

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

**July 16, 2019**

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

Commissioner Dacey called the meeting to order at 10:07 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 June 18, 2019 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the June 18, 2019 meeting minutes. All voted in favor.

Resolution #19-24 to approve the July, 2019 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-24 to approve the July, 2019 Treasurers Report. All voted in favor.

## Executive Director's Report

- A. Announcement - Ms. Stuckey advised the Commission that Captain Bill Speiser appeared to report on behalf of Sandy Hook, because Captain Foley is with the Port Authority on a tour of the harbor.
  
- B. Legislative Cruise - The legislative cruise was a big success this year. The added narrative from the apprentices was well received. Ms. Stuckey got a lot of feedback from the attendees on the presentations. She believes it also encouraged those present to enter into conversations with the pilots and the apprentices about the port. Unfortunately, the weather caused a lot of people to cancel at the last minute, but it was still a great inspection cruise. As Commissioner Shisha suggested, next year the Commission will look at dates that will not conflict with anything going on in Trenton. This narrows the Commission's window of opportunity, but Ms. Stuckey will try to find a date that works for everyone.
  
- C. FY19 Audit - As directed by counsel last year, Ms. Stuckey sent out the request for proposals to 16 of the auditors that were on the Division of Purchase and Property's Cooperative Purchasing Participating List. She contacted the Division of Purchase and Property to try to find out why the list has been removed from their website and was informed that most state agencies audits are done internally therefore there are no plans to update and repost the list.
  
- D. Lease with NJ Transit - Ms. Stuckey is still in negotiations with New Jersey Transit regarding the terms of the Commission's lease. Since the current lease expired on June 30, 2019 the Commission is leasing month to month until things can be worked out. The lease did not reflect the conversations Ms. Stuckey had with management. It was prepared by the DAG's office who admittedly is not familiar with the current terms and monthly rate. As this issue develops, Ms. Stuckey will keep the Commission informed.
  
- E. Yacht Utopia - The yacht has begun to enter our port and there has not been any issues. Ms. Stuckey provided a copy of a letter they sent to the Connecticut Port Authority and were met with the same response they received from the Commission. The Coast Guard is on alert and Waterways Management will notify Sandy Hook if they attempt to navigate without a pilot. Moving forward Ms. Stuckey does not anticipate that the pilots will have any issues with the Yacht Utopia. Coupled with that, New York is dealing

with the same issue with a private yacht named the Incentive. They continue to operate without a state pilot and although Sandy Hook is billing them they are not responding. The difference between the two states is that New Jersey's statute clearly makes it illegal to operate on state waters without a compulsory pilot therefore anyone that does so would face criminal charges in addition to having to pay the pilotage fee.

F. Apprentice Selection Update - Ms. Stuckey provided the Commission with a copy of the monthly update and advised that there is nothing new to report.

G. Harbor Ops - Ms. Stuckey attended the June 19, 2019 Harbor Ops meeting which was the last before the summer break. The next meeting will be in September. Of note were the following:

- LNG bunkering - The port is expecting the first LNG vessel to arrive in 2020. Carnival has the highest number of vessels that require LNG fuel. At the time of the meeting, the Committee did not have their first meeting. Mr. Kelly reported
- The transit path behind Ellis Island is open for the season for recreational boaters. Last year it started as a pilot program to see how it would be received. It worked out and will be open annually each summer. Hopefully, it will eliminate the amount of recreational boaters in the shipping channels.
- The Anchorage study is up for public comment. They are proposing vessels be anchored at Gravesend Bay. Harbor Ops is submitting comments on behalf of the port community.
- Offshore Wind - since New York has passed a comprehensive clean air bill there will be a push to proceed with offshore wind. The Navigation Risk Assessment is almost complete. Soon there will be an opportunity for comments. The current plans only allow for a one mile set-back. There is a push for a quick turn around after the assessment is released for public comment. The Coast Guard plans to push for public meetings. The assessment will be distributed by the Maritime Association once it is released and Ms. Stuckey will prepare comments from the Commission based on the recommendations of the Harbor Ops Committee.
- The project for the maintenance dredging in the Newark Bay is anticipated to begin in July pending the award of the contract.

- The pilot project for the current meters in the port has been delayed until October. The program which initially proposed one meter has been updated to 2. Updates will be sent via email if anything changes before the next Harbor Ops meeting. Ms. Stuckey will communicate any changes to the Commission as they are received.
- Although there has not been a Marine Terminal roundtable meeting for a while. The Coast Guard will designate a person to oversee the meetings and get one scheduled when the Committee reconvenes.

H. Kitty Hawk - On the advice of Adam Sternbach, Ms. Stuckey was contacted by Jonathan Kennedy from the Economic Development Authority regarding a pilot program that will begin in August called Kitty Hawk. It is a program for a vessel that is equipped to carry one passenger and will transport between the Colgate clock in Bayonne and the Newport Marina in Jersey City. The vessels will be equipped with GPS and will only be programmed to travel 25mph for a maximum of 5 miles. There will be a 20-minute tutorial for anyone that wants to utilize the vessels and no license will be required. The Coast Guard has yet to classify the vehicles, so it is not clear who the oversight authority will be. The program will run until the end of the summer and then it will be analyzed to see how it can be used to benefit the state of New Jersey. The Commission and members of the community will be invited to the first transit sometime in August. The program was presented to the Harbor Ops standing Committee, but not the full Committee. There were a lot of questions that came to mind during Ms. Stuckey's conversation and she believes they were answered as openly and honestly as possible. The program is being endorsed by Senator Cory Booker and the Mayor of Jersey City, Steven Fulop. Ms. Stuckey answered any questions that were asked.

Mr. Kelly reported that there is concern that the recreational traffic might get disrupted. He advised the Commission that these vessels are in the trial stages and if successful, they may expand to a larger version to become another form of public transportation. Mr. Kelly advised the Commission that this is something that the Coast Guard will monitor very closely.

I. Donald Occhipinti - Ms. Stuckey provided the Commission with a copy of the letter that was sent to apprentice Donald Occhipinti after his training tour in the Naval reserve.

- J. Port Authority - Ms. Stuckey provided a copy of the press release from the Port Authority announcing the completion of the thirty year port plan. The actual document is about fifty pages long. Ms. Stuckey advised the Commission that if they would like a copy, she would provide one for them.
- K. FY 2018 Annual report - Ms. Stuckey reported that the annual report has been printed and received. She anticipates distributing it via mail by the end of the week. She also provided the Commission with a copy of the New York Commissions report.
- L. Vacation plans - Ms. Stuckey reported that she will be taking vacation the weeks of July 22<sup>nd</sup> and August 2<sup>nd</sup>. Mr. Hawkins does not have any vacation plans scheduled at this time.
- M. 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 William Speiser, Vice President, Sandy Hook Pilots Association:

Captain Speiser reported that on July 24<sup>th</sup> and 25<sup>th</sup> there will be a Hazzard Identification workshop at the passenger ship terminal for discussion on LNG bunkering. He reported that the attendees will include, Captain John DeCruz, Captain Andrew McGovern and Shell Oil Executives. Captain Speiser advised the Commission that when the time comes, Captain DeCruz and Captain McGovern will be doing the bunkering.

Captain Speiser reported that the last limitations for draft in the Panama Canal have been suspended. He advised the Commission that as the allowable draft increase there, the draft in the Panama Canal will increase as well.

Captain Speiser reported that the new PPU units are I-Pad based with two small interchangeable antennas for AIS and GPS. He reports that the functionality of the units will remain the same as the current units and starting on August 27<sup>th</sup>, Sandy Hook pilots and apprentices will be provided with instructions on the use of the new PPU unit. Captain Speiser advised the Commission that upon completion of the training, all pilot and apprentices will be issued the new PPU units.

Ms. Stuckey advised the Commission that after the training, the Sandy Hook Pilot Association will work with the Commission to train all of the docking pilots on the basics of the new PPU units.

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

Captain Flannery reported that he, Captain John DeCruz and Captain Andrew McGovern met with the Port Authority to discuss the new 30 year port plan. He reported that they all had great dialogue and advised that going forward, they have some good predictions for the future of the port.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that he would be attending a Service Review Panel meeting in New Orleans on August 25<sup>th</sup>-27<sup>th</sup>. He advised the Commission that if they had any NOAH or Navigational service issues they wanted conveyed at the meeting, he would do so on their behalf.

#### Committee Reports

##### A. Occurrence Investigation Committee.

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

#### Resolution #19-25 to Approve the Recurrent Training Program of the New Jersey Sandy Hook Pilot's Association

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-25 to Approve the Recurrent Training Program of the New Jersey Sandy Hook Pilot's Association.

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 Shisha and seconded by Commissioner Dacey that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:39 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 11:26 AM.

### Resolution #19-26 to Approve and Add Captain Joseph Casais to the Docking Pilot Apprentice Selection List

Resolution #19-26 was amended to include Captain Joseph Casais on the Docking Pilot Apprentice Selection List.

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve Resolution #19-26 as amended.

All voted in favor.

### Resolution #19-27 to Approve the Upgrade of Captain Kevin J. Walsh

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to Approve the Upgrade of Captain Kevin J. Walsh.

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 11:28 AM

