

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

May 20, 2021

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Thursday, May 20, 2021 Via-Teleconference.

Commissioner Dacey called the meeting to order at 10:03 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Bjoern Kils (present); Commissioner Dennis Lombardi (present); Commissioner Brendan Roberts (present)

Captain Charlie Jonas, President Interport Pilots (present), Captain Brendan Foley, President Sandy Hook Pilots (present), Captain Robert Ellis, President Harbor Pilots (present), Captain Adam Richardson, Vice President Interport Pilots (present), Jamera Sirmans Esq. Authorities Unit (present), Brian Ashnault Esq. DAG (present), Ed Kelly , Executive Director Maritime Association (present)

Approval of the April 20, 2021 regular meeting minutes

A motion was made by Commissioner Kils and seconded by Commissioner Roberts to approve the April 20, 2021 meeting minutes.

All voted in favor.

Resolution #20-13 to approve the May, 2021 Treasurers Report

A motion was made by Commissioner Kils and seconded by Commissioner Lombardi to pass Resolution #20-13 to approve the May, 2021 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey reported that Captain Flannery would not be attending the meeting because he is the Docking pilot that is bringing in the Marco Polo container ship with Captain Ferrie and advised that Captain Miller was supposed to be sitting in for Captain Flannery, but was not present for the meeting.

Ms. Stuckey reported that currently, there are no pilots that are out sick with COVID-19. The pilot population is for the most part moving forward with COVID-19 vaccinations. There are a few pilots that are refusing to get the vaccine for personal reasons. These pilots are working at their own risk and no special considerations are being given for those that won't take the vaccine.

A. Docking Pilot Apprentice process - The Commission received five complete applications and it is anticipated that there will be at least one more submitted. After the deadline date of May 30th, Ms. Stuckey will schedule a zoom meeting with the Committee which consists of Ms. Stuckey, Commissioner Shisha, Captain Flannery, Captain Ellis and Captain Jonas, to review the applications and choose those to move forward to the interview process. The Committee will set at least 2 dates for interviews. Ms. Stuckey would personally prefer to interview in person, as this helps to get a better read on the candidate, but this is something that will be discussed with the Committee.

B. Rule Proposal - As mentioned previously, the comment deadline for the maritime pilot apprentice rule proposal is June 18th. So far, the Commission has not received any comments and Ms. Stuckey is not anticipating any. If that is the case, the Commission would be able to approve them for adoption at the July 20th meeting and they would be

published in the August 16th edition of the New Jersey Register and become effective on that date. The New York Commission is on the same timeline so that both states would have the new regulations in place prior to beginning the new process in 2022.

- C. Budget Authority - Ms. Stuckey provided the Commission with an email received from Ron Calderon the manager of Budget at DOT that handles the Commission's account. Upon receiving the email, Ms. Stuckey reached out to Mr. Calderon to clarify that the Commission's account would not be swept of uncommitted funds. During the conversation, he pointed out that the Commission was treated differently than his other accounts since they are "in but not of"; DOT and control their own budget and how funds are utilized. However, he also confirmed that the \$125,000 in funds that was put in reserve during FY20 is still in reserve. His opinion is that the money has not been released because the Commission does need the funds at this time. In his opinion, the funds are small compared to the amount other agencies have in reserve and he believes that it could be released if there was a need. Ms. Stuckey advised that she will continue to stay in conversations with Mr. Calderon and his office to ensure the funds are used and allocated appropriately.
- D. Pension Surcharge Meeting - During the last meeting, the Committee tentatively scheduled a June 15th meeting to take place immediately following the Commission's regularly scheduled board meeting. It was anticipated that the pension meeting would be an in-person meeting. The Committee has not confirmed whether the meeting will be in person or virtually. If it is an in person meeting, it will take place at the Commission's office because of its convenient location across from Penn Station. Commissioner Shisha and Ms. Stuckey will both be in attendance.
- E. Change Of Command Ceremony - Commissioner Shisha and Ms. Stuckey attended the Coast Guard change of command ceremony. This year the ceremony was very emotional. It was clear that Captain Tama had become very attached to the port, his staff and the community itself. Gifts were given to Captain Tama and Captain Merchant on behalf of the Commission. Captain Merchant is looking forward to meeting the Commission in person at a future meeting.

- F. Harbor Ops - Ms. Stuckey attended the May 19th virtual Harbor Ops meeting. It was the first official meeting with Captain Merchant as the new Captain of the port. She took the time to thank everyone and to state her willingness to continue to work with the stakeholders in the port. She also mentioned that with the uptick of vaccinations, activities within the port are beginning to resume starting this weekend with National safe boating week. As for the harbor deepening project the core-study is proceeding at pace. The report from MITAGS is almost complete. There were some talks about whether the pilots had some input into the report. Captain Foley advised that all of the pilots filled out separate assessments that were included in the report. The Coast Guard is planning to resume tabletop exercises to have contingency plans in place. Mr. Kelly reported that there was some discussion about being prepared if a situation similar to the Evergiven happened in this port. There has been some internal discussion within the Coast Guard, but it was suggested by Harbor-Ops that there should be a broader exploration of contingency's on how to respond to the potential of channel blockage by a large vessel.
- G. Coast Guard - The Coast Guard is looking to resume in person meetings in September, however that is not finalized. If they do resume in September, they will still try to have a link available for people to join virtually. There is one more meeting scheduled for June and then there will be a two-month break for summer. There is a proposal to clean up the contaminated sediment in the Passaic River. There are no new dredging updates. All the maintenance dredging previously reported on is moving along with bids beginning to open. There was a presentation on the current depths within the port. A written report will be released shortly. Ms. Stuckey advised that as soon as it is available, she would share it with the Commission. The Maritime Association has announced that they will move forward with the Hall of Fame awards dinner on October 5th. The New York Commission is seeking a safety grant request. They are interested in purchasing something that would be used on the new Pilot Boat New York. They have asked if New Jersey would be willing to co-sponsor the request. If the Commission agrees, Ms. Stuckey will send a letter stating the New Jersey Commission's support of the grant. Ms.

Stuckey advised that she would provide the Commission with more details once she receives them.

- H. In person public meeting guideline - The Commission was provided a letter from Brian Wilton, the Deputy Chief Counsel of the Authorities Unit regarding in person meetings. Considering some of the COVID-19 restrictions being lifted, they are advising all authorities to continue virtual meetings until further notice. Ms. Stuckey advised that she believes the reasoning for doing so is that the meetings are open to the public and until New Jersey can get enough of its population vaccinated and reach herd immunity, precautions still need to be taken.

Ms. Stuckey advised the Commission that she would be taking a personal day on Friday, May 21st but will be available via phone for any emergencies that may arise.

- I. Articles of interest - There were several articles of interest provided to the Commission and they were advised to read them at their leisure.

Public Comment (s)

Comments from Captain Brendon Foley, President, Sandy Hook Pilots Association:

Captain Foley reported that all Sandy Hook pilots are healthy with regards to COVID-19 and most of the New Jersey Maritime pilots are currently vaccinated with 4 pilots left to be vaccinated. He advised that COVID-19 is still an issue because they had a tanker a week ago that had to quarantine for a week. The crew had no symptoms, tested before they left and those test came back positive. All of the New Jersey pilots that boarded the ship were quarantined so there were no issues with their pilots.

Captain Foley reported that the pilot boat New York is coming along. All of the construction is complete and the interior work has started. It is anticipated that it will be completed sometime in August.

Captain Foley reported that Captain Tama held the first call with the port partners in response to any major issues in the port. The call was to identify the biggest vulnerabilities and the affects that the port would take in the instance of a

blockage. He advised that there would be another table top exercise in the future.

Captain Foley reported that the largest tanker vessel to enter the port the Marco Polo came in this morning and should have gone under the Bayonne Bridge about 10 minutes ago.

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

Captain Ellis reported that all of the Harbor pilots are healthy.

Captain Ellis reported that a few months ago there were talks about shoaling going into the Bayonne Dry Dock. He met about a month ago with the Port Authority and the Dry Dock rep. The Port Authority advised that they have funding for part of the dredging that will need to be done. They don't have enough funding for the whole area. They have enough funding to have a straight path from the Port Jersey channel into the Dry Dock.

Captain Ellis reported that Moran and McAllister reduced the north way to 34 1/2ft going down the kills where it use to be 35ft due to shoaling.

Comments from Captain Adam Richardson, Vice-President, Interport Pilots Association:

Captain Richardson reported that all of the staff at Interport is healthy.

Captain Richardson reported that Captain Craig Tomalo completed all of his required trips and Captain Jonas is now reviewing all of his paperwork and should be contacting the Commission soon to request that Captain Tomalo be tested.

Captain Richardson reported that Don Occhipinti is making progress and is about 6 months before he is ready for testing.

Captain Richardson reported that Interport's bulkhead project in New Jersey is finally complete and encouraged all to visit when they have time.

Ms. Stuckey advised Captain Richardson that the request for Captain Tomalo must state that the apprentice has completed all requirements of the apprentice training program that was approved by the Commission.

Comments from Ed Kelly, President, Maritime Association:

Mr. Kelly reported that the Maritime Association's Hall of Fame dinner is scheduled for October 5th of this year at pier 60. The save the date and initiations are scheduled to go out today.

Mr. Kelly reported Noah is very active in supporting the port of New York with their precision navigation work but Admiral Rick Brennan of Noah's Ocean Coastal Survey group has passed away this past Friday. With his sudden death, there is no news of who will take his place but he will keep the Commission updated.

Committee Reports

A. Occurrence Investigation Committee:

- I. Sumaq Queen - 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 Roberts and seconded by Commissioner Lombardi to accept the recommendations.
All voted in favor.
- II. Northern Ocean - 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 Roberts and seconded by Commissioner Shisha to accept the recommendations.
All voted in favor.

Resolution #21-14 to Approve the 2020 Annual Report

A motion was made by Commissioner Kils and seconded by Commissioner Lombardi to pass Resolution #20-14 to approve the 2020 Annual Report.

All voted in favor.

Resolution #21-15 to Approve an Operating Budget for FY22

Ms. Stuckey advised that it was a little difficult to do the budget this year because of the pandemic so the Commission could not really anticipate spending moving forward. She proposed to pass a budget as if the state was reopening. The only big budget item that was added was the expense paid out to the office of Administrative Law. They no longer have the

contract with LexisNexis so now each agency has to pay a portion to get their proposals in the New Jersey register.

A motion was made by Commissioner Lombardi and seconded by Commissioner Kils to pass Resolution #20-15 to approve an Operating Budget for FY22.

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

All voted in favor.

The Commission went into Executive Session at 10:36 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:27 AM.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:27 AM.