

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

June 20, 2023

A hybrid regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 20, 2023.

Commissioner Dacey called the meeting to order at 10:03 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 (via phone); Commissioner Brendan Roberts (via phone)

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

Approval of the May 16, 2023 regular meeting minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Kils to approve the May 16, 2023 meeting minutes. All voted yes.

Resolution #23-15 to approve the June, 2023 Treasurers Report

Commissioner Dacey advised that Ms. Stuckey provided the Commission with an amended Treasurers Report that included expenses for the Harbor Inspection Tour.

A motion was made by Commissioner Kils and seconded by Commissioner Wowkanech to pass Resolution #23-15 to approve the June, 2023 Treasurers Report as amended.

All voted in favor

Executive Director's Report

Ms. Stuckey advised that when speaking, members of the public are to state their name and affiliation.

- A. Pilot trip log - The Commission did not receive a copy of the updated pilot log because the pilot log had not been finalized. A copy of the updated pilot log will be provided upon its completion.
- B. Upcoming Tests - Apprentice Daniel Zorovich is scheduled to test on July 12th and 13th. Assuming he passes his exam, there will be a resolution before the Commission at the July meeting for him to be sworn in as a New Jersey State Docking Pilot. Apprentice Peter Rooss Jr. is scheduled to test the week of July 31st. He will not come before the Commission for his final review and to be sworn in as a New Jersey State Maritime Pilot until October. He will officially join the rotation board on November 1, 2023. Ms. Stuckey advised that Apprentice Rooss is testing early to accommodate his upcoming nuptials.
- C. Update of Regulatory Recommendations - The Commission received a copy of the final recommendation for amendments to the Commission's regulations upon re-adoption. The discussion was tabled until after the Committee reports.
- D. Consumer Price Index - The consumer price index has been released for 2023. There has been a 4% increase, which means the Commission's rent will increase by \$96.44. The rent as of July 1st will be \$2,507.44. The Commission will continue to pay their current rent until the retro bill is received, typically around September.

- E. Annual Report - Ms. Stuckey reported that she received the printed copies of the FY2022 annual report. She is hoping to get them distributed by the end of the week.
- F. Pilot Terminal Roundtable Meetings - After talking about the issue at the Harbor Ops meeting and speaking with Commander McQuate, Ms. Stuckey was advised that the Coast Guard has gone through some turnover and will be appointing someone to begin the meetings soon.
- G. Report on Meeting with the New York Commission & Pilots - The meeting was to discuss issues that affect both states and both Commission's staying on the same page.

The New York Commission has a pilot that will be 68 on his next birthday. He will be decreased a grade when he turns 68 and feels that with his experience, the demotion is unfair. After discussion, Ms. Stuckey advised that the New Jersey Commission does not have this issue because New Jersey's pilots typically retire between the ages of 62-65. Since this is an issue that only pertains to one New York pilot, the New Jersey Commission is not going to address the issue in the regulations.

- H. Harbor Ops Meeting - Ms. Stuckey attended the May 17th virtual Harbor Ops meeting and the one matter of note for the New Jersey Commission, was the Pilot Terminal Round Table meetings. There were some updates on dredging that the pilots will report on. This was the last Harbor Ops meeting until the end of September.
- I. Harbor Inspection Tour - The Harbor Inspection Tour was a success this year. Although there were last minute cancelations due to the air quality from the Canada fires, the tour still had a good turnout. Unfortunately, there were 4 Senators and 3 Assembly persons that canceled. Assemblyman Reginald Atkins and his Chief of Staff did attend. He has since contacted Ms. Stuckey to set up a meeting to discuss the manpower issues in the port. The details of the meeting will be reported to the Commission.

Ms. Stuckey thanked Mr. Maglin from the Sandy Hook Pilots and all that participated with helping put together the program on the Inspection Tour.

J. Bill for Right Whale Restrictions - The Commission was sent a copy of the Bill that was introduced to halt whale restrictions. There has been interest on the Commission's stance regarding the bill. Ms. Stuckey reminded staff that the Commission is nonpartisan and any issues or questions regarding any political topics should be directed to the Governor's press office with a copy to Mr. Smith.

K. New York Commission's updated policy - The Commission received a copy of New York Commission's updated policy on rest periods. The policy is similar to the New Jersey Commissions. The changes are specifically for the Hudson River. It addresses the number of pilots needed for long transits. The New York Navigation Law was recently updated to state that 2 pilots are needed for a 10 hour transit. Previously, the law stated that 2 pilots were needed for an 8 hour transit.

L. Commission's new office space - Ms. Stuckey will meet with New Jersey Transit at the end of this week to discuss the layout of the Commission's space at Gateway 2. Ms. Stuckey provided New Jersey Transit with a wish list for the space to accommodate the Commission's needs.

M. Articles of Interest - The Commissioners were sent 2 articles. The first article was regarding the first 24,000 TEU vessel that is being delivered to a shipping company.

Captain Miller reported that the conversations about 24,000 TEU vessels only apply to Global Terminal. They are currently doing construction at Berth 3 and when that is completed, there will be more work to do. He expressed that he does not believe this harbor will be seeing 24,000 TEU vessels soon, but there is a possibility of seeing 20,000 TEU vessels.

The second article was regarding the NTSB investigation of the collision between the Bunun Queen and the Thunder in the Gulf of Mexico. The article is a very interesting read because the watch officer stated that he was distracted by his cellphone on a personal conversation and the other stated that he was involved with non-navigational activities.

N. Vacation Schedules - Ms. Stuckey reported that she had originally scheduled to take a vacation at the end of July.

With the recent scheduling of the two apprentices state exams, she has rescheduled her vacation. It will begin Wednesday, June 28th until Wednesday, July 5th. Ms. Stuckey advised that during her time off, she will have her cellphone and laptop to address any issues that may arise.

Public Comment (s)

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

Captain Ferrie thanked Ms. Stuckey for putting together the Harbor Inspection Tour together. He was happy that all the association's Presidents and everyone present got to experience the pilot boat New York.

Captain Ferrie reported that the pilot boat New York will be taking station tomorrow morning for the duration of the summer.

Captain Ferrie reported that he, Captain Miller and Captain Pinto have been talking to Global Terminal and working with them on the dredging projects in the harbor.

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

Captain Miller reported that he has a scheduled meeting with Dave Fawcett from Bay Way Terminal regarding some of the communications for the Terminal Round Table meetings.

Captain Miller reported that the dredging in the AK50 north of Shooters Island has changed the priority area and currently received two bids. He advised that he is looking forward to the Perth Amboy dredging being finished as it will directly benefit the pilots.

Captain Miller reported that apprentice Frank DiMatteo will be finishing his apprentice requirements shortly. He will be requesting that he sit for his state exam soon.

Ms. Stuckey advised Captain Miller that when he is participating in the meeting, he should not to be operating a vehicle.

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

Captain Richardson thanked all that was involved for putting together the Harbor Inspection Tour.

Captain Richardson reported that all is well with the Interport Pilots Association.

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

Captain Henschman apologized for not making the Harbor Inspection Tour.

Captain Henschman reported that the Harbor pilots are very busy with tanker ship activity and advised that they are still waiting for McAllister to find a replacement for Charles Fannon. Captain Fannon is anxious to be on his own and it would be a benefit to the association. The anticipation is that Captain Fannon will be relieved in the next month or so.

Captain Henschman reported that the Harbor pilots are excited to have apprentice Daniel Zorovich sitting for his state exam next month with the hopes that he and Captain Fannon will join the rotation board around the same time.

Ms. Stuckey advised Captain Henschman that until Captain Fannon is piloting fulltime, he should send in monthly reports of his activity to insure that he remains current.

Committee Reports

A. Occurrence Investigation Committee:

- I. Flagship Ivy 5/4/2023 - 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 Kils to accept the recommendations.

- II. MSC Apollo 6/4/2023 - Still under investigation.
- III. Minerva Rita - Still under investigation.

B. Pension Surcharge Committee:

The Pension Surcharge meeting took place on June 8th. After reviewing all information from the accountant and actuary, it was determined that there was no need to take any action on the pension surcharge. The Committee agreed to revisit the pension surcharge in December to see if any action is needed. Ms. Stuckey reported that the Committee voted to approve an action regarding the surcharge. After losing two pilots over the last couple of years and other pilots not working due to injuries, the pilots have decided to raise their life insurance in the form of another policy. Those under the age of 52 would not have to take a physical. Also, any pilot over the age of 52 can opt out and keep the policy they currently have. The Pension Surcharge is in such good shape and there are enough funds to accommodate the increase needed for the additional life insurance.

C. Apprentice and Recurrent Training Committee:

Commissioner Dacey reported that a previous meeting with the Sandy Hook pilots took place to discuss the proposed change in grades for the deputy pilots. Commissioner Dacey gave a brief summary of the deputy pilot's grade history and how things have changed since the grades were set. He advised that the Committee recommends that the Commission approve the requested changes.

Ms. Stuckey gave a brief summary of the proposed regulatory changes that were provided to the Commission.

Ms. Stuckey advised that once the regulations are approved, a summary of the changes must be written and then they will be forwarded to counsel for approval. Once approved, the regulations will then be sent to the Governor's office for approval. Based on the publication schedule, Ms. Stuckey reported that the regulatory

changes may become effective either on January 16th or February 5th.

Regulation #23-16 to Approve the Docking Pilot Apprentice Selection List

Ms. Stuckey reported that the Committee received 9 applications and opted to interview 8 of the applicants. A report was provided to the Commission recommending to put 5 of those applicants on the list. Ms. Stuckey thanked all of the Committee members for all of the work they put into making the list.

Captain Miller reported that the only issue the Committee ran into was applicants who did not have pilotage in the New York/New Jersey area.

The Commission was provided with a copy of the email received from a very good candidate from Texas who had all of his pilotage in Texas and did not want to relocate his family and chose to be removed from consideration.

A motion was made by Commissioner Martinotti and seconded by Commissioner Roberts to pass Resolution #23-16 to Approve the Docking Pilot Apprentice Selection List.

All voted in favor.

Discussion with Chris Maglin re: Deficiency Report Database.

Ms. Stuckey updated the Commission on her meeting with Mr. Maglin regarding the previously discussed deficiency report database. Mr. Maglin mentioned that there may be some US based companies that are working on a similar database. After further discussion, it was suggested to put together a search committee to research other deficiency report database options. Ms. Stuckey advised that the database should be developed for all state pilots. In the interim, Mr. Maglin will share the pilot deficiency reports with the Presidents of all the associations.

Mr. Maglin reported that there is definitely value in trying to come up with some kind of shared platform for this kind of information. There are other US groups that have attempted to develop this type of database however, those

situations have not gained traction. His belief is with things now going digital that will start to change. The Sandy Hook Pilots are working on a similar program for their dispatch system. They looking to determine whether it will impose any security issues if the information is shared outside of their organization. He believes it would be useful to re-explore some of the US based companies. Mr. Maglin advised that it would be beneficial to include the American Pilots Association because they are the glue that brings all the smaller pilot groups in the US together. Having their input on this will be important for all associations.

After further discussion, it was determined that Ms. Stuckey and Commissioner Kils will be part of the Committee and the associations have been asked to designate a member to join as well.

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 Wowkanech and seconded by Commissioner Martinotti that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:45 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:19 PM

Resolution #23-17 to Approve the Upgrade of Captain Mark Wanderer

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to pass Resolution #23-17 to Approve the Upgrade of Captain Mark Wanderer.

All voted in favor.

Ms. Stuckey will travel to Sandy Hook tomorrow to swear in Captain Wanderer.

Captain Ferrie congratulated Captain Wanderer for becoming a Full Branch Pilot and for his professional representation of the Sandy Hook Pilots Association.

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 11:22 AM.

Executive Session

June 20, 2023