

974.905
M232



Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission
November 12, 2019

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, November 12, 2019 at One Penn Plaza East, 9th Floor Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:15 AM.

Open Public Meeting Statement

Pledge of Allegiance

Audit Committee Meeting

The Commissioners went over the Audit with the Auditor and found the Audit to be satisfactory. However, the Commission found that the date on page#8 needed to be corrected. At the conclusion of the meeting, the Commission agreed that the Audit be approved.

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (absent); Commissioner Jacob Shisha (present);

Approval of the October 16, 2019 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to approve the September 17, 2019 meeting minutes.

All voted in favor.

Executive Director's Report

- A. New Jersey Transit Lease - Ms. Stuckey provided a copy of the fully executed New Jersey Transit Lease. The lease is good until June 30, 2028. She advised that the Commission's previous lease was a one-page memorandum of agreement between the Commission and New Jersey Transit, but although the new lease is now lengthy all of the previous terms and conditions remain the same. The only change is that the Commission will have to supply New Jersey Transit with an updated letter from Treasury annually to keep the lease current. New Jersey Transit will make a retro adjustment to the Commission's December rent payment to reflect the decrease from previous months. Lastly, there will be an adjustment on July 1st of each year dictated by the consumer price index.
- B. Docking Pilot PPU Training - Sandy Hook hosted the Docking Pilots for the recurrent training refresher course on the new personal units that their pilots are using. The training went well and was well received by the docking pilots and apprentices. It was very interactive and a lot of questions were addressed. Captain Tom Ferrie did an excellent job in teaching the course. Ms. Stuckey, thanked Captain Foley for providing the pilot and facilities to get the training done and provided the Commission with a copy of the certificate of completion that was given to each pilot upon completion of the course.
- C. Carnival Horizon - A copy of the press release from the Maritime Executive with a copy of the NTSB report was provided to the Commission. Ms. Stuckey advised that Commander Eric Santos from the Coast Guard and Sr. Marine Investigator Luke Wisniewski from the National Transportation Safety Board essentially came back with the same conclusion that was in the Commission's report. She was pleased that after all of the work that was put into the case, the Commission's conclusion is in line with the federal agencies. Because of the Commission's relationship with both the Coast Guard and NTSB, they have deferred to the Commission for any corrective actions and will not seek any sanctions against the pilot in question.
- D. 2020 Pilot and Apprentice appearance dates - Ms. Stuckey reported that a list of the pilot appearances has been distributed to the regulated community and advised that each pilot or apprentice will have 30 days to contact the Commission's office to reschedule their appearances in case there are any conflicts.

After that, they will need to get approval from the Commission's office and their association presidents to reschedule.

E. Holiday Schedule - The Port Authority will hold its year end briefing the week of December 2nd in Newark. The CONNIE annual awards luncheon will take place in Newark on December 9th, the New York Commission will hold its annual holiday luncheon on December 10th and the USMMA will hold its annual meeting on December 11th in Newark. Ms. Stuckey plans to attend all events.

F. Articles of Interest - Ms. Stuckey provided the Commission with several articles of interest and advised them to read them at their leisure.

G. Schedule Update - The Commission's office will be closed on Thursday, November 28th and Friday, November 29th for the Thanksgiving holiday. Ms. Stuckey will begin her end of the year vacation on Thursday, December 19th returning to the office on Thursday, January 2nd. She advised that during that time, she will work from home on matters that need immediate attention and will be available via cell phone and email for any emergencies. Mr. Hawkins will be in the office during that time however, he will be off Tuesday, December 31st.

Public Comment (s)

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

Captain Foley reported that the Pilot boat New York took station for the winter and the Pilot boat New Jersey will be running offshore if needed. The new Pilot boat New York was towed to the shipyard to begin prep work and tank cleaning and should be in the dry dock by next week. He advised it should take about 70 days to complete the first phase, which will bring her back into active status and the next 2 phases will go out to bid in the next few weeks.

Captain Foley reported that the PPU's are all out in the field, all of the Maritime pilots have been certified in their training and Sandy Hook provided re-familiarization for all of the Docking pilots.

Captain Foley reported that October, 2019 was the Sandy Hook pilot's strongest month to date for the SULCV's with 20 arrivals into the port.

Comments from Captain Robert Flannery, President, Metro Pilots Association:

Captain Flannery reported that he was present at the Harbor Ops meeting when the Army Corps presented a plan to build a gate around Staten Island to the Steering Committee. The plan for the gate is just in case another storm like Hurricane Sandy hits the area. He does not believe this proposed gate would be a good idea because, the gate would take away anchor space and will further slowdown ship traffic. He advised if there was another potential storm like Sandy, that money would be funded immediately by the Government for this plan. The Army Corps is looking at all the different aspects of the plan right now, it is in the very beginning stages and he will keep the Commission up to date as he receives more information.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that the Maritime Association's shipping 101 course has 19 participants and is taking place at this time at Seamen's Church Institute. He advised that the Maritime Association will offer the course again in the spring of 2020.

Mr. Kelly reported that the Maritime Association has an Ad Hoc Committee working to review and upgrade their charter which will update boating parties and obligations that are moving along well at this point. He advised that he expects to have the framework in place by the end of the year and open voting will take place sometime in the early part of January, 2020.

Mr. Kelly reported that New York City is starting their comprehensive waterfront plan from 2020-2030 however, they have voiced that they will be looking to work in conjunction with New Jersey on the concept of the shared harbor. The public hearing will be starting in the near future and he will keep the Commission up to date when he is made aware of the date and time.

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

Captain Richardson reported that on November 19th Interport Pilots are scheduled to start their bridge management resource refresher training that would bring them to 95% completion and the remaining pilots will take the last class a few weeks after to recertify Interport pilots in every area.

Captain Richardson reported that him and a few of Interport' s pilots will be attending the Maritime Risk Symposium on November 13th-15th at Suny Maritime.

Ms. Stuckey advised Captain Richardson that all recurring training must be done by December 31st and all certificates must be sent to the Commission's office.

Committee Reports

A. Occurrence Investigation Committee

- I. CMS Prague Express - 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 Shisha and seconded by Commissioner Dacey to accept the recommendations. All voted in favor.
- II. S. Santiago - 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 Shisha and seconded by Commissioner Dacey to accept the recommendations. All voted in favor.

Resolution #19-40 to Adjust Fees Charge to Maritime Pilots

Ms. Stuckey advised the Commission that Ms. Brown of the Authorities Unit requested that Resolution #19-40 to Adjust Fees Charge to Maritime Pilots be tabled this month for the third consecutive month. She reminded Ms. Brown of their last conversation in which she informed Ms. Brown that she would include the pilotage fee resolution on the agenda unless she heard otherwise. Since she had not received any communication, the resolution was included on the agenda.

Ms. Brown advised that as the same with all of the state's other authorities, they receive the agenda in advance of it being sent to the Commissioners for review and that will be the new practice going forward.

Ms. Stuckey advised that unless something changed, the Commission received notice from the Authorities unit on all procedures submitting agendas and minutes and have been following those procedures.

Commissioner Dacey advised Ms. Brown that issuing the Commission's agenda a week earlier will put a strain on the Commission's office because of the short turn around.

Ms. Brown advised that she believes this is a conversation that should be had in Executive Session.

Commissioner Dacey advised Ms. Brown that this is a public issue, the pilots are paying the fees to insure the Commission can run and function properly. This is the third month discussing this issue and the pilots have the right to know where their money is going.

After discussions, Resolution #19-40 to Adjust Fees Charged to Maritime Pilots were tabled for the Commission's December 17, 2019 meeting.

Resolution #19-41 to Approve FY19 Audit

A motion was made by Commissioner Shisha and seconded by Commissioner Dacey to pass Resolution #19-41 to Approve the FY19 Audit as amended.

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

All voted in favor.

The Commission went into Executive Session at 10:38 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:45 AM.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:26 AM