruise ship market. The Board forwarded the MITAGS notice to the SHPA, as follow-up to its recent recommendation that the SHPA and cruise lines develop a joint training program leading towards more informed monitoring and communications between its state licensed pilots and cruise ship masters.

Based upon a recent report from a Sandy Hook pilot relative to security procedures when boarding an arriving cruise ship at the pilot station, the Board reviewed an International Maritime Organization circular outlining security measures for pilots boarding vessels at sea. The Board directed the Secretary to discuss with the SHPA the need to review existing measures, or to develop new security procedures for pilots boarding cruise ships at the pilot station. Continued on the docket.

10b. The Board issued a letter on 10 November 2016 to the Army Corps of Engineers New York District ("ACOE") to address the lack of visibility of large, unlit mooring buoys, during periods of darkness, located within certain designated federal anchorages in New York Harbor. At the 18 April 2017 meeting, the Board was advised by the USCG that the ACOE opened a docket on this issue. The Board has been advised that the issue is under review in the New York District's office. At 12 June 2018 meeting, the Board reviewed follow-up correspondence to the ACOE inquiring on the status of its 10 November 2016 request. At the 19 June 2018 meeting it was requested that the Executive Director follow-up with the new USCG Captain of the Port Sector New York on this issue. At the 24 July 2018 meeting, the Board noted its 19 July 2018 email sent to the recently named Sector Commander and Captain of the Port of New York requesting assistance with the ACOE on this matter. At the 31 July 2018 meeting, the Board noted the Captain of the Port's response indicating that he would discuss the Board's concerns with staff. At the 21 August 2018 meeting, the Board was advised of a workshop being conducted by the ACOE to assess anchorage improvements in the New York/New Jersey Harbor. At the 28 August 2018 meeting, the Board was provided an update as to the New York & New Jersey Harbor Anchorages Study planning process. Continued on the docket.

11. Pilotage of Foreign Flag Yachts/Recreational Vessels: At the 29 May 2018 meeting, the Board authorized its legislative counsel to seek a change in the New York Navigation Law exempting recreational vessels of less than 200 feet in length from compulsory state pilotage at the Board's discretion. This proposed amendment would align New York Law with New Jersey, Connecticut and Rhode Island Law relative to foreign flag yacht/recreational vessel compulsory pilotage. At the 26 June 2018 meeting, the Board was informed that its proposed amendment to the New York Navigation Law did not advance out of committee in either chamber prior to the conclusion of this year's general session. The Board intends to reintroduce the proposed amendment during the next legislative session. Continued on the docket.

12. The Board noted the November 2018 Statutory Fees:

BIPA - \$ 840.78
HRPA - \$ 1,923.73
SHPA - \$ 59,733.16

13. The Board approved the 2019 Budget as amended.

14. There being no further business to conduct, or public comment, the Board meeting was adjourned at 11:50 AM.



Frank W. Keane
Secretary