

Minutes of the Regular Meeting of The

New Jersey Maritime Pilot and Docking Commission

December 19, 2023

A hybrid meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, December 19, 2023.

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

Open Public Meeting Statement

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Nicholas Fixmer (via Zoom); Commissioner Dana Martinotti (via Zoom); Commissioner Bjoern Kils (via Zoom); Commissioner Charles Wowkanech (via Zoom); Commissioner Brendan Roberts (via Zoom).

Also included in the meeting were: Andre Stuckey, Executive Director (present); Al Hawkins, Board Administrator (present); Captain Timothy Ferrie, President, Sandy Hook Pilots (via Zoom); Captain Kirk Pinto, President Harbor Pilots (via Zoom); Captain Jon Miller, President Metro Pilots (via Zoom); Dorian Smith, Authorities Unit (via Zoom), Adam Richardson, President Interport Pilots (present)

Approval of the November 21, 2023. regular meeting minutes

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to approve the November 21, 2023 meeting minutes.

All voted in favor.

Resolution #23-36 to approve the December, 2023 Treasurers  
Report

A motion was made by Commissioner Wowkanech and seconded by Commissioner Roberts to pass Resolution #23-36 to approve the December, 2023 Treasurers Report.

All voted in favor.

Executive Director's Report

- A. Pilot trip log - A copy of the updated pilot log was sent to the Commission.
  
- B. Update on Move - Ms. Stuckey reported that the plans for the Commission's move are finalized. She advised that New Jersey Transit has secured 150 parking spaces at the new location. Additionally, parking at the current location will be available. As in the past, the Commission will need to give New Jersey Transit advance notice of parking needs. Ms. Stuckey advised that no electronic appliances or devices will be allowed in individual workspaces. Each floor will be equipped with a kitchenette area that will have refreshment services and snacks for purchase. Because most of the Commission's meetings are offsite, Ms. Stuckey will phase out the purchase of coffee and water. Coffee and water will be purchased through the cafeteria as they are done for the Commission's monthly meetings when needed.
  
- C. Update on Rule Proposal - The Comment period will expire on January 6<sup>th</sup>. The necessary notifications have been sent out and to date, no comments have been received. If there are no comments by January 6<sup>th</sup>, a resolution will be placed on the January agenda for the Commission to vote to adopt the proposal. If this is the case, they will become effective on February 18, 2024.
  
- D. A copy of the end of the year memo that was submitted to the Governor's office was sent to the Commissioners. The memo highlights some of the initiatives that the Commission has been involved in.
  
- E. Tour with Federal Transportation Administration - Ms. Stuckey attended the tour with the Federal Transportation Administration. She advised that there was some confusion regarding the date of the tour, however the tour took place

on Tuesday, November 28<sup>th</sup>. Representation from each of the pilot associations, Harbor Ops, Ms. Stuckey and Commissioner Kils were present. The plans for the project changed since they were presented to the Commission. The contract to complete the project will be awarded before the new year. Once the contract is awarded, the contractors will develop a more concrete plan that can be shared with the maritime community. That plan will give the maritime community a better understanding on how the plans may affect commercial traffic in the harbor. The work is scheduled to begin in the spring of 2024. Captain John DeCruz, the Chair of Harbor Ops suggested that there be a visit to the site after each phase of the project to provide feedback to the contractors. The Commission and pilot associations will continue to work with the contractors, Federal Transportation Administration and Amtrak to support the project while ensuring there are no adverse effects on the economy and commercial traffic.

- F. Hudson River Anchorages - The port community lobbied over the past few years to secure anchorage areas on the Hudson River. After several hearings and comment periods, it appeared that the Coast Guard understood the need for additional anchorage areas and the plans were ready to move forward.

The River Keeper who is the New York Water Advocacy Group sent a letter to the Coast Guard protesting the anchorage areas. The Coast Guard has since rescinded the approval of new anchorages via a Marine Safety Information Bulletin.

The Maritime Association is leading the charge for reconsideration. They are soliciting letters from the pilots, port stakeholders and the local Commissions to support the cause. Ms. Stuckey suggested that when the time comes, the Commission should be on record in support of the anchorage areas.

Captain Richardson reported that Interport Pilots Association, supports the anchorage areas and will provide a letter.

Captain Ferrie reported that the Sandy Hook Pilots Association supports the anchorage areas and will provide a letter as well.

- G. New York Commission Annual Meeting - Ms. Stuckey attended the New York Commission's annual meeting on December 5<sup>th</sup>. Unfortunately, the meeting was overshadowed by the loss of Commissioner Mercante's mother. This year the meeting was centered around the Captain of The Port who gave a speech about her work within the port over the past four years. Her replacement has not been named.
- H. Pilot Guard Kick-off Meeting - The German Pilots Group scheduled a meeting to discuss the launch of their pilot guard program. The meeting had to be postponed due to the facilitator contracting COVID. The meeting has not yet been rescheduled however, there is time because the pilot program is not scheduled to begin until May of 2024.
- I. Commissioner Kils and Ms. Stuckey spent a day on the water with the pilots on December 8<sup>th</sup>. At 10:45am they were transported to the station boat to await the arrival of the 1100ft tanker Wan Hai A10. Captain John DeCruz was the pilot who took the vessel into the channel, then Captain Mark Hershey boarded and navigated his way through the channel to dock the vessel. They were impressed with the professionalism and skill of both pilots. There are plans for the pair to ride on an evening transit and a tug. Ms. Stuckey advised that it is important for members of the Occurrence Investigation Committee get on the water from time to time to observe the pilots.
- Commissioner Kils reported that it was very good to see how the pilots work, communicate and perform in their element.
- J. Marine Society Annual Dinner - The Marine Society's Annual Dinner will take place on March 25, 2024. As the date gets closer, Ms. Stuckey will poll Commissioners to see who will attend.
- K. Ms. Stuckey met with Douglas Hasbrouck, Vice President of Institutional Advancement for SUNY Maritime. He is very interested in the outreach work that the Commission has taken part in. He expressed the desire to partner with the Commission to help attract young people to careers on the water. Ms. Stuckey feels that outreach from SUNY would be good, however she will not get directly involved in the program. She will continue to do the outreach with the local schools and if there is real interest, she will introduce the school administrators to Mr. Hasbrouck.

- L. Ms. Stuckey reported that tomorrow, she will meet with the New Jersey Transit Ethics Liaison Officer who will serve as an alternative and help bring the Commission's ethics compliance up to date.
- M. Ms. Stuckey reported that on Thursday, the Commission's Apprentice Training Committee will meet with the Sandy Hook Pilots Association regarding their apprentice training program. She advised Captain Ferrie to provide the Committee with any materials needed prior to the meeting for review.
- N. The Commissioners were provided with a copy of the memo on the new channel restrictions. Ms. Stuckey asked Captain Ferrie to update the Commission on the restrictions during his report.
- O. Ms. Stuckey reported that January, 2024 will be a very busy month for the Commission. There will be three pilots testing for their state licenses, the Sandy Hook apprentice selection process will begin and the first stage of compiling the information for the Commission's annual report will begin.
- P. Ms. Stuckey reported that starting at 12:30pm, she will begin her end of the year vacation. During that time, she will work from home and travel to the office as needed.
- Q. Mr. Hawkins will take his remaining administrative leave time on December 22<sup>nd</sup>, 28<sup>th</sup> and 29<sup>th</sup>. Ms. Stuckey will cover the office on those days to check mail and make sure that all is ok.
- R. Articles of Interest - The Commission was given several articles of interest and encouraged to read them at their leisure. Ms. Stuckey highlighted the article that referred to the Vane Brothers Company as the guilty parties of the November 22<sup>nd</sup> oil spill in Bayonne, New Jersey.

#### Committee Reports

##### A. Pension Surcharge Committee.

Ms. Stuckey reported that the current surcharge is at 2.4%. If there is no increase to the surcharge, there is a possibility that the pilot's contingency funds may be

depleted. In the past 2 years, there were two incidents that affected the contingency, one was COVID and the other was the increase in life insurance for the pilots. An increase from 2.4% to 2.51% would ensure that the pilot's contingency funds would remain intact for 2024. Ms. Stuckey gave a brief summary of the factors used by the actuary for recommending the increase. The Committee voted to approve the recommendation of a 4.6% increase effective January 1, 2024. The increase will bring the current rate up to 2.51%.

Captain Ferrie thanked both Ms. Stuckey and Commissioner Roberts for taking part in the Committee meeting. He thanked the Commission for their support.

B. Occurrence Investigation Committee

I. MSC Shristi - 11/17/2023 - Ms. Stuckey announced that once again the Investigation Committee has done a good job with ending the year with no open investigations.

Ms. Stuckey recommended that based on the investigators report, the Commission find no fault on the pilots and the file closed. She also recommended that a copy of the report be sent to the Coast Guard and vessel agent.

A motion was made by Commissioner Wowkanech and seconded by Commissioner Kils to accept the recommendations.

All voted in favor.

Public Comment (s)

Comments from Captain Timothy Ferrie, President, Sandy Hook Pilots Association:

Captain Ferrie wished everyone a Merry Christmas and a happy New Year.

Captain Ferrie thanked Ms. Stuckey and Commissioner Kils for attending the Sandy Hook pilots ship ride. He also reported that he and Captain Mahlman attended MITAGS to review continuing education courses.

Captain Ferrie reported that the guidelines are back in effect in the channel from Sandy Hook to Bayway and the Sandy Hook pilots are pleased that the dredging is complete.

Captain Ferrie reported that the Sandy Hook pilots shut down the pilot station at midnight on December 17<sup>th</sup> for 18 hours and resumed boarding operations at 1800 on December 18<sup>th</sup> for the safety of their vessels and pilots. Everything went well and the pilots are safe.

Captain Ferrie reported that at the annual meeting for the New York Commission, he had a conversation with the Captain of the Port regarding Operation Clear Channel. He advised that there may be an asset that can help the operation in the spring called the New York Militia Emergency Boat Service that is berthed in sector New York. Captain Merchant advised that the New York Militia may be an option when there is heavy traffic in the area.

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

Captain Richardson stated that he is happy to have the new soundings published for the Sandy Hook channel and believes it will be a big help for everybody.

Captain Richardson reported that he is looking forward to having Captain Meade sit for his state exam in January, 2024.

Comments from Captain Kirk Pinto, President, Harbor Pilots Association:

Captain Pinto reported that during the Deep Draft Committee meeting, there was discussion on raising the draft from 1160 to 1165 so they can allow larger ships to enter the channel.

Captain Pinto reported that Captain Zorovich is still on the tug. It has been frustrating, and they are trying, but McAllister Towing is still working on finding a replacement.

Ms. Stuckey advised that although Captain Zorovich must ride some of the larger vessels every month to maintain recency, it is important that he gets rest in between. She requested that Captain Pinto keep the Commission updated when any change occurs.

Resolution #23-37 to Approve the FY23 Audit

Commissioner Dacey reported that the Audit Committee met last month with the auditor and approved the audit.

A motion was made by Commissioner Roberts and seconded by Commissioner Wowkanech to pass Resolution #23-37 to approve the FY23 Audit.

All voted in favor.

Ms. Stuckey was authorized to distribute the audit as appropriate.

#### 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 Wowkanech and seconded by Commissioner Martinotti 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 Wowkanech and seconded by Commissioner Fixmer that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 10:56 AM.

#### Adjournment

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

All voted in favor.

The meeting was adjourned at 10:56 AM.