

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

March 17, 2020

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, March 17, 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 Robert Flannery, President Metro Pilots; Captain Charlie Jonas, President Interport Pilots; Brendan Foley, President Sandy Hook Pilots; Captain Robert Ellis, President Harbor Pilots; Captain Adam Richardson, Vice President Interport Pilots; Stephanie Brown Esq. Authorities Unit; Vivek Mehta Esq., DAG.

Approval of the February 18, 2020 regular meeting minutes

A motion was made by Commissioner Kils and seconded by Commissioner Roberts to approve the February 18, 2020 meeting minutes.

All voted in favor.

Resolution #20-07 to approve the March 2020 Treasurers Report

Ms. Stuckey advised that the treasurer's report needed to be amended to delete the coffee service entry. A motion was made by Commissioner Lombardi and seconded by Commissioner Roberts to pass Resolution #20-07 to approve the March 2020 Treasurers Report as amended.

All voted in favor.

Executive Director's Report

- A. Budget Sheets - Ms. Stuckey sent the Commissioners a copy of the March 1, 2020 budget sheets. She advised that the Commission is still working with a high surplus heading into FY2021.
- B. Annual Report - The Annual report is about 95% finished. Ms. Stuckey is waiting for information from two Associations and once received, the last portion to be completed will be the opening message which summarizes the whole report. She advised that she is hoping to have it completed in the next week or so and at that time she will mail copies to the Commissioners for review.
- C. Active Shooter Training - Ms. Stuckey traveled to MITAGS the week of February 23rd to observe the classes. She was very impressed not only with the subject matter but the instructors. The subject covered physical and behavioral signs to be able to determine if there is a threat. As Captain Foley reported last month, the pilots spent a day on the simulator for Azipod training and the last day there were actual exercises in protocol if they ever encountered a shooter aboard a vessel. The instructors were well versed in the subject and encouraged interaction and open dialogue. It brought to light a lot of conversations within this port that need to take place.
- D. Sandy Hook - The Commissioners were provided with a copy of Sandy Hook Pilots Association's revised policy and procedure statement for all apprentices and Ms. Stuckey encouraged all to review.

E. Manned Model Training - The Commission sent Apprentice Robert Flannery III to the Maritime Institute for the Manned Model Training. Ms. Stuckey provided the Commission with a letter from apprentice Flannery thanking them for the opportunity.

F. OPRA Request - The Commission received an OPRA request last month looking for audio, video and all electronic reports for the Carnival Horizon allision as well as copies of all final reports from January 2018 through the present date. After consultation with counsel, Ms. Stuckey sent a response within the appropriate time indicating that the Commission was not the custodians of the audio and video information and directed them to the Coast Guard's website where they could submit their OPRA request online. Also, the Commission requested that they send a mailing address because the Commission does not respond to OPRA request electronically. After sending the response, the Commission did not receive any feedback, Ms. Stuckey reached out and the OPRA request was rescinded.

G. Corona Virus Update - Ms. Stuckey advised that she and Mr. Hawkins are working from home. She informed the Commission that it was reported by New Jersey Transit that an employee on the fifth floor has a child that may have been in contact with the virus. Also, there is an employee on the eighth floor that has been in direct contact with someone with the virus. To air on the side of caution, the Commission's office has been temporarily closed. The office phones have been rerouted to Ms. Stuckey's cell phone and she has taken all files, and anything needed to work from home. She will visit the office every Monday for the duration of the pandemic. Ms. Stuckey advised that she will not be reporting on any upcoming events, because she is sustaining from attending any events in the immediate future.

Public Comment (s)

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

Captain Flannery reported that last month, Metro Pilots had their bi-annual elections. He advised the Commission of the following results, Captain Robert Flannery, President, Captain Jonathan Miller, Vice President and Captain Douglas Mattson, Board Member.

Captain Flannery reported that he, Captain Foley, Captain DeCruz and Captain Ellis had a conference call with the Coast Guard on the coronavirus pandemic. He advised that the Coast Guard is advising them on how to handle any situations related to the virus.

Captain Flannery reported that Harbor Ops will be sending a letter out about protocol for all ships before a pilot can board, things like disinfecting the wheel house 1 hour before the pilot is scheduled to arrive and no one coming up the elevator with the pilots. He advised that when he receives the letter, he will forward it to the Commission.

Captain Flannery reported that the March Harbor Ops meeting has been cancelled.

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

Captain Foley reported that the environmental window for dredging at the point of the channel on Sandy Hook has closed. The channel is down to 35ft except for two spots. He advised that he requested the 11 Alpha buoy to be put back to mark the spot. The remainder of the contract will be completed in October.

Captain Foley reported that Sandy Hook Pilots sent a letter to all their agents asking to make sure that each ship's bridge, bridge heads and any other part of the ship that a pilot will come in contact with be wiped down with 5% bleach and water solution. Lastly, be sure to only allow essential personnel on the bridge during transit to help prevent anyone from contracting the virus.

Captain Foley reported that the next three classes at MITAGS have been postponed.

Captain Foley reported that the crews that maintain their ships have stepped up efforts to insure the vessels are cleaned and have installed a temperature scanning device.

Comments from Captain Charlie Jonas, President, Interport Pilots Association:

Captain Jonas reported that all their agents have been notified of the coronavirus protocol and they follow the same policies and procedures as Sandy Hook does.

Committee Reports

A. Occurrence Investigation Committee

- I. **Maersk Varna** - 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.
- II. **Amigo** - Ms. Stuckey reported that the investigation is completed, and the case is now in the process of being written up by Investigator Glenn Strathearn. She is working closely with him to ensure the report is written correctly because a letter of protest that has been submitted to Metro and Moran pilots. The ship owners are looking for someone to pay for the damage of the vessel. Ms. Stuckey advised that the Coast Guard is in full agreement with the Commission's assessment in this case. She recommended that the investigator be present when this case is reviewed to answer any questions the Commission may have for him.
- III. **BW Kronberg** - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. She also recommended that the report be sent to the Coast Guard, Terminal, Vessel Owners and agents because the conduct of the vessel's crew is in question. Although the Commission does not have jurisdiction, the report needs to be sent to the people that do. A motion was made by Commissioner Lombardi and seconded by Commissioner Roberts to accept the recommendations. All voted in favor.

Resolution 20-08 to approve Robbie Flannery III as a Deputy
Maritime pilot

Ms. Stuckey advised that Apprentice Robert Flannery III must sign the oath and it be notarized before he can begin working, so she will travel to Sandy Hook Pilot station where most of their employees are working remotely and the workspace has been thoroughly cleaned to swear in Apprentice Robert Flannery so he then can begin working on April 1, 2020.

A motion was made by Commissioner McEwing and seconded by Commissioner Kils to approve Resolution 20-08 to approve Robert Flannery III as a Deputy Maritime Pilot.

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 McEwing and seconded by Commissioner Roberts that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:24 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 10:36 AM.

Adjournment

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

All voted in favor.

The meeting was adjourned at 10:37 AM.