

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

December 15, 2020

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 15, 2020 Via-Teleconference.

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 (present); Commissioner Jacob Shisha (present); Commissioner Bjoern Kils (present); Commissioner Dennis Lombardi (present); Commissioner Brendan Roberts (present)

Also included in the call were: Andre Stuckey, Executive Director; Al Hawkins, Board Administrator; Captain Brendan Foley, President Sandy Hook Pilots; Captain Bob Flannery, President Metro Pilots; Captain Robert Ellis, President Harbor pilots; Captain Adam Richardson, Vice-President Interport pilots; Stephanie Brown, Authorities Unit, Vivek Mehta Esq., DAG.

Approval of the November 17, 2020 regular meeting minutes

An amendment was made by Ms. Stuckey to page 5 of the November, 2020 minutes correcting Captain Foley's report in paragraph five to clarify that the approval of the channel widening project is pending.

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to approve the November 17, 2020 meeting minutes as amended.

All voted in favor.

Resolution #20-31 to approve the December, 2020 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #20-31 to approve the December, 2020 Treasurers Report.

All voted in favor.

Executive Director's Report

- A. Pilot Spreadsheet - A final copy of the 2020 Pilot spreadsheet was provided to the Commission indicating the trip numbers for all pilots and pilot associations.

- B. Commission Website - All of the information has been uploaded and is waiting for the site to go live. Once that occurs, notifications will be sent to stakeholders within the port, pilots and other interested parties.

- C. Covid19 - Currently there are no reports of outbreaks within the pilot community. It is extremely important that all continue to keep their guards up, practice social distancing, wearing mask and sanitizing our hands after touching or using any shared equipment. Also, one of the articles Ms. Stuckey provided is about whether pilots should receive priority access to the vaccine as essential frontline workers. The Maritime Association has sent letters to Governor's Cuomo and Murphy regarding this issue. Ms. Brown advised the Commission that she has yet to hear any feedback on the issue but encouraged the Commission to forward all documents regarding the issue to her so she can ensure that it gets to the proper persons.

- D. Annual Report - Not much has taken place within the port due to the coronavirus, so Ms. Stuckey's plan is to dedicate the annual report to the pilots. She plans to talk

about how the economy could have been shut down, PPE equipment not being delivered, everyday items needed in the stores, etc. if the pilots had been shut down and not continued to put themselves in danger by bringing the vessels in and out of the port. Ms. Stuckey also plans to choose one pilot from each association and have them write-up their personal experiences during COVID and the dangers they face embarking and disembarking vessels. Lastly, she would like to focus on the Commission's continued support of the pilots by relaxing certain requirements and allowing annual appearances to be virtual.

E. Scott Britton State Exam - Apprentice Scott Britton is scheduled to take his state exam the week of February 8th. The exam will be administered at the Commission's headquarters with proper safety protocol being followed. He is scheduled to join the rotation board on April 1st and will have his final appearance before the Commission as an apprentice on March 16th.

F. Harbor Ops - Ms. Stuckey attended the November 18, 2020 virtual Harbor Ops meeting. Of note, Captain Tama reported that there are a record number of tankers in the port and that the Coast Guard denied entry to a vessel due to COVID concerns. Sector New York is participating in an advisory meeting to discuss offshore energy. Lastly, there was a presentation from NOAA looking to get feedback on how to make the operational forecast more visible and usable for mariners. A Committee will be put together to work with them and Ms. Stuckey reported that Captain Bob Flannery will chair that Committee.

G. Pension Surcharge - There will be a meeting on Thursday, December 17th. It is anticipated that some action may be taken. Commissioner Shisha will report back to the Commission at the January, 2021 meeting.

H. Vacation Schedules - Due to the current uptick in coronavirus cases particularly in the area of Newark, the

office will be shut down beginning tomorrow and will reopen on January 4th, 2021. Mr. Hawkins and Ms. Stuckey will both utilize vacation time during those days; however, Ms. Stuckey will be available via cell phone or email for any issues that may arise.

- I. Articles of Interest - The Commission was provided with copies of several articles of interest and encouraged to read them at their leisure.

Public Comment (s)

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

Captain Foley reported that all pilots are healthy in regards to Covid19 and continue to follow the protocol that has been laid out.

Captain Foley reported that Sandy Hook pilots are preparing for the weather and alerted all port partners that there is potential that they will be shutting down pilot boarding operations and perhaps suspending them over night.

Captain Foley reported that the old New York pilot boat has taken station for her last winter and she is offshore right now. He advised that construction is continuing on the new New York. They are placing the after house this week and it should be done by the end of the year. They will start the interior phase, which is the last phase that should have the boat ready by late spring 2021.

Captain Foley reported that Sand Hook has purchased the ladder for the rock climbing school and it has been hung. He stated that it is set and it looks good. The first class of apprentices should be in January, they are just working out the details. An invitation was extended for those who want to attend for observations. He added that with Covid19 cases rising, the rock climbing school is not classified as a gym; they are considered entertainment and therefore may be affected if the outbreak continues to spread.

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

Captain Flannery reported that a letter was sent out making people aware of the gangways. It is tough enough to navigate when the weather is nice, but with the storm coming things can get slippery. The easiest place to put the gangway is on the seaside.

Captain Flannery reported that Metro pilots is having a problem with one of the terminals bringing ships in while there are still ships at the berth and not leaving for hours. He is taking care of the situation but advised that if he needs the Commission's help, he will inform them. Metro has received written recommendations from the Deep Draft Committee advising that no ships should be brought in if the berths are not clear. Captain Flannery has visited with the owners and managers of the terminal and he believes that the issue has been taken care of. He advised the Commission that the issue comes from poor terminal management.

Captain Flannery reported that the max tankers are 900ft long and 160ft deep that they bring up to Bay way. He has been advised that they want to bring the same size ships into 5c and Hess. At Hess, the bow will impede the channel a little bit, but will not be a problem if secured properly.

Captain Flannery reported that Metro has a pilot with Covid19 and is presently on vacation. He advised that the pilot got tested because he planned to go to another state when he tested positive. He is now in the quarantine protocol.

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

Captain Richardson reported that all pilots are healthy and following protocol. He advised that Captain Jonas is making progress and is looking to be back to work in some capacity in January.

Captain Richardson reported that Interport's Connecticut boat just left the ship yard after two months and advised that they are wrapping up construction on the bulk head at their headquarters.

Comments from Captain Bob Ellis, President, Harbor Pilots Association:

Captain Ellis reported that all pilots are healthy. He advised that the terminal issue is a big problem and they do not seem to care about time.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that Captain Brendan Foley joined their Board of Directors at the Maritime Association. He took the spot that was vacated by Captain Tim Ferrie.

Mr. Kelly reported that the Harbor deepening and improvement that the Army Corp and Port Authority are conducting right now is one year into the three year study. The Army Corp is the federal sponsor and Port Authority is the nonfederal sponsor.

Mr. Kelly reported that the 3 year, 3 million dollars study is now in the comment stage. They are looking to take some of the sharp ends off the turns and contour the sides of the channel. The Army Corp will have to do a cost benefit analysis between going down 4ft and 5ft. He advised that the Maritime Association has sent their comments out to all involved parties including the Commission. Mr. Kelly advised that it is important the Pilot Commission of the state of New Jersey also have a comment on record.

Mr. Kelly reported that the Governor's office has gone on record stating that workers classified as 1A will get the first distribution of the COVID19 vaccine. He encouraged the Commission to write a letter of the prioritization of transportation workers like pilots be elevated to that 1A status as soon as possible for vaccination to keep the supply chain moving and all pilots healthy.

Ms. Brown advised Mr. Kelly to send another copy of the letter directly to her from the Maritime Association so she can circulate that letter eternally to the proper authority.

Mr. Kelly reported that the Maritime Association's Hall of Fame dinner on May 19, 2021 has been postponed due to the pandemic. The Committee will look to push the dinner back to sometime in September or October and will update the Commission when it has been finalized.

The Commission advised Ms. Stuckey to draft a subsequent letter on the 50 foot deepening and bring before the Commission for review.

Captain Flannery advised that he will also send a copy of the Metro Pilots Association's letter on the Harbor deepening project to the Commission for review as well.

Committee Reports

A. Occurrence Investigation Committee:

- I. OOCL Poland - 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 Roberts and seconded by Commissioner Lombardi to accept the recommendations.
All voted in favor.
- II. Marlin Amber - 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 McEwing and seconded by Commissioner Roberts to accept the recommendations.
All voted in favor.
- III. Largo Elegance - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed, but a copy of the report be sent to the owner, agent and terminal. A motion was made by Commissioner Lombardi and seconded by Commissioner Roberts to accept the recommendations.
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 Lombardi that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:41 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:25 AM.

Adjournment

A motion was made by Commissioner Lombardi and seconded by Commissioner McEwing that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 11:26 AM.