

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

August 16, 2022

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 16, 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 (absent); 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 Russel Henchman, Vice-President Harbor Pilots; Captain Adam Richardson, President Interport Pilots; Dorian Smith, Authorities Unit, Brian Ashnault Esq., DAG.

Ms. Stuckey advised that Commissioner McEwing extended his apologies, but he had a conflict this morning.

Approval of the July 19, 2022 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to approve the July 19, 2022 meeting minutes. All voted in favor.

Resolution #22-21 to approve the August 2022 Treasurers Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Shisha to pass Resolution #22-21 to approve the August, 2022 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey reported that Captain Brendan Foley will not be joining the meeting today because one of Sandy Hook's long time employees recently passed away and he is attending the funeral services.

Ms. Stuckey reported that Captain Kirk Pinto will not be attending the meeting today because he is on duty and Captain Russel Henchman will be attending the meeting in his place.

- A. COVID update - The CDC has relaxed a lot of their COVID restrictions under the belief that COVID is not going away and the world will have to find a way to deal with the virus. There is a new medication that can treat the virus and the mortality rates are not as high as they have been in the past. Ms. Stuckey provided the Commissioners with an email from the Governor's office suspending the states weekly testing program for unvaccinated persons. Ms. Stuckey advised that there are still people in the Commission's office building that refuse to get vaccinated. She plans to add a discussion about the Commission's meeting forum at the September meeting.
- B. FY22 Audit - The request for proposals was sent to 13 accounting firms that were approved vendors on the Division of Purchase and Property participants list. To date, the Commission received communications from only 4 auditors stating that the Commission is too small for them to bid. Ms. Stuckey advised that after Friday if any bids are received, she will set up a tele-conference with the Audit Committee to review the proposals. If there are no bids received, she will contact the Commission's President to discuss the steps to obtain an auditor moving forward.
- C. Right Whale speed restrictions - A copy of a notice from NOAA fisheries proposing a rule change to the speed restrictions to 10 knots or less for vessels over 35ft for 7 months out of the year was sent to the Commissioners. Ms. Stuckey advised that she has spoken to Captain's Foley and Richardson regarding the proposed restrictions. The restrictions if passed, would hinder a pilot's ability to safely board vessels on station. NOAA will be

accepting comments through the end of September. Ms. Stuckey is currently working with Captain Foley and Steven Lyman from the Maritime Association to submit comments opposing the proposed restrictions.

- D. Hurricane Preparedness table top exercise - Ms. Stuckey participated in the table top exercise at the Coast Guard headquarters on August 1st. The exercise was run by Brendan Dolan a recovery and vessel salvage expert who is employed by the Coast Guard. She advised that the exercise was very informative and even included participants from Washington, DC. Each agency gave a summary of what their protocol would be in the case of a hurricane that could potentially shut down the port. The pilots that the Commission regulate reported that they would immediately shut down operations and when the port reopens, they would be on hand to use their assets to aid in any recovery efforts. There will be another exercise to simulate procedures if a vessel became grounded and stuck in the mud similar to the vessel in the Panama Canal. That exercise is tentatively scheduled for October and Ms. Stuckey plans to attend.

After the table top exercise, Ms. Stuckey met with Commander McQuade who is the new prevention department head. She was able to explain the dynamics between the Commission and the Coast Guard when it comes to investigating occurrences. He was very welcoming and stated his desire to resume the partnership the Commission shared with the Coast Guard in the past. A proposed meeting has been scheduled tentatively in late September between Commander McQuade and the New York and New Jersey Commissions to discuss expectations for each agency. The meeting is very important because over the weekend a tug boat got stuck in between the fenders and the vessel during a docking maneuver. Since the Commission does not have jurisdiction over the tug operators, the Commission will need to get access to the operator through the Coast Guard in order to properly complete their investigation.

Ms. Stuckey reported that she received a call from Captain Jon Flanders regarding a small craft that broke away from the Coast Guard's procession that he made a passing agreement with on an outbound voyage. It was a very dangerous situation and Captain Flanders stated that this situation happens very often. Ms. Stuckey advised that she reached out to Commander McQuade, sent him a copy of Captain Flanders report and he assured her that he will have one of his investigators look into it and report his findings to her.

- E. Port Industry Day - Port Industry Day is returning this year and will be held Monday, September 12th in Jersey City at Liberty Landing. Ms. Stuckey plans to attend.

Ms. Stuckey reported that she was contacted by someone that she thought was calling from the labor department. Ms. Stuckey agreed that she would travel to their office to meet with them. She was led to believe that she would be one of a panel of people that would speak about the work they do and how it relates to the maritime industry. When she arrived, it turned out to be an employment agency and the purpose of that agency is to get people off the street and put them into jobs. It took her 2 hours to get them to understand that the Commission is not the association that they should be in contact with. The Commission does not have positions to refer.

F. Vacation Schedules - Ms. Stuckey will be taking vacation time beginning Thursday, September 1st and returning on Tuesday, September 6th and during that time she will be able to take phone calls and check emails. Mr. Hawkins does not have any vacation time scheduled at this time.

G. 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 Bob Flannery, Metro Pilots Association:

Captain Flannery reported that he will be filling in for Captain Jon Miller, President, Metro Pilots Association in the foreseeable future at the Commission meetings.

Captain Flannery reported that there has not been a Harbor Ops meeting in the past 2 months, but there are a few issues that need to be discussed. Traffic and ships at berths are the main issues, so a meeting was called by the Deep Draft Committee to discuss the congestion in the harbor because the big ships cannot move and are delayed. There is now a parade of ships waiting to come in. This has been a problem for years, but with the size of the ships today, it needs to be addressed. After discussion, the Deep Draft Committee decided that in September there will be a Marine Terminal meeting. This meeting will consist of all the agents, pilot associations, terminal managers and everyone that has something to do with the ship as it comes into the dock. All parties have to work together so there can be a more fluid flow of traffic. Captain Flannery advised that he will keep the Commission updated on the changes at next month's meeting. Captain Flannery advised that the Deep Draft

Committee's updated recommendations should not have been distributed. There is only one slight change, but it is nothing of importance and he will forward a copy to Ms. Stuckey after the meeting.

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

Captain Richardson reported the Interport Pilots are now cycling their New Jersey pilot boats through their annual yard period for maintenance.

Captain Richardson reported Steven Lyman asked if he would mention that he is working on the NOAA restrictions on the behalf of the pilots and he will report any changes to the Commission when that time comes.

Captain Richardson reported that all pilots and staff are healthy within their association.

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

Captain Henschman reported that the Harbor pilots will also submit a comment for the right whale restrictions.

Captain Henschman reported all pilots and staff are healthy minus the 2 pilots that are out with shoulder surgeries. They are doing well and both are expected back in the week between the end of August and September 1st. Ms. Stuckey gave a brief description of the Commission's back to work protocol. Captain Henschman advised that he and the Harbor Pilots are aware of the protocol.

Ms. Stuckey advised that on behalf of Captain Foley, he wanted everyone to know the importance of all parties submitting comments for the Right Whale restrictions. He will provide Ms. Stuckey with more details when they meet and she will share that information with the Commission.

Committee Reports

A. Apprentice Selection Committee:

Maritime Pilot Apprentice Selection - The Committee agreed to schedule 31 of the 57 remaining applicants for in person

interviews. Today is the deadline for all of the applicants to submit to testing at the Institute for Forensic Psychology. Ms. Stuckey advised that after the meeting, she will be traveling to the Sandy Hook Pilots Association and at that time the Committee will review the remainder of the applications and choose those that will move forward. The interviews will begin the afternoon of September 6th with an anticipated completion date of September 16th. After the interviews are completed and the proposed list is put together, applicants will have to submit to a final interview with the Institute before officially being put on the list for the Commission to approve. Ms. Stuckey does not anticipate that the Commission will be voting on the list at the September, 2022 meeting, but she would submit a report of the apprentices for the Commission to consider at the October, 2022 meeting.

Docking Pilot Apprentice Selection - There are only 2 apprentices on the list and the list will need to be replenished soon. Ms. Stuckey advised that 2 persons reached out to her and 1 submitted a full application He would have been qualified had he gotten the information in before the deadline. The other never submitted his paperwork because he was advised that it was pass the deadline.

A. Occurrence Investigation Committee:

- I. M/V Mustafa Day - Ms. Stuckey recommended that the Commission find no fault of the pilots and the file be closed. A motion was made by Commissioner Wowkanech and seconded by Commissioner Kils to accept the recommendation.
All voted in favor.

Resolution #22-22 to Approve the Docking Pilot
Apprentice Selection List

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to pass Resolution #22-22 to Approve the Docking Pilot Apprentice Selection List.
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 10:34 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:09 AM

Temporary Change in work schedule for Mr. Hawkins

A motion was made by Commissioner Kils and seconded by Commissioner Roberts to approve the temporary change in work schedule for Mr. Hawkins.

All voted in favor.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:09 AM.