

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

**April 19, 2022**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, April 19, 2022 Via-Zoom.

Commissioner Dacey called the meeting to order at 10:02 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 Charles Wowkanech (present); Commissioner Brendan Roberts (present)

Also included in the call were: Andre Stuckey, Executive Director; Al Hawkins, Board Administrator; Captain Bob Flannery, President Metro Pilots; Captain Brendan Foley, President Sandy Hook Pilots; Captain Kirk Pinto, President Harbor Pilots; Captain Adam Richardson, President Interport Pilots; Jamera Sirmans, Authorities Unit, Brian Ashnault Esq., DAG.

Approval of the March 15, 2022 regular meeting minutes

A motion was made by Commissioner Wowkanech and seconded by Commissioner Kils to approve the March, 2021 meeting minutes. All voted in favor.

Resolution #22-10 to approve the April 2022 Treasurers Report

Ms. Stuckey advised that the budget numbers do not include the Commissioners salaries because they had not been processed at the time the report was completed. Starting with next month's meeting, all of those numbers will be made current.

A motion was made by Commissioner Kils and seconded by Commissioner Shisha to pass Resolution #22-10 to approve the April, 2022 Treasurers Report.

All voted in favor.

Executive Director's Report

A. Ms. Stuckey reported that Bethanne Rooney has been appointed as the new Director of the Port Authority. Bethanne has been very instrumental in working with the pilots and stakeholders in the port of New Jersey/New York and will be a great asset to have at the helm of the Port Authority.

Ms. Stuckey reported that Admiral Linda Fagan was nominated by President Biden to lead the Coast Guard. If confirmed, she would be the first woman to hold the position. She would also be a great asset for the port of New Jersey/New York as she served as Captain of the Port beginning in June of 2010. Ms. Stuckey provided the Commission with copies of the announcements.

B. Pilot trip log - Ms. Stuckey provided the Commission with a copy of the updated pilot log.

C. COVID Restrictions - So far things seem to be going well with the lifting of the COVID restrictions. Ms. Stuckey advised that about 50% of the people in the building are now mask less, however there doesn't seem to be an uptick in the number of cases reported. This is especially noteworthy since there is news of a new variant that has China locked down.

D. Meeting Forum - Ms. Stuckey reported that although the COVID cases in the building have decreased, she is not yet comfortable going back to the old meeting forum. She recommended that the Commission move to a hybrid model. This would mean that she and Mr. Hawkins would set up in

the board room for the Zoom meeting. Any pilot or person wishing to attend the meetings would have the option of attending in person or via Zoom. Ms. Stuckey suggested that the Commission follow this model for the next couple of months to see if the new variant that has China in a lockdown comes into the states. Ms. Stuckey advised that she would make a note to revisit this subject at the July meeting.

- E. Annual Report update - Ms. Stuckey was hoping to have a draft of the report for the Commission to review prior to the meeting, but she has not received all of the pilot's information. She expressed her optimism that she will receive the information in time to get a draft to the Commission before the May meeting.
- F. Joint training grant - The New York Commission is seeking another training grant from the department of Homeland Security, and they have requested that the Commission partner with them again. The last grant received, was allocated for the active shooter training at MITAGS. This year, Ms. Stuckey and Andrew Garger will meet with the pilot presidents for some suggestions however, one of the items discussed was Manned Model Training. New York has hired a grant writer to complete the application on behalf of both states.
- G. Harbor Ops Meeting - Ms. Stuckey was not able to sign on to the March 16<sup>th</sup> Harbor Ops meeting because the Transit network was down and by the time they fixed it, the meeting was over. If there was anything of note that the Commission should be aware of, she encouraged the association Presidents to report during public comments.
- H. United States Coast Guard - The United States Coast Guard Area Maritime Security Committee meeting will be held on April 27<sup>th</sup> at the Brooklyn Cruise Terminal. Ms. Stuckey will attend the meeting.
- I. Seafarer's International House will hold its annual setting the course reception on April 27<sup>th</sup> at the New York Athletic Club. They will honor Bethanne Rooney. Ms. Stuckey advised that she will not be in attendance; however she believe Commissioner Shisha will attend. She advised if anyone else was interested, please email her and she will make the arrangements.

- J. Port Industry Day - Port Industry Day will resume this year. It is scheduled for September 12<sup>th</sup> at Liberty House at Liberty State Park.
- K. The Commission received an invitation for United States Merchant Marine Academy Alumni Association and Foundation annual golf outing. Although the Commission does not attend, the Commission typically sends a sponsorship donation of \$250. Ms. Stuckey will send the donation on behalf of the Commission for this year's event.
- L. Vacation Time - There are no vacations scheduled at this time.
- M. Articles of Interest - Several articles of interest were sent to the Commissioners and they were advised to read them at their leisure.

Public Comment (s)

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

Captain Foley reported that the new New York took station on March 23<sup>rd</sup> and Sandy Hook will be making preparations for her christening in late June. She is at the base today to address a few minor issues, but she is providing a comfortable and stable platform for the association.

Captain Foley reported that the Sandy Hook pilots suspended boarding operations over night due to the weather. The Coast Guard cleared the anchorages and shut down Bergen Point last night. They opened this morning and they will be resuming operations at 11am today.

Captain Foley reported that although the Sandy Hook pilots have had some positive cases from the current COVID-19 variant, they are all healthy and currently working.

Captain Foley advised that there are no labor problems at the moment, but the ports are working at capacity. Often times the ships are running on a slow speed up the coast and arrive early causing the backup.

Comments from Captain Flannery, President, Metro Pilots Association:

Captain Flannery reported that the ports are having more 14,000 TEU ships coming in and they are spending 3 or 4 days at the dock, so therefore there is no more room at the docks for other ships.

Captain Flannery reported that the Harbor Ops Committee requested that cranes not be moved during docking/undocking procedures. The moving cranes are so loud that you can't hear the tug boats. New York Shipping sent each terminal a letter asking the terminals to address this issue before someone gets hurt.

Ms. Stuckey requested that New York Shipping copy the Commission on the letter to show the terminals that the Commission is behind the pilots in the matter.

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

Captain Richardson reported that all pilots are healthy at Interport Pilots.

Captain Richardson reported that Interport will be submitting paperwork to the Commission requesting a state license test date for apprentice Donald Occhipinti sometime in May.

Ms. Stuckey advised that the Commission requires that the apprentice take 30 days to study before they sit for the test, so the letter should be sent to the Commission as soon as possible.

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

Captain Pinto reported that when docking ships, the cranes are very loud and makes it difficult to do your job.

Captain Pinto reported that Harbor pilots are very stable with no issues and apprentice Joe Bosch just started with them and they are happy about that.

Captain Pinto reported that Harbor pilots had one pilot that contracted COVID, was out 4 days and is now back to work.

### Committee Reports

#### A. Occurrence Investigation Committee

Ms. Stuckey reported that there were no occurrences listed on the agenda, but advised that after the agenda was circulated; there was a grounding that is now under investigation and should be ready for report at next month's meeting.

#### Docking Pilot Apprentice Selection Process

Ms. Stuckey reported that she provided the Commission with copies of the ads that was published in the Professional Mariner and the application has been updated on the Commission's website. Ms. Stuckey advised that she will contact each member of the Committee next week to set up a meeting to review the applications and set interview dates.

#### Maritime Pilot Apprentice Selection Process

Ms. Stuckey reported that the next meeting for the Committee is scheduled for Thursday, April 21<sup>st</sup>. The Committee will review the applications and select those who will move on to the next phase of the process. Ms. Stuckey advised that as of last update the number of applicants was at 30.

Captain Foley reported that the application number has since been updated to closer to 100 applicants.

Ms. Stuckey advised that Mr. Steven Lyman has just joined the meeting and he did notify her that he would be signing on late. She recommended that the Commission go back to public comment to see if Mr. Lyman had anything to report.

#### Public Comment (s)

Mr. Lyman reported that there was an issue brought to the Maritime Associations attention from the Hudson River pilots regarding salt in New York. New York is requesting that American

harvested salt can only be used on any Government contract. The Maritime Association is taking a look at the impact this will make in the New York/ New Jersey harbor.

Mr. Lyman reported that there is an offshore wind conference next week that he will attend and advised that any relevant information, will be reported to the Commission.

#### Discussion Re: Pilotage Fee

Ms. Stuckey reported that the pilotage fee will have to be adjusted based on the new additions to the Commission's budget. She advised that last month's budget was distributed without an adjustment in the pilotage fee. The Commission received a letter from Sandy Hook with projected revenue if the fee was raised .5% from 1% to 1.5%. The Commission's expenses for FY23 will come in at about \$575,000 for the year. With all of the projected revenue including the reserve and the pilotage fee increase to 1.5%, the total income would be \$632,000. The \$632,000 would take the Commission to the end of FY23. She advised that the Commission may have to make an adjustment to the pilotage fee at the end of FY23.

Captain Foley reported that the letter sent to the Commission represents the additional .5% added to the revenue of the current projection.

Ms. Stuckey advised that no action needed to be taken for FY22 because the Commission had enough revenue to cover the additional expenses.

The Commission advised that there will be discussions over the next few weeks as the new budget is developed.

Ms. Stuckey advised that she will send a suggested budget to the Commission next week as a starting point and the reserve revenue will be released at the beginning of FY23.

#### Discussion with Docking Pilots RE: Proposed changes to Docking Pilot Apprentice Regulations

Ms. Stuckey reported that she was not sure if a meeting had taken place between the docking pilot associations, but she was

approached by one of the associations to put it on the agenda. It was put in open session to give each association the chance to voice their opinions.

Captain Flannery reported that the Metro Pilots Association will change their bi-laws to set a minimum age for docking pilot apprentices. He advised that it will take a pilot 6 years after their start date and his concern is that if a pilot was appointed after 40, he or she will be close to retirement before putting in the requisite time to the association. He reported that after talking to the other associations, they advised that they do not support the age restriction.

Captain Flannery was advised that the Commission's bylaws are silent in this matter as well as an association's retirement age.

Counsel reported that he is in agreement with the Commission on their bylaws and it is up to the association to establish age restrictions.

Resolution #22-11 to upgrade Captain Salvador Rivas, III to a Pilot of the Fourth Grade

Ms. Stuckey advised that Captain Rivas had his appearance before the Commission two months ago when he was in the sick box. He has since returned to work. The Commission's regulations state that a deputy pilot must serve 12 months in their current grade before they are eligible for an upgrade. Because he was out of work for two months, he had to serve an additional two months before his upgrade.

A motion was made by Commissioner Roberts and seconded by Commissioner Wowkanech to pass Resolution #22-11 to upgrade Captain Salvador Rivas, III to a pilot of the Fourth Grade.

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

All voted in favor.

The Commission went into Executive Session at 10:40 AM.

### Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:36 AM

### Adjournment

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

All voted in favor.

The meeting was adjourned at 11:36 AM.