

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

**June 21, 2022**

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, May 17, 2022 Via-Zoom.

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 Charles Wowkanech (absent); Commissioner Brendan Roberts (present)

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

Ms. Stuckey advised that Commissioner Wowkanech is currently in Washington, DC at the AFL-CIO's National Convention and sends his apologies for his absence at today's meeting.

Approval of the May 17, 2022 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to approve the May 17, 2022 meeting minutes.

All voted in favor.

Resolution #22-16 to approve the June 2022 Treasurers Report

A motion was made by Commissioner Roberts and seconded by Commissioner Shisha to pass Resolution #22-16 to approve the June, 2022 Treasurers Report.

All voted in favor.

Executive Director's Report

- A. Pilot trip log - Ms. Stuckey provided the Commission with a copy of the updated pilot log.
  
- B. COVID Restrictions - The number of daily reported COVID case in the building seems to be decreasing. Ms. Stuckey sent a copy of correspondence received from Lisa Almeida, Deputy Chief Counsel to the Governor stating that New Jersey's mask mandates will be dictated by the COVID -19 activity level. This practice puts the state of New Jersey in line with the national guidance from the CDC. Currently, all face covering mandates remain the same, which means they are optional but recommended in situations presenting high risk.
  
- C. Tele-commuting proposal- The Commission was sent a copy of the approved Tele-Commuting proposal. Ms. Stuckey thanked Mr. Smith for working with her to get the Tele-Commuting proposal completed and for setting up the meeting with the Civil Service Commission. The meeting gave Ms. Stuckey specific guidance which enabled her to prepare the proposal. Before it can be implemented, each employee must complete the accompanying application, certification and a training module created by the Civil Service Commission. Ms. Stuckey sent an email requesting information on the training and is waiting to receive the information. The Commission talked about if or when the program will be implemented during Executive Session.
  
- D. FY22 Audit- Ms. Stuckey is currently in the process of preparing to send a request for proposals to local accounting agencies for quotes for their services. The Department of Treasury no longer list approved auditors on their website.

There was a discussion on why the vetted and approved auditors were no longer listed on the Treasury's website. The Commissioners also expressed concern about having MS. Stuckey go through the work of sending out the request for proposals and then receiving push back from the Administration. Mr. Smith advised that he will check to see if the Commission soliciting local accounting agencies would be an issue and report back to the Commission.

- E. Meeting Forum - It seems that the COVID threat is still prevalent. Even though the most recent variants are not severe, there are some Commissioners who may have compromised people within their households. It is for this reason that Ms. Stuckey recommended that the Commission remain hybrid at least until September. At that time, the Commission can revisit the issue.
  
- F. Harbor Ops meeting - Ms. Stuckey attended that June 15, 2022 Harbor Ops meeting. There were 20 people on the Zoom meeting. The only thing of note that was discussed, is that the port is getting ready for a big change over at the Coast Guard. This usually happens every 4 years. This was the last meeting of the summer. The Committee will resume meetings in September. It was announced that the meetings will no longer be able to be held in Fort Wadsworth. The reason behind the decision was not made known.  
  
Captain Flannery reported that the reasoning for the meetings being moved had nothing to do with the Coast Guard, the decision was made by the park where the Coast Guard headquarters is located.
  
- G. The Sandy Hook pilot's Christening Ceremony of the Pilot Boat New York will take place on Thursday, June 23<sup>rd</sup>. Ms. Stuckey advised that she will not be able to attend, but encouraged the Commissioners to attend if they are available.
  
- H. The Docking Pilot invoices for docking fees will go out the first week of July.
  
- I. Vacation Schedules - Ms. Stuckey will be taking vacation beginning Wednesday, June 22<sup>nd</sup> and returning on Tuesday, June 28<sup>th</sup>.

J. 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 he attended the International Maritime Association conference. The event was well attended from maritime pilots from around the world.

Captain Foley reported that maintenance dredging will start this week and they are expecting to finish dredging on the 26<sup>th</sup> of July. Also, on June 16<sup>th</sup> Lieutenant General Scott Spellmon approved the New York/ New Jersey Chief's Report. The Chief's report recommends a plan to widen and deepen some of the channels to 55 feet to make things safer for the larger ships.

Captain Foley reported that on June 14<sup>th</sup> and 15<sup>th</sup> the Sandy Hook Pilots held training on the pilot boat New York using a rescue scoop that can rescue more than one person at a time in the case of a mass emergency event. The training went well.

Captain Foley reported that the Sandy Hook Pilots will be hosting the Coast Guard's new Chief of Prevention tomorrow as a meet and greet.

Captain Foley reported that the Sandy Hook Pilots are looking forward to the blessing of the pilot boat New York.

Comments from Captain Flannery, President, Metro Pilots Association:

Captain Flannery reported that every day that dredging is going on is a great day for the port. He advised that when he went to MITAGS for simulations, Howland Hook was included in the simulations.

Captain Flannery reported that he is no longer President of Metro Pilots Association and Captain Jon Miller is the new President. He advised, that before his medical issues at the

request of his family, he became a half share pilot. He is now a half share pilot and per Metro's bi-laws a half share pilots is not a partner and therefore cannot be a part of the Executive Committee. Metro has asked Captain Flannery to stay on as an advisor therefore he will continue to attend Commission and Coast Guard meetings as a representative of Harbor Pilots.

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

Captain Richardson congratulated Captain Donald Occhipinti for passing his state exam and being licensed as a New Jersey state pilot.

Comments from Captain Russell Henschman, Vice-President, Harbor Pilots Association:

Captain Henschman reported that the Harbor pilots currently have two pilots out due to injury. He advised that both pilots should return to work by the end of August.

Captain Henschman reported that the Harbor pilots currently have no man power issues.

#### Committee Reports

##### A. Apprentice Selection Committee:

Docking Pilot Apprentice Selection - Ms. Stuckey reported that the Docking Pilot Apprentice Selection Committee received three applications. The Committee will meet on June 30<sup>th</sup> via zoom to review the applications and set interview dates. Captain Flannery advised that he will still be serving on the Apprentice Selection Committee.

Maritime Pilot Apprentice Selection - Ms. Stuckey reported that the Committee has begun to receive the reports from the Institute of Forensic Psychology, to date there has been ten complete reports. The Committee's next meeting will take place in August and at that time the reports and applications will be reviewed to select the candidates that will be moving forward.

##### B. Occurrence Investigation Committee:

- I. Elan Vital - Executive Session.
- II. Oleander - Executive Session.

Resolution #22-17 to Approve the FY21 Annual Report

Ms. Stuckey thanked the Commissioners for their feedback and noted that there has been one change to the annual report and that change has been the front cover of the report.

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to pass Resolution #22-17 to approve the FY21 Annual Report.

All voted in favor.

Resolution #22-18 to Approve the Issuance of a New Jersey State Docking Pilot License to Captain Donald Occhipinti

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to Approve the Issuance of a New Jersey State Docking Pilot License to Captain Donald Occhipinti.

All voted in favor.

Captain Occhipinti gave a brief summary of his apprenticeship and thanked all that helped him along the way.

Captain Occhipinti was sworn in by Commissioner Dacey.

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 Shisha that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:30 AM.

Return to Public Session

A motion was made by Commissioner Roberts and seconded by Commissioner Kils that the Commission return to Public Session. All voted in favor.

The Commission returned to Public Session at 11:18 AM

Resolution #22-19 to Approve the Upgrade of Captain Graham Mergenthaler to a pilot of the First Grade

A motion was made by Commissioner McEwing and seconded by Commissioner Kils to approve the Upgrade of Captain Graham Mergenthaler to a pilot of the First Grade. All voted in favor.

Captain Mergenthaler was sworn in by Commissioner Dacey.

Ms. Stuckey advised that she will schedule a meeting with Captain Mergenthaler to get all of his paperwork updated.

Approval of the Opinion and Order in the Matter of the Elan Vital

A motion was made by Commissioner McEwing and seconded by Commissioner Kils to approve the Opinion and Order in the Matter of the Elan Vital. All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner Kils that the meeting be adjourned. All voted in favor.

The meeting was adjourned at 11:27 AM.