

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

May 16, 2023

A hybrid regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 16, 2023.

Commissioner Dacey called the meeting to order at 10:02 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Nicholas Fixmer (present); Commissioner Dana Martinotti (present); Commissioner Bjoern Kils (present); Commissioner Charles Wowkanech (via zoom); Commissioner Brendan Roberts (via zoom)

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

Approval of the April 18, 2023 regular meeting minutes

A motion was made by Commissioner Roberts and seconded by Commissioner Wowkanech to approve the April 18, 2023 meeting minutes.

All voted yes.

Resolution #23-11 to approve the May, 2023 Treasurers Report

A motion was made by Commissioner Kils and seconded by Commissioner Martinotti to pass Resolution #23-11 to approve the May, 2023 Treasurers Report.

All voted in favor.

Presentation from German Pilots Association

Ms. Stuckey reported that she and Commissioner Kils came across an article on how the German Pilots Association not only track pilot ladder deficiencies, but are also able to share those deficiencies in real time using a P.I.S system.

The representatives of the German Pilots Association gave a detailed description on the P.I.S Pilot Guard system and how the software works.

After several conversations, the German Pilots Association advised that they will be performing a pilot launch of the P.I.S system in the United States by the spring of 2024. They will send the Commission the results of the program.

The Commission thanked the German Pilots Association for their presentation and advised that Ms. Stuckey will coordinate on behalf of the Commission and work with the pilot associations to determine if the program is a fit.

Commissioner Dacey advised that Commissioner Fixmer has joined the meeting.

Executive Director's Report

- A. Pilot trip log - A copy of the updated pilot log was sent to the Commission.

- B. Update on Move to Gateway - Ms. Stuckey had a meeting with Justin Davis from New Jersey Transit to discuss the Commission's move. She was advised that the move is now back on schedule to be completed within 18 months. The logistics of the lease for the new location are still being worked out. The Commission's lease with New Jersey Transit will not be renewed until the move is completed. Ms. Stuckey advised that the Commission will be subject to a rent increase in July, 2023 per the Consumer Price Index.

Also, the Commission will be responsible for moving their own offices. Ms. Stuckey advised that for the FY25 budget, the Commission will have to add funds to the incidental line to cover these expenses.

- C. AMSEC Annual Meeting- Ms. Stuckey attended the meeting and advised that the Captain of the Port reported that in addition to being the busiest container port, the port of New Jersey/ New York has been named the top safety port in the country for the fourth consecutive year. It was also reported that Table Top exercises will continue to prepare for any attacks that may threaten the supply chain.
- D. Report on Council on Port Performance Meeting - A full report was received from Mr. Steven Lyman, Executive Director, Maritime Association. The report stated that many of the members on the council are not focused on issues that directly affect the port of New Jersey/ New York. The council's interest is focused on providing information on how many people they meet with to their companies. Mr. Lyman suggested that he and Ms. Stuckey partner with Beth Rooney from the Port Authority to address the issue of the labor shortages in the port. Ms. Stuckey advised that she has not yet scheduled that meeting, but she will in the near future providing it proves to be a practical use of her time.
- E. Pension Surcharge Meeting - The Pension Surcharge Meeting has been rescheduled for June 8th. Ms. Stuckey and Commissioner Roberts plan to attend the meeting and will report back to the Commission at the June 20th meeting.
- F. Ms. Stuckey reported that she will be traveling to Manhattan to meet with the Sandy Hook Pilot's New York president, New Jersey president and the New York Commission. Ms. Stuckey advised that she is unaware of the purpose of the meeting. As soon as an agenda is received, she will forward that information to the Commission.
- G. Ms. Stuckey reported that she met with the New York Commission's Executive Director and the Executive Director of the Maritime Association on May 4th. The context of that meeting will be discussed in Executive Session.
- H. Marine Society and Seafarers International House - The Commission was sent a copy of the invitation for the Marine

Society and Seafarers International House's annual Sunset Cruise that will take place June 13th. Ms. Stuckey advised that she plans to attend and asked any Commissioners to let her know if they would like to attend, and she will make the necessary arrangements.

- I. Update on Harbor Inspection Tour -150 invitations were sent. Ms. Stuckey advised the Commissioners to submit their RSVP's and names of any guest so she can prepare. This year, there will be an educational presentation about the harbor from the apprentices, an address from the Captain of the Port and a plaque presentation for former Commissioner's Shisha, McEwing and Captain Robert Flannery.
- J. New York Commission Cell Phone Policy - The Commission was provided a copy of the New York Commission's updated cell phone policy.
- K. Results of Maritime Association Elections - The Commission was provided with a notice on the results of the Maritime Association Elections. Ms. Stuckey reported that New York President, Captain James Mahlmann is the representative for the Sandy Hook Pilots however, the docking pilots no longer have a representative since Captain Flannery has retired.

Captain Miller reported that the docking pilots have not been approached about having a docking pilot representative for the Maritime Association.
- L. Pilot Ladder Deficiency Report - The Commission was provided with the most recent Pilot Deficiency report along with an article regarding vessels that are aging that may present a danger to pilots boarding vessels. Ms. Stuckey advised that the presentation from the German Pilots Association may help towards getting these issues corrected.
- M. Articles of Interest - The Commission was provided with two articles of interest on the labor shortage and how it affects the supply chain in the ports and the second is how imports are getting back to pre-pandemic levels.
- N. Maritime Association - Ms. Stuckey reminded the Commission that the Maritime Association's annual dinner will be held on May 17th and she will be attending.

O. Ms. Stuckey reminded all that the Commission's Harbor Inspection Tour will be held on June 9th. She advised the Docking Pilot presidents to RSVP and expressed the importance of them attending the tour.

P. Vacation Schedules - There are currently no staff vacation plans scheduled. Ms. Stuckey advised that she will be taking a week off at the end of July. She will update the Commission when those plans are finalized.

Public Comment (s)

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

Captain Ferrie thanked the German Pilots Association for their presentation and advised that there is a model for pilot deficiency reports in the port of New York/ New Jersey. The Sandy Hook Pilots Association set a model for reporting that is followed by the whole country and the APA. He advised that any ship arriving in the port of New York/ New Jersey must notify the Coast Guard of any deficiencies. This process is part of the pilot-master exchange and he believes this port is in good shape when it comes to pilot deficiency reporting.

Captain Ferrie reported that he met with the Deep Draft Committee and the Army Corp of Engineers prioritizing the dredging north of Shooters Island. They were able to get the Army Corp to understand that there are certain parts of the dredging that need to be done immediately. He was advised that there is not enough money in the budget to get it all done at once.

Captain Ferrie reported that Ward Point Bend will begin dredging in July and August and Sandy Hook pilots are happy to know that there is money to finally complete that project. Captain Ferrie advised that the Sandy Hook Pilots are lobbying to get that dredging done on an annual basis.

Captain Ferrie reported that the dredging has been completed at Sandy Hook, and will be scheduled annually moving forward.

Captain Ferrie advised the Commission that he would like to discuss changes to the Commission's regulations in Executive Session. He was advised that regulations and changes to the regulations do not qualify as an Executive Session discussion matter and will be discussed in Public Session.

Ms. Stuckey asked when the pilot ladder deficiency reports are shared, are they paper reports that are shared via fax, email or are they shared through a database.

Mr. Maglin reported there is currently no software to store the reports however, they are in the process of building a new dispatch program that will be part of Sandy Hook's electronic database for deficiencies in the near future.

After several discussions, Ms. Stuckey suggested that the pilots keep an open mind on the matter and talks continue with the German Pilot Association to see if their program will work for all the associations.

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

Captain Miller reported he and Captain Pinto are very involved with the dredging that is going on in the harbor along with the Port Authority and Army Corp. He advised that the Wards Point dredging has had a larger impact on the docking pilots because of the documented man power issues.

Captain Miller reported that he believes that the German ladder deficiency system is great. Being alerted of any deficiencies that can be passed on internationally in real time can mean lives are saved.

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

Captain Pinto reported that the German P.I.S deficiency system would be great for pilots and he is looking forward to receiving more information on the system.

Captain Pinto reported that the dredging in the harbor is a major issue because of the stress it is putting on the Harbor Pilots Association manpower issues.

Captain Pinto reported that all of the Harbor pilots are healthy and doing well.

Ms. Stuckey advised Captain Pinto that when dealing with the terminals if any letters are needed, the Commission is willing to help in the matter.

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

Captain Richardson reported that he is happy to hear about the dredging in the harbor and advised that he is looking forward to hearing more about the German P.I.S deficiency system.

Committee Reports

A. Occurrence Investigation Committee:

- I. Ever Fair 4/4/2023 - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots, copies to be sent to the terminal operator, vessel agent, Coast Guard and the file closed. A motion was made by Commissioner Roberts and seconded by Commissioner Kils to accept the recommendations.
All voted in favor.
- II. USCG Cutter 4/6/2023 - Ms. Stuckey reported that this case was a newly licensed docking pilot's very first job and commends him for how he handled himself. Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots, copies to be sent to the Coast Guard and the file closed. A motion was made by Commissioner Martinotti and seconded by Commissioner Wowkanech to accept the recommendations.
All voted in favor.

Apprentice Selection Committee

Ms. Stuckey stated that in her report to the Commission last month, that the Committee received eight completed applications. The Committee actually received nine completed applications, another application was later received that was post marked correctly.

Ms. Stuckey reported that while reviewing the applications, the Committee noticed that one of the applicants did not have the 5 year requirement on a tug therefore, he will not be interviewed. This afternoon, the Committee will interview the remaining eight applicants and will provide the Commission with the findings and anticipate a resolution on the June meeting agenda to vote on the recommendations.

Resolution #23-12 to Approve the 2022 Annual Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Roberts to pass Resolution #23-12 to Approve the 2022 Annual Report.

All voted in favor.

Commissioner Dacey thanked all who contributed to the Annual report.

Resolution #23-13 to Approve an Operating Budget for FY24

Ms. Stuckey reported that there were not a lot of changes in the expense lines in the budget. There was an increase in the Commission's office rent based on the Consumer Price index. The added 2,000 is to insure that there are enough funds to cover any rent increase. Also, there is an increase in the salary line. This line has not been increased in the past three years.

A motion was made by Commissioner Kils and seconded by Commissioner Martinotti to pass Resolution #23-13 to Approve an Operating Budget for FY24.

All voted in favor.

Resolution #23-14 to Adjust the Fees Charged to Maritime Pilots

The Commission was provided copy of the most recent budget sheets. Ms. Stuckey pointed out that the 125,000 that was in reserve has been expended. The Commission will be heading into FY24 with no reserve or surplus. Ms. Stuckey recommends that the Commission increase the pilotage fee by 1 percent. That increase

will bring the percentage to 2.5 percent. The percentage can be adjusted again in July of 2024 if needed.

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to pass Resolution #23-14 to Adjust the Fees Charged to Maritime Pilots.

All voted in favor.

Discussion re: Deputy Maritime Pilot Grades

Captain Ferrie reported that the Sandy Hook Pilots Association would like the Commission to look into adjusting the amount of time served by deputy pilots in certain grades. They propose the first four grades be adjusted from 4 years to 2 years. This can be done by combining the first two years into one grade and the third and fourth year into another grade. Because of the sizes of the ships and the tonnage, the belief is that it's more efficient for the association and the deputy pilots would experience larger ships and have the ability to move up in tonnage quicker. Also, the pilots that are currently in the program would be adjusted accordingly.

Ms. Stuckey suggested that the Sandy Hook pilots provide the Commission with numbers to justify that this change would be better for the association and the deputy pilots.

Commissioner Dacey expressed concern over the Deputy pilots being able to get enough vessels to prepare them for the next grade. He advised Captain Ferrie to come back with a proposal with numbers and research to back it up. The Commission's Apprentice and Recurrent Training Committee will review it and report back to the full Commission.

Captain Ferrie reported that the Sandy Hook Pilots are putting a lot of work into the possible changes and will provide data to the Commission for review.

Discussion Re: Docking Pilots Anchoring Regulations

Captain Pinto reported that anchoring is something that the docking pilots do need to learn, however 20 anchoring's down are a lot for a docking pilot.

Captain Miller reported that most if not all of the pilots has anchored barges plenty of times during their career. Candidates are already experienced upon entering the program.

Captain Richardson agreed that lowering the number would be a benefit to all the Docking Pilot Associations.

Discussion re: Changes to the General License Requirements

Ms. Stuckey reported that the pilots would like the Commission to set a formula for break-in trips when a pilot is out of work for a period of time. The pilots believe that if there was a formula, it would be easier for the pilots to know what they would need to do in order to return to work. Ms. Stuckey expressed concern with eliminating the pilot's requirement to contact the Commission's office when returning to work. The formula that was proposed is 2 trips each month the pilot is out, one during the day and the other at night. Ms. Stuckey pointed out that the problem with the proposal, is that it creates a contradiction of the Commission's regulation stating that a pilot must pilot 26 trips in a 6 month period to stay recent.

The Commission agreed and advised Ms. Stuckey to work with the pilot Associations to come up with a formula that would fulfill this requirement and report back to the Commission for consideration.

Ms. Stuckey reported that she had a discussion with the pilot associations regarding the pilot's ability to refuse to board a vessel with an unsafe ladder. She received mixed feedback on the subject. She recommended that it might make sense to include a regulation stating that a pilot has the right to refuse to board a vessel that they believe is unsafe. After discussion, the Commission suggested that because it is part of the policy, it would be a good idea to have the language as part of the regulations.

Captain Ferrie advised that the pilots already have the authority to not board any ship that they believe to be unsafe.

Commissioner Dacey agreed that the pilots do have the authority to not board a ship they believe to be unsafe, but if the policy is part of the regulation it will help pilots in making the right decision when confronted with a vessel that is believed to be unsafe.

Ms. Stuckey advised Captain Ferrie that the proposed 2 trip requirement does not meet the 26 trip in six months requirement. What the Commission is proposing, is that the break-in trip formula satisfy the 26 trips in 6 month requirement. A formula must be presented that will satisfy that requirement, but not over burden the pilots trying to return to work. The formula will be worked on, brought back to the Commission and they will make a final decision.

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 11:33 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 12:29 PM

Adjournment

A motion was made by Commissioner Fixmer and seconded by Commissioner MARTinotti that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 12:29 AM.