

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

August 17, 2021

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 17, 2021 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 (absent); 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 Adam Richardson, Vice-President Interport Pilots; Captain Robert Flannery, President Metro Pilots; Ed Kelly, Executive Director Maritime Association; Jamera Sirmans, Authorities Unit, Brian Ashnault Esq., DAG.

Approval of the July 20, 2021 regular meeting minutes

An amendment was made to the July 20, 2021 meeting minutes that stated Commissioner Roberts made a motion to approve the minutes. The minutes were corrected to state Commissioner Lombardi made the motion.

A motion was made by Commissioner Shisha and seconded by Commissioner Kils to approve the July 20, 2021 meeting minutes as amended.

All voted in favor.

Resolution #21-21 to approve the August, 2021 Treasurers Report

A motion was made by Commissioner Lombardi and seconded by Commissioner Kils to pass Resolution #21-21 to approve the August, 2021 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey advised that Captain Miller is attending the meeting in place of Captain Flannery and Captain Richardson is attending the meeting in place of Captain Jonas.

- A. FY22 Audit - Ms. Stuckey reported at last month's meeting that the Commission sent out a request for proposal to 19 accounting firms in the area. The Commission only received one response and that is from the company that has performed the Commission's audit for the past two years. Ms. Stuckey sent the Commission a copy of the sole company's proposal and it is the same amount as the previous year. Ms. Stuckey inquired whether the Commission is ok with continuing to use the same company or would they prefer that she send out more RFP's. The Commission agreed to use the same auditor from the previous year and advised Ms. Stuckey to move forward with preparing the resolution.
- B. Interport - Interport apprentice Craig Tomalo is scheduled to take his state licensing exam the week of August 30th. If he passes the exam, he will appear at the September meeting where the Commission will vote on whether to grant him a license and swear him in.
- C. Budget Information- The Commission was sent copies of the Commission's fiscal year end budget sheets from the office of Management and Budget. The Commission is carrying over a surplus of \$301,952.94 from the previous year. In addition, \$125,000 is still in reserve. Last year the Commission was appropriated \$617,617.28 and out of that amount, the Commission expended \$367,178.34. The Commission began this fiscal year with a budget authority of \$526,952.94. This

amount is calculated by using the re-appropriated amount plus the income figures from the FY22 approved budget.

- D. The Maritime Pilot Apprentice regulations were printed in the New Jersey Register on August 16th and became effective the same day. The New York Commission is on the same timeline. Ms. Stuckey sent the Commission a copy of their rules as printed in the New York register. Both Commissions regulations will be updated when the new process begins in early 2022.
- E. The 2020 Annual report has been fully distributed. The Commission does have a small reserve in the office, so if there is anyone that the Commission would like to send a copy to, please send Ms. Stuckey the information via email and she will distribute them.
- F. Ms. Stuckey sent a memo from Brian Wilton, Deputy Chief Counsel at the Authorities Unit. The memo provides additional information regarding phase three of the return to office plans. The Commission's staff is on track to return to the office full time on September 7th, however they will continue to monitor the current status of the Delta variant outbreak and will adjust their plans if needed. Also, the Commission received an email yesterday from the Governor's office that the travel band is back in effect.
- G. Harbor Ops- The next Harbor Ops meeting is scheduled for September 18th. They were having conversations about going back to in person meetings, but would also try to ensure that people could also participate via Zoom. With the number of COVID cases rising, Ms. Stuckey will not be attending in person.
- H. Ms. Stuckey provided the Commission with a copy of the Expiration report from the office of Administrative Law. The Commission's regulations will expire in April of 2024.
- I. Articles of Interest - Several articles of interest was sent to the Commission and they are advised to read at their leisure.

Public Comment (s)

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

Captain Foley reported that August 5th marked the one year anniversary of Captain Tim Murray's passing. On August 31st at 12:30pm there will be a mass held for him at Stella Maris Chapel.

Captain Foley reported that the pilot boat New York is coming along as construction work continues with an anticipated completion date of late fall.

Captain Foley reported that cruising to New York will return. The Oasis of the Sea is due to dock around 8pm on Wednesday, August 18th. The Coast Guard and the CDC will be onboard for testing to prepare for her first test cruise. If all goes well with the test cruise, she will be back in full service in September.

Comments from Captain Jon Miller, Vice-President, Metro Pilots Association:

Captain Miller reported Metro and Sandy Hook got together to look further at ladder safety. They need to keep looking at ideas to ensure that the ladders are safe.

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

Captain Richardson reported that Apprentice Craig Tomalo is scheduled to test at the end of August.

Committee Reports

A. Occurrence Investigation Committee:

- I. Viking Bravery- 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 Roberts and seconded by Commissioner Kils to accept the recommendations. All voted in favor.
- II. Cosco Shipping Orchid- Tabled until September 23, 2021 meeting.

Resolution #21-22 to Approve the Appointment of a Docking Pilot
Apprentice

Apprentice Daniel Zorovich gave a brief summary of his background.

A motion was made was made by Commissioner Roberts and seconded by Commissioner Shisha to Approve the Appointment of a Docking Pilot Apprentice.

All voted in favor.

Resolution #21-23 to Approve the Appointment of a Docking Pilot
Apprentice

Apprentice Austin Dimatteo gave a brief summary of his background.

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to Approve the Appointment of a Docking Pilot Apprentice.

All voted in favor.

Discussion regarding meeting forum

Ms. Stuckey reported that she received an email from the Governor's office stating that because of the Delta Variant, they are encouraging all Authorities to continue the Zoom meeting forum until further notice.

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 10:20 AM.

Return to Public Session

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

The Commission returned to Public Session at 10:55 AM.

Adjournment

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

All voted in favor.

The meeting was adjourned at 10:55 AM.