

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

June 15, 2021

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 15, 2021 Via-Teleconference.

Commissioner Dacey called the meeting to order at 10:04 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 Robert Ellis, President Harbor pilots; Captain Charlie Jonas, President Interport pilots; Ed Kelly, Executive Director Maritime association; Jamera Sirmans, Authorities Unit, Vivek Mehta Esq., DAG.

Approval of the May 20, 2021 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to approve the May 20, 2021 meeting minutes.

All voted in favor.

Resolution #21-16 to approve the June, 2021 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to pass Resolution #21-16 to approve the June, 2021 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey advised that Ms. Sirmans will be replaced during the meeting by her colleague Ms. Venables and will make the announcement when she is ready to sign off.

The Commission was provided with a copy of the updated pilot log.

- A. Pilot Update - All of the pilot Associations reported that all pilots are safe and there are no COVID issues. Since the onset of the vaccination roll-out, the transition is beginning to return to a somewhat normal routine.
- B. Docking Pilot Apprentice Update - The Committee met last week to review the applications. It was decided that there will be 7 candidates interviewed. The interviews will take place this afternoon via ZOOM with deliberations immediately after. Ms. Stuckey is looking to get the Committee's recommendations to the Commission by the end of the week. She advised that she will have a resolution on the agenda for the July meeting for the Commission to approve.
- C. Sandy Hook - A letter was provided from the Sandy Hook Pilots Association that was sent to the New York Commission with a request to increase their intermediate rate charges. These are the fees that are given for cancellations, dismissal of pilots, late fees and they have also added a charge for incorrect agent orders. New Jersey does not set the pilotage rates; however, they do ratify them once they are passed by the New York Board. If New Jersey does not ratify the rates, there will be a 30 day delay. Ms. Stuckey has spoken to the New York Executive Director about their process. They will have to publish them in the State register with a 2-month comment period which will end mid-August. If they don't receive any comments, they will print

a notice of adoption which will take 2 weeks. He will let Ms. Stuckey know at the end of the comment period whether they will proceed or whether they must address any comments. It is expected that the Commission will vote on a resolution at the August meeting to ratify the new rates.

D. Maritime Apprentice Applicant Regulations - The comment period for the proposal ends on Friday, June 18th. Assuming Ms. Stuckey does not receive any comments, she will send them to the Governor's office for the approval to proceed with adopting them. If all goes well, the Commission can vote to adopt them at the July meeting, and they will be published in the New Jersey Register on August 16th.

E. Maritime Association - The Commission was provided with a notice from the Maritime Association advertising for an Executive Director.

Mr. Kelly advised the Commission that he will be retiring no later than the end of the year, but will only stay around to help with the Transition of the new Executive Director.

F. Harbor Ops - The final Harbor Ops meeting before the summer break will be tomorrow. Ms. Stuckey sent a copy of the agenda and will report any items of note at the July meeting.

G. COVID re-opening plans - Ms. Stuckey reported that even though COVID restrictions are being lifted for private companies, state office employees are required to wear mask and social distance even if they have been vaccinated. The Commission's office received a memo from Brian Wilton, the Deputy Chief Counsel to the Governor on return to the office plans. Ms. Stuckey has sent the Commission a copy of the memo with their meeting materials. By July 6th, the Commission's office will submit a plan to Ms. Sirmans regarding how the Commission is going to return to the office with the end date of September 7th to be back in the office full-time. Ms. Stuckey advised that the Commission's plans are to have the office staff work three days in the office, Monday, Wednesday and Friday full-time and work from home on Tuesdays and Thursdays until September 3rd with plans to be in the office full-time beginning Tuesday, September 7th.

H. Articles of Interest - Ms. Stuckey provided several articles of interest and advised the Commission to read them at their leisure. One very important article was regarding the Carnival Cruise Line's approval to begin operations in the United States in July.

I. Vacation - Ms. Stuckey reported that she will be taking vacation sometime between July and August. She advised that

soon as she finalizes the dates, she will inform the Commission.

Public Comment (s)

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

Captain Foley reported that Sandy Hook currently does not have any active COVID cases, and advised that all but one of the New Jersey pilots are vaccinated. There are still ships that are coming to the port with active cases onboard. They are continuing to work with the CDC and the Coast Guard when those ships arrive in the port.

Captain Foley reported that Sandy Hook has been working with the Docking Pilots and the Army Corp. trying to prioritize the spot shoaling in the AK. Dredging should start sometime this summer.

Captain Foley reported that Royal Caribbean will bring in the Oasis of the Seas that is scheduled to go on a two day trial cruise on August the 17th. If all goes well, they will resume cruises on August 29th in Manhattan. Brooklyn has some cruises scheduled for the end of the year, but they are expecting cancelations as Trans-Atlantic cruises will likely remain challenging for the rest of the year.

Captain Foley reported that the new New York will face a 30 day delay. There are some shipping issues with materials being delayed.

Comments from Captain Flannery, President, Metro Pilots Association:

Captain Flannery reported that all of their pilots are following protocol and advised that he has been vaccinated.

Captain Flannery reported MSC has been inquiring about new ships going to the North River. There has been some talks that it will be the biggest ship ever, but there no dates have been scheduled.

Captain Flannery reported that the AK there are some 31 ½ foot spots that should be 33ft in the Arthur Kill. Agents are complaining, but there is nothing they can do about it, it is up to the Army Corp.

Captain Flannery reported that the Marco Polo came in on the date of last month's meeting. It was 16,000 TEU. They will be bringing this size ship in on a regular basis. He anticipates

that they will be bringing in ships as big as 18,000 TEU in the near future.

Ms. Stuckey advised that Commissioner McEwing has joined the meeting.

Comments from Captain Ellis, President, Harbor Pilots Association:

Captain Ellis reported that two of their pilots have been out with rotator cuff injuries and should be returning sometime in July.

Ms. Stuckey advised that she has spoken to Captain Hershey, but not Captain Tooker. Captain Ellis was advised to tell him to contact the Commission's office to discuss the return to work protocol.

Captain Ellis advised that he has spoken to Captain Tooker and he advised that he would be in touch with the Commission's office soon.

Comments from Captain Jonas, President, Interport Pilots Association:

Captain Jonas reported that he has finished his recency trips last month and is now back to work.

Captain Jonas reported that Interport has no COVID issues and the younger pilots are reluctant to get vaccinated because of the uncertainty with how the vaccine may affect having a family.

Captain Jonas reported that he believes that Captain Tomalo has completed all his trips and his paperwork will be sent to the Commission shortly. He advised that as soon as they get another apprentice licensed, he will be cutting back on working in New Jersey.

Ms. Stuckey advised that she has not yet received the paperwork stating that Captain Tomalo has completed the apprentice training program, so at this point there is nothing scheduled yet.

Captain Jonas advised that the paperwork will be submitted by the end of the week.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that BOEM announced the proposed sale of a large lot going out to the Continental shelf. He is taking a look at how it will impact shipping off-shore.

Mr. Kelly reported that ship counts on all commercial vessels are up compared to last year. Cargo projections remain very strong and should continue into first quarter 2022.

Honoring Retired Pilots

Ms. Stuckey reported that Captain Robert Oldmixon had to cancel his appearance before the Commission.

The Commission presented a plaque for 35 years of service and appreciation to Captain William McGovern.

Captain McGovern thanked the Commission and stated that he has had a wonderful career.

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 Lombardi that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:29 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:06 AM.

Resolution #21-17 to Approve the Upgrade of Captain Graham Mergenthaler to a Pilot of the Second Grade

A motion was made by Commissioner Roberts and seconded by Commissioner Shisha to Approve the Upgrade of Captain Graham Mergenthaler to a pilot of the Second Grade.

All voted in favor.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:09 AM.