

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

**May 17, 2022**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 17, 2022 Via-Zoom.

Commissioner Dacey called the meeting to order at 10:01 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (signed on late); Commissioner Jacob Shisha (present); Commissioner Bjoern Kils (present); Commissioner Charles Wowkanech (present); Commissioner Brendan Roberts (present)

Also included in the call were: Andre Stuckey, Executive Director; Al Hawkins, Board Administrator; Captain Bob Flannery, President Metro Pilots; Captain Brendan Foley, President Sandy Hook Pilots; Captain Kirk Pinto, President Harbor Pilots; Captain Adam Richardson, President Interport Pilots; Jamera Sirmans, Authorities Unit, Dorian Smith, Authorities Unit, Brian Ashnault Esq., DAG.

Ms. Stuckey advised that Commissioner McEwing had a brief scheduling conflict and will sign on later.

Approval of the April 19, 2022, regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to approve the April 2022 meeting minutes. All voted in favor.

Resolution #22-12 to approve the May 2022 Treasurers Report

Ms. Stuckey advised that historically the Commission's parking fees were paid annually, Edison Park Fast has set up a new system that will require the Commission's fees to be paid monthly.

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to pass Resolution #22-12 to approve the May 2022 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey thanked Ms. Jamera Sirmans for working with the Commission for the past year and wished her well in her new assignment.

- A. Pilot trip log - Ms. Stuckey provided the Commission with a copy of the updated pilot log.
- B. COVID Restrictions - There has been a slight uptick of COVID cases in the building since the lifting of the COVID restrictions, but so far there is nothing to get overly worried about. Most of the cases have been asymptomatic with no major outbreaks.
- C. Meeting Forum - Ms. Stuckey advised that last month she suggested that the Commission go into a hybrid meeting forum. The hybrid forum would have Mr. Hawkins and Ms. Stuckey on the ZOOM meeting in the board room and anyone that was able could attend the meeting in person. After inquiring, the Commission's staff was advised that there were new procedures. In addition to food restrictions, there is a fee to utilize the AV equipment. Ms. Stuckey advised that the Commission's last meetings before COVID there was a new set up with monitors as well as an updated audio system. At the time there was a person in the AV room monitoring the equipment and making all the appropriate adjustments. The AV operator is an employee of the company that installed the new system and moving forward, anyone that utilizes the board room will have to contact the company directly and pay for their services and equipment. The rate is \$600 an hour for the first two hours and then \$150 for each hour thereafter. The cost would potentially add \$1,200 a month to the budget which is about \$14,400 annually. The Commission did not budget for this extra

expense. Ms. Stuckey advised that as an alternative, the Commission could purchase a large monitor to set up in the conference room for the hybrid meetings. This will allow for people wishing to come to the office to attend the meetings.

- D. Annual Report update - The report is about 95% completed. Ms. Stuckey is waiting for one submission and soon as that submission is received the report can be formatted and finalized. Ms. Stuckey advised that she is looking to get a draft to the Commission sometime next week for comments before the June meeting. The hopes are to have a resolution on the June agenda for approval. Once approved, the aim is to get it printed and distributed before the end of the fiscal year.
- E. Tele-commuting proposal - A copy of the tele-commuting proposal was sent to the Civil Service Commission. Once the proposal has been approved, the Commission can discuss when to start implementing it. Ms. Stuckey advised that she is currently identifying the items that Mr. Hawkins can complete remotely. She thanked all for their feedback on the proposal.
- F. Interport Apprentice - Apprentice Donald Occhipinti is scheduled to take his state exam beginning Monday, May 23<sup>rd</sup>. Assuming he passes, he will be before the Commission at the June 21<sup>st</sup> meeting for his final interview as an apprentice and to be sworn in as a Docking Pilot.
- G. Ms. Stuckey sent the Commission a copy of the annual elections results for the Maritime association of New York/New Jersey. She advised that Captain Flannery is no longer on the Board of Directors however, Captain Foley is a member so there is representation from the pilot community.
- H. USCG Area Maritime Security Meeting - Ms. Stuckey attended the meeting on April 27<sup>th</sup>. Many awards were given to different entities in the port for outstanding service. Of note, the award for Area Maritime Security Committee of the year was shared by the Port of New York/New Jersey and the port of Albany. A copy of the citation was sent to the Commission. Additionally, presentations were given on cyber protection, UAS detection (Unmanned aerial systems); underwater IED task force (improvised explosive device) and Offshore wind plans which are not slated to be complete

until 2035. They also talked about the tabletop exercises that have been taking place. The last one was reported to the Commission last month by Captain O'Neill on underwater IED's. The next one took place on May 3<sup>rd</sup> on what would happen if GPS signals were compromised.

I. Harbor Ops - There will be a Harbor Ops Committee meeting on Wednesday, May 18<sup>th</sup> and Ms. Stuckey will attend virtually. The agenda has not been distributed, as soon as it is received, Ms. Stuckey will share it with the Commission.

J. Maritime Association - Ms. Stuckey reported that she will attend the Maritime Association's annual Hall of Fame awards dinner on Wednesday, May 18<sup>th</sup>.

K. Vacation Schedules - Ms. Stuckey reported that she intends to take vacation beginning Friday, May 27<sup>th</sup> and returning to the office on Wednesday, June 1<sup>st</sup>.

L. Articles of Interest - Several articles of interest were sent to the Commissioners, and they were advised to read them at their leisure.

#### Public Comment (s)

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

Captain Foley reported that after two years of virtual presentations, Fleet Week will be returning to New York on May 25<sup>th</sup> with a parade of ships from 6am to 9am transiting up to the north river before docking at the passenger ship terminal.

Captain Foley reported that sector New York sponsored a tabletop exercise on May 4<sup>th</sup> at the Brooklyn Cruise Terminal. He advised that He, Captain Flannery, and Captain Richardson were all in attendance along with stakeholders from throughout the port. The tabletop exercise addressed GPS interruption and its effects on the maritime transportation system. The two key points were identifying spoofing and jamming and the importance of reporting.

Captain Foley reported that in New York City the level of alert may rise this week to high, if that happens, Sandy Hook will be reevaluating their protocols and adjusting if necessary.

Captain Foley reported that all the pilots and employees at Sandy Hook are healthy with no COVID cases to report.

Comments from Captain Flannery, President, Metro Pilots Association:

Captain Flannery reported that he thought that the tabletop exercise was very productive and advised that no matter what happens, communication is the key to it all.

Captain Flannery reported that the Coast Guard plans to remove the KVK buoy. He advised that he has spoken to the Coast Guard about it, and they are going to replace it with an AIS buoy.

Captain Flannery reported that a letter was sent to every terminal advising that no cranes can be moving during docking/undocking maneuvers. Captain Flannery advised that he worked the next day and all four cranes were moving. He believes that there needs to be a discussion with their legal department to get the problem resolved before someone gets seriously injured.

Captain Flannery reported that the Deep Draft Committee is trying to get a meeting date solidified. There are a few topics of major interest, one is that two ULCV's cannot be in the kills at the same time. The Coast Guard and Greg Hutchens have been working with the pilots to get the situation resolved.

Ms. Stuckey advised Captain Flannery that the Commission has yet to receive copy of the letter. Identifying the Commission as a recipient of the letter will show that the Commission is in support of the pilot's position.

Captain Flannery advised that he will speak with the Coast Guard about adding the Commission's support in the letter and report back after the discussion.

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

Captain Richardson reported that the GPS exercise was good and informative for all the pilots.

Captain Richardson reported that all Interport's pilots and staff are all healthy and working.

Captain Richardson reported that Apprentice Donald Occhipinti will sit for his state exam at the end of May.

Comments from Captain Kirk Pinto, President, Harbor Pilots Association:

Captain Pinto reported that he has also had a lot of problems with the cranes being active while ships are being docked.

Captain Pinto reported that there are two Harbor pilots out of work due to shoulder surgeries. Captain Sheldon Davis and Captain Mark Hershey will be out starting on the 20<sup>th</sup> and they both will be out for three months. Captain Pinto advised that he would like to have more manpower, but they have enough manpower to cover the two men being out.

#### Committee Reports

##### A. Apprentice Selection Committee:

Docking Pilot Apprentice Selection - Ms. Stuckey reported to date there have only been one completed application received. She advised that historically, applicants wait until the last minute to submit their applications. Ms. Stuckey advised the Presidents of the Associations that if they have pilots that want to apply, they should encourage them to submit their applications sooner rather than later.

Maritime Pilot Apprentice Selection - Ms. Stuckey reported that at the April 21<sup>st</sup> meeting of the Committee there was 75 applications reviewed to make sure that they were complete and met the Commissions regulations. Of the 75 candidates, 57 were sent for additional testing. So far, only one of the applicant's test results have been received. The next meeting will take place in early August to fully review the applications, test results and select those candidates that will be moving forward to the interview process.

##### B. Occurrence Investigation Committee:

- I. Elan Vital - Tabled for Executive Session.
- II. Oleander - Tabled for Executive Session.

Resolution #22-13 to Adjust Fees Charged to Maritime Pilots

Ms. Stuckey gave the Commission a brief update on the adjustment to the pilotage fee percentage charged to Maritime Pilots.

A motion was made by Commissioner Kils and seconded by Commissioner Shisha to pass Resolution #22-13 to Adjust Fees Charged to Maritime Pilots.

All voted in favor.

Resolution #22-14 to Adopt an Operating Budget for FY23

Ms. Stuckey gave a summary of the changes in the Commission's operating budget.

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to pass Resolution #22-14 to Adopt an Operating Budget for FY23.

All voted in favor.

Resolution #22-15 to Approve the Appointment of Maritime Pilot  
Apprentice

Apprentice Robert Oldmixon gave a summary of his background and thanked the Commission for the opportunity.

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to pass Resolution #22-15 to Approve the Appointment of a Maritime Pilot Apprentice.

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

All voted in favor.

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

#### Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 12:03 PM

#### Occurrence Investigation:

- I. Elan Vital - The Commission advised that they were ready to accept the report and due to restrictions in their regulations, there will be nothing addressed with Captain Paiva today however, he will hear from the Commission soon.

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to accept the Elan Vital report.

All voted in favor.

#### Adjournment

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

All voted in favor.

The meeting was adjourned at 12:04 PM.

#### Executive Session