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

October 16, 2019

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, October 16, 2019 at One Penn Plaza East, 9th Floor Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:05 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (absent); Commissioner Jacob Shisha (present);

Approval of the September 17, 2019 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the September 17, 2019 meeting minutes.

All voted in favor.

Resolution #19-34 to approve the October, 2019 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-34 to approve the October, 2019 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey provided the Commission with a copy of the revised agenda that added resolution #19-38 to approve the upgrade of Captain Paul Torres.

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A. Sandy Hook Monthly Apprentice Update report - Ms. Stuckey provided the Commission with a copy of the Sandy Hook Monthly Apprentice report. She advised that Apprentice James Britton sat for and passed his state exam. Ms. Stuckey advised that for the final part of the exam, she went on a ship ride with him to observe. They boarded the Oleander at Maher terminal in Port Elizabeth. Ms. Stuckey reported that she was very pleased with the way Apprentice Britton carried himself. Captain Paul Torres was the pilot of record and he did an excellent job in staying engaged while allowing Apprentice Britton to do the work. Ms. Stuckey advised that she thinks this addition is great to the Commission's testing process and looks forward to riding with future pilots. She also reported that Apprentice Robert Flannery is stopped up and it is anticipated that he will sit for his exam sometime in February, 2020 and Docking Pilot Apprentice Craig Tomalo is still on track to sit for his state exam in early 2020.

B. New Jersey Transit Lease - Ms. Stuckey provided the Commission with a copy of the drafted lease from New Jersey Transit. She advised that she initially thought the Commission would enter into another memorandum of agreement, however NJ Transit is requesting that the Commission enter into a formal lease agreement. She advised that the only hold up at this point is that they are requesting a certificate of insurance. With the help of counsel, the Commission was able to explain to them that as a state agency, the Commission is self-insured. They requested a letter stating that fact. Ms. Stuckey reported that she reached out to treasury and they will provide the necessary letter so the process can move forward. Ms. Stuckey advised that she anticipates that the lease will be executed and the retro payment adjustment will be made in November.

C. Pilot Boarding Deficiency Report - Ms. Stuckey provided a copy of the most recently settled pilot deficiency report. Mr. Maglin has done an excellent job in getting the reports to the right people so the issues can be addressed.

Mr. Maglin reported that they started tracking ships 18 months ago and the system has been working to this point. He reported that ships that have reported deficiencies that are inbound to the port. He advised that because of this system they have come across several issues that have since been fixed. Mr. Maglin reported that to date, they have

closed six deficiencies and still have five pending. He advised that it is not a perfect system, but it is improving. Mr. Maglin stated that working with the Coast Guard and communicating with pilots is allowing issues to be fixed quickly.

D. PPU Training - Ms. Stuckey reported that on the agenda is a Resolution to approve the PPU training as reoccurring training for Metro and Harbor Pilots Associations. Captain Foley has designated Captains Ferrie and Mahlman to work with Ms. Stuckey on the PPU refresher training for the docking pilots and apprentices. The sessions will be held the week of October 21st. Ms. Stuckey advised that to date, 85% of the docking pilots are scheduled.

E. Harbor Ops meeting - Ms. Stuckey provided a copy of the agenda and pointed out a few items that were discussed.

1. The anchorage study being conducted by the Army Corp for Graves End Bay should be completed by April 2020.
2. The Committee approved the draft comments prepared by Captain Andrew McGovern and Ed Kelly to submit to EQUINOR in response to their draft navigational safety risk assessment for their initial lease in the New York area.

3. An agreement was signed in July for the new harbor study. The study is to develop a design based on the size of a vessel that the new channel needs to be able to accommodate. The study will be based on a 14,000 TEU vessel. The committee raised concerns that 14,000 is too small and the study should be based on 18,000 TEU vessels.

4. The following dredging updates were given. The 50ft dredging project in Newark Bay has been completed and the 40-foot dredging project has been awarded. The dredging in the Sandy Hook channel has been delayed pending a multi-federal agency agreement. Dredging in berths 21, 23, 56, 70, 90 and 92 will begin shortly and are expected to be completed by the end of the year.

F. Carteret Public Hearing - Ms. Stuckey attended the public hearing in Carteret on the proposed ferry service on the Arthur Kill between the borough and Manhattan. The ferry service is part of the plan to develop their marina. The

location of the service will be located off Industrial highway in space the borough received from DuPont as part of a legal settlement. Ms. Stuckey provided a copy of the agenda and a map of the area. The agenda outlines sources of funding they have received for the ferry service. Greg Hitchens from the Coast Guard attended the hearing and advised that the Coast Guard will not oppose the ferry service, but will monitor it to ensure it doesn't disrupt commercial traffic.

Ms. Stuckey provided a copy of an article from the Star Ledger regarding the Hackensack River Portal Bridge. The Coast Guard has made the temporary ban prohibiting the bridge from opening during rush hour permanent. The ban will have a minimal if any effect on commercial traffic.

G. Upcoming Events - Ms. Stuckey will be attending a cybersecurity panel discussion sponsored by the Maritime Association on October 23rd. The Maritime Society's Annual Awards dinner will be held on October 24th beginning at 6pm at the New York Yacht Club, Ms. Stuckey advised that she will not attend the dinner this year.

H. Vacation Schedules - Ms. Stuckey reported that she would be taking vacation on Friday, October 25th and Monday, October 28th. Mr. Hawkins has does not have any vacation plans at this time.

I. Articles of Interest - Ms. Stuckey provided the Commission with several articles of interest and advised them to read them at their leisure.

Public Comment (s)

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

Captain Foley reported that the bridge maintenance is moving forward. He reported that Sandy Hook reached out to the Coast Guard and Royal Caribbean and they were able to facilitate a meeting that Captain Flannery also attended. He advised that the Coast Guard sent their bridge unit, VTS participated, reps

from Royal Caribbean and all three contractors were involved so that all parties could get on the same page with the project. Captain Foley reported that after reviewing two years of live data from the bridge, they found that even in the worst circumstances, the bridge never got below 220ft. He advised that they are now confident that vessels arriving and departing should not experience too much of a problem. Captain Foley reported that the contractor agreed to lift up at the apex so that 250ft on either side of the highest point would only be 1 foot reduction for the length of the project. Captain Foley reported that Royal Caribbean will put slack water in their schedule if they have to arrive early. He advised that Sandy Hook reached out to Carnival to let them know what is going on, so they would have an understanding upon their new ship arrival.

Captain Foley reported that Sandy Hook has two more PPU training classes and they will take place next Tuesday and Wednesday and following the classes, all of the new units will be in the field.

Comments from Captain Robert Flannery, President, Metro Pilots Association:

Captain Flannery reported that he looked at the blueprints of the ship and at its widest it is 215ft and he doesn't believe it will be a problem to bunker. He reported that ULCV's and SULCV's on the other hand are too wide to bunker and after speaking with McAllister, they probably will not be able to bunker the ships to be safe.

Captain Flannery reported that during the Harbor Ops meeting, Tom Cramer of the Army Corp of Engineers is embarking on a new project under the assumption that 18,000 ships cannot come into the harbor, when in fact 18,000 ships can come into the harbor, but only to certain berths. He reported that he explained to Mr. Cramer that those ships are very wide and with another ship bunkered, it is not a lot of space to turn a ship. Captain Flannery advised that 18,000 ships can come into the harbor, but if they want more ships to come they will have to dredge everything. He advised the Commission that Mr. Cramer took the information back to his superiors and he will keep the Commission updated as he receives more information.

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

Captain Richardson reported that Apprentice Craig Tomalo will be ready to test in early 2020 and Interport's other two Apprentices are one year away from testing.

Captain Richardson reported that Interport Pilot's bridge resource management training course is on schedule to be mostly completed in the next 30 days and all should be done in the next 60 days.

Committee Reports

A. Occurrence Investigation Committee.

- I. AS PAMIRA - 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 Shisha and seconded by Commissioner Dacey to accept the recommendations. All voted in favor.

Resolution #19-35 to Approve the Meeting Dates for Calendar Year 2020

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-35 to Approve the Meeting Dates for Calendar Year 2020 as amended.

All voted in favor.

Resolution #19-36 to Approve the Recurrent Training Programs of Metro Pilots' and Harbor Pilots' Associations

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-36 to Approve the Recurrent Training Programs of Metro Pilots' and Harbor Pilots' Associations.

All voted in favor.

Discussion re: FY2019 Surplus

Ms. Stuckey updated the Commission on the past and current status of the Commission's surplus. She advised that even with a surplus, the Commission is still collecting pilotage fees at 1.5%.

Stephanie Brown of the Authorities Unit advised the Commission that the surplus situation was discussed in her office, but she is waiting for a response from her superiors.

Ms. Stuckey made a recommendation to reduce the pilotage fee beginning January 1, 2020 by .5% to 1% and revisit the situation again in July, 2020 when the Commissions adopt its budget for the 2021 Fiscal Year. She advised that she will prepare a resolution for the next agenda and make any changes needed before that time.

The Commission advised Ms. Stuckey to move forward in preparing a resolution for the next agenda to decrease the pilotage fee by .5% to 1%.

Resolution #19-37 to Approve the Issuance of a License to
Apprentice James P. Britton as a New Jersey Deputy Maritime
Pilot

A Motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve the Issuance of a License to Apprentice James P. Britton as a New Jersey Deputy Maritime Pilot.

All voted in favor.

Captain James P. Britton was sworn in by Commissioner Dacey.

Captain Britton thanked Sandy Hook Pilots Association and the Commission for all of their help over the years.

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 Shisha and seconded by Commissioner Dacey 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 Shisha and seconded by Commissioner Dacey that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:45 AM.

Resolution #19-38 to Approve the Upgrade of Captain Paul Torres to a Pilot of the 6th grade

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve the Upgrade of Captain Paul Torres to a Pilot of the 6th grade.

All voted in favor.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:47 AM