

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

July 18, 2023

A hybrid regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, July 18, 2023.

Commissioner Dacey called the meeting to order at 10:06 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (via Zoom); Commissioner Nicholas Fixmer (via Zoom); Commissioner Dana Martinotti (via Zoom); Commissioner Bjoern Kils (present); Commissioner Charles Wowkanech (absent); Commissioner Brendan Roberts (via Zoom); Ms. Stuckey reported that Commissioner Wowkanech sends his apologies, he was called to Washington on business.

Also included in the meeting were: Andre Stuckey, Executive Director (present); Al Hawkins, Board Administrator (present); Captain Timothy Ferrie, President, Sandy Hook Pilots (via ZOOM); Captain Russel Henschman (present), Vice-President Harbor Pilots; Captain Jon Miller, President Metro Pilots (via Zoom); Dorian Smith, Authorities Unit (present), John Lowenberg Esq., DAG; (via Zoom)

Approval of the June 20, 2023 regular meeting minutes

A motion was made by Commissioner Roberts and seconded by Commissioner Fixmer to approve the June 20, 2023 meeting minutes.

All voted in favor.

Resolution #23-18 to approve the July, 2023 Treasurers Report

Ms. Stuckey advised that the monthly fee for the telephone service has increased. The tablets that were purchased for the monthly meetings are included in the bill.

A motion was made by Commissioner Martinotti and seconded by Commissioner Kils to pass Resolution #23-18 to approve the July, 2023 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey reported that Mr. Lowenberg from the DAG's office will be moving on to another position. Ms. Stuckey expressed the Commission's appreciation for his work and wished him luck in his new position.

Mr. Lowenberg expressed his pleasure in working with the Commission and advised that the Commission will be in good hands moving forward with the new representative from the DAG's office, Fredrick Cohan Esq. Mr. Cohan will contact the Commission to introduce himself and get caught up on any outstanding matters.

Commissioner Dacey reported that Noreen Giblin has left the Governor's Authorities Unit.

Mr. Smith reported that Mr. Aaron Creuz will be the new Director of the Authorities Unit. A meeting will be scheduled with Commissioner Dacey and Ms. Stuckey.

- A. Pilot trip log - A copy of the updated pilot log was sent to the Commission.
- B. Update on Commission's re-adoption of its regulations - A draft was submitted of the proposed regulatory changes to the Dag's office for approval. In the meantime, Ms. Stuckey will be working on the total package that will be submitted. Once that approval is received, the regulatory changes will then be sent to the Governor's office for a second approval. Once that approval is received, the package will be sent to the office of Administrative Law for publication in the New Jersey Register. The re-adoption is on track to become effective the first quarter of 2024.

The Commissioners were sent two letters that the Sandy Hook pilots sent to the New York Commission requesting regulatory changes for the Deputy pilot grades and senior pilot age requirements. Ms. Stuckey advised that the New York Commission is set up differently than the New Jersey Commission. The New York Commission outsources the regulatory process. The New York Executive Director was advised by the attorney that the deputy pilot grades, do not have to go through the regulatory process because the regulations allow for the approval of any changes.

Captain Ferrie reported that the New York Commission will move forward with the changes, but will not make any changes to deputy pilot grades until the New Jersey Commission's regulations are in place.

- C. Peter Rooss State Exam - Apprentice Rooss is on track to take his state exam on the week of July 31st.
- D. Captain Zorovich passed his state exam last week with high marks and is at the meeting to be sworn in.
- E. Pilot Terminal Roundtable Meeting - Ms. Stuckey was contacted by Phillip 66 Marine Terminal Advisor, Dave Bogdan. He is attempting to set up a meeting in late July or early August.
- F. Meeting with Assemblyman Atkins - Assemblyman Atkins is sponsoring a virtual maritime discussion that will include Ms. Stuckey and all of the pilot association presidents. The discussion will take place on July 27th at 5:30pm. The Commissioners were provided with a copy of the flyer and encouraged to attend.
- G. Commission I.D. Machine - Ms. Stuckey presented the Commissioners with three versions of the I.D. Card. The first is the one she designed when the process originally began. Somehow the design of the cards changed and the cards no longer look official. Additionally, the ink is blotchy and the signature is not visible. Ms. Stuckey asked Mr. Hawkins to get the machine serviced and he was advised the machine is past its life expectancy and could no longer be serviced. Ms. Stuckey contacted the company to confirm and get information on replacing the machine. She also provided the Commission with an example of what the new cards would look like.

The Commission advised Ms. Stuckey to move forward with replacing the machine.

- H. Pilot Ladder Deficiency Reports/Committee Update - The Commission was sent a copy of the most recent pilot deficiency reports.
- I. Ms. Stuckey reported that during her meeting with the New York Executive Director, there was discussion about looking into a database program to share the reports on a more national level. The New York Commission agreed to partner with New Jersey to look into finding a pilot deficiency database that can be shared nationally.
- J. FY23 Audit - Request for proposals for the FY23 Audit will be sent out next week. There will be a deadline date of August 11th for submissions. Ms. Stuckey is hoping to schedule an Audit Committee meeting before the Commission's August 15th meeting.
- K. Harbor Ops - Ms. Stuckey attended the last Harbor Ops meeting for the summer on June 20th. The next meeting will take place in September. She advised the Commission that VTS will be expanding up the Hudson River.

Captain Miller reported that the work on the new Terminal may conflict with traffic. It feels like it is workable, but it may cause obstructions.

Ms. Stuckey advised that she was contacted by Amtrak and the team that will be working on the terminal. They will take a look at the site on the water to ensure their assets won't impede traffic. The Sandy Hook pilots agreed to host a working tour on the pilot boat New Jersey.

Captain Ferrie advised that all pilot associations will be invited to attend the tour.

- L. Suny Martime Annual Dinner - The Commission received a copy of the invitation for Suny Maritime 2023 Admiral's dinner. Ms. Stuckey advised anyone interested in attending, to contact her and she will make the arrangements. Ms. Stuckey advised that she does not plan to attend the dinner.

- M. Ladder Training - Ms. Stuckey and Commissioner Kils attended the ladder training at High Exposure in preparation to go out with the pilots for the day. The plan is to board a vessel inbound and take it to the dock to observe both maritime and docking pilots at work.
- N. There is a meeting with Counsel on Port Performance on July 27th. Ms. Stuckey will report anything significant back to the Commission.
- O. Vacation Schedule - Mr. Hawkins will be taking vacation from July 20th through July 26th, during that time Ms. Stuckey advised that she will not have a temporary employee. She will limit her travel outside of the office and have the office phones redirected to her cellphone, so no calls will be missed.
- P. Articles of Interest - The Commission was sent an article on container ship levels that show they are higher than they were pre-COVID. Ms. Stuckey encouraged the Commissioners to read the article at their leisure.

Public Comment (s)

Comments from Captain Timothy Ferrie, President, Sandy Hook Pilots Association:

Captain Ferrie reported the port is very busy, business is good and advised that Sandy Hook is handling the traffic well and all pilots are getting proper rest.

Comments from Captain Jon Miller, President, Metro Pilots Association:

Captain Miller reported that Apprentice Frank DiMatteo will be finishing his rides and looking to sit for his state exam in the near future.

Ms. Stuckey advised Captain Miller that apprentice DiMatteo should contact her so he can be provided a test review and have three or four weeks to study before testing.

Captain Miller reported attending the shark center in upstate New York and advised that they are planning the short side logistics and making the slips smaller. There were some concerns with dredging and all of the big ship companies were in attendance for the discussions. He advised that he will report back to the Commission when discussions are finished.

Captain Miller reported providing an article on bunker fuel contamination to Ms. Stuckey. She advised him that she had already received the article and shared it with the Commission. He expressed his concern over the recent power loss in the port and wondered if they were related to the contaminated fuel.

Captain Miller advised that he brought up the issue of jet skis and smaller boats at the last Harbor Ops meeting. This is a major concern that needs to be addressed.

Ms. Stuckey reported that the recreational boaters in the channel, have been an issue for years. In the past, there was a Sandy Hook pilot that would go to all the yacht clubs and explain to them how dangerous it is for them to block channels. He educated them on how the pilots on vessels could not see them from their vantage point. Since COVID, there are a lot more recreational boaters on the water.

Commissioner Kils reported that the Jet Ski rental companies will send out up to twenty jet skis at a time. These people are putting people with the least amount of experience on the fastest vessels in the harbor. He advised that the state police cannot enforce anything because of the gray area in the laws.

After several discussions it was suggested that some of the pilots visit the local yacht clubs to educate them on the dangers their actions may cause. Ms. Stuckey was advised to contact the on-line rental companies to attempt to educate them as well.

Comments from Captain Russell Henschman, Vice-President, Harbor Pilots Association:

Captain Henschman gave his condolences to all the fire fighters that were affected by the ship fire in port Newark. He reported that business is going well and they have been very busy the past few months.

Captain Henschman reported that Harbor Pilots are very happy to bring in a new apprentice and looking forward to getting him started.

Ms. Stuckey reported that she went to the port the morning of the ship fire. On behalf of the Commission, she helped Seamens Church to feed the crew that was evacuated from the vessel.

Committee Reports

A. Occurrence Investigation Committee

- I. MSC Apollo 6/4/2023 - Ms. Stuckey recommended that based on the investigators report, the Commission find no fault on the pilots and the file closed. Copies of the report are to be sent to the terminal operator, vessel agent and Coast Guard.

Captain Miller reported that it was a tight situation, but they were able to regain control and get the ship back to the berth.

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

- II. Minerva Rita 6/5/2023 - Ms. Stuckey recommended that based on the investigators report, the Commission finds no fault on the pilots and the file closed. Copies of the report are to be sent to the terminal operator, vessel agent and Coast Guard.

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

Discussion re: New Tug Company, Stanislas Marine doing business in the port

Ms. Stuckey reported that when Stasinis Marine first began operations, they were utilizing docking pilots from Interport.

They have since been utilizing Sandy Hook pilots to complete the jobs including docking the vessels. Ms. Stuckey advised that she spoke to counsel and looked at the Commission's regulations regarding the issue. She states that as long as Stanisos is utilizing a state licensed pilot, the Commission does not have the jurisdiction to get involved. Ms. Stuckey was advised to recommend that the pilot presidents meet to discuss the issue and work together on a resolution. Harbor or Metro pilots cannot do the jobs because they are prohibited by their tug companies.

Captain Miller reported that he looks forward to the discussions. He believes there is a flaw in the system that needs to be reviewed. He encouraged the Commission to stay in front of the matter to protect the safety of the port.

Ms. Stuckey advised Captain Miller that the Commission is not taking this matter lightly, however Stasinis is using state licensed pilots and it is not the Commission's responsibility to work out those logistics. There is a non-competing clause stating that they cannot bid on competing jobs with the boats they purchased from Moran or McAllister.

After several conversations, it was made clear that there is no danger to the dual piloting system. In light of the competition, the pilots were encouraged to work together.

Resolution #23-19 to Approve the Appointment of a Docking Pilot
Apprentice, Captain Matthew Keenan

Ms. Stuckey reported that Mr. Keenan interviewed very well and was highly recommended by the Committee.

Mr. Keenan gave a brief summary of his maritime background and advised that he has three total pieces of pilotage.

A motion was made by Commissioner Kils and seconded by Commissioner Fixmer to pass Resolution #23-19 to Approve the Appointment of a Docking Pilot Apprentice, Captain Matthew Keenan.

All voted in favor.

Commissioner Kils presented Matthew Keenan with his Certificate of Appointment.

Resolution #23-20 to Approve the issuance of a Docking Pilot License to Captain Daniel Zorovich

Ms. Stuckey reported that Daniel Zorovich is the son of retired Captain Simon Zorovich. Apprentice Zorovich tested well and passed with high marks.

Captain Zorovich thanked all for believing in him and expressed how much he is looking forward to getting to work as a pilot.

A motion was made by Commissioner Roberts and seconded by Commissioner Martinotti to pass Resolution #23-20 to Approve the issuance of a Docking Pilot License to Captain Daniel Zorovich. All voted in favor.

Captain Zorovich was sworn in by Commissioner Kils who presented him with his state license.

Captain Simon Zorovich thanked the Commission and stated how proud he is of his son.

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 Kils and seconded by Commissioner Roberts that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:54 AM.

Return to Public Session

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

All voted in favor.

Adjournment

A motion was made by Commissioner Kils and seconded by Commissioner Roberts that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 11:39 AM.