

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

July 20, 2021

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, July 20, 2021 Via-Teleconference.

Commissioner Dacey called the meeting to order at 10:05 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (signed on late); Commissioner Bjoern Kils (present); Commissioner Dennis Lombardi (present); Commissioner Brendan Roberts (absent)

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 June 15, 2021 regular meeting minutes

A motion was made by Commissioner Lombardi and seconded by Commissioner Kils to approve the June 15, 2021 meeting minutes. All voted in favor.

Resolution #21-18 to approve the July, 2021 Treasurers Report

A motion was made by Commissioner Lombardi and seconded by Commissioner Kils to pass Resolution #21-18 to approve the July, 2021 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey reported that she, Commissioner Kils and Captain Foley attended the memorial service for Evelyn Oldmixon the mother of Captains John and Robert Oldmixon. She led a moment of silence for Evelyn Oldmixon.

A. Rock Climbing Safety Exercises - Ms. Stuckey reported that she, Commissioner Kils, Captain's Flannery, Foley, Klein and Miller attended an exercise at the rock climbing facility. She provided the Commission with videos of the equipment and how it could be used by the pilots. She recommends that the Commission leave it to the Association Presidents to present this information to their individual pilot communities and allow each pilot to utilize the system that best fits them.

Captain Foley reported that the Sandy Hook pilots has ordered two different types of fall and rescue harnesses. He advised that once they arrive and they are adequate for the pilots, they will further investigate having larger ones made. He advised that it is his belief that the personal flotation device with the ring security is the best option.

Ms. Stuckey recommended that the Community utilize the immediate equipment available. She advised that it is her thoughts that the pilots are taking this situation seriously and the choice should be made by them.

Captain Flannery reported that a meeting is being set up with Maher Terminal simulating turning ships off of Berth 76 and it is not 100% safe and needs to be worked on.

Captain Ellis advised that the turn was done on simulation and it is not 100% safe and needs to be worked on.

- B. Auditors - Ms. Stuckey sent request for proposals to 17 auditors with a deadline date of July 30th. Ms. Stuckey advised that once she receives the proposals, a ZOOM meeting will be set up with the Audit Committee to review the proposals and select an auditor.
- C. 2020 Annual report - Ms. Stuckey reported that distribution of the 2020 annual report has begun. She advised that distribution will take a little longer this year because the mailroom has requested that the reports be brought down in batches so they do not get overwhelmed as they are short staffed. Ms. Stuckey advised that with a mailing list of 210 about half of them have been distributed.
- D. Docking Pilot Annual Invoices - The invoices for the docking pilot annual license fees have been mailed out. This year, there are 31 active docking pilots.
- E. Pilot Safety Meetings - Ms. Stuckey advised that she believes that the Committee has done a very good job in addressing all of the Commission's concerns. It is her recommendation that the Commission not take any direct action and leave it up to the presidents of the different associations to discuss the different options with their communities and allow the pilots to choose the option that they are the most comfortable with. The Committee meetings will close for now, but will be prepared to reconvene if the need arises.
- F. Return to Office Procedures - The Commissioners received a copy of the memo that was sent to the Governor's office regarding the Commission's return to the office plans, protocol when entering the building and the Commission's suite and plans in case of exposure or an outbreak. Currently the Commission's staff is working full days on Monday, Wednesday and Friday and Tuesdays on the week of board meetings. Visitors are screened through the transit questionnaire when entering the building and they will get their temperatures checked when entering the Commission's office suite. If there is an outbreak or exposure, the office will shut down and will be thoroughly cleaned. The exposed person would be directed to immediately get tested, quarantined for five days and get retested. They will only be allowed to return to the office if a negative test result can be produced.

G. Harbor Ops- Ms. Stuckey attended the virtual June 16, 2021 Harbor Ops Meeting. During her report, Commander Merchant reported that the new Deputy Captain of the port will be Marc Sennick. Con Edison has proposed to install a battery energy system on barges to be used in case of an emergency. BOEM is preparing an environmental impact study that will be circulated to the whole committee. Ms. Stuckey advised that she will share the report of the study with the Commission when it is received.

Maintenance dredging in the Sandy Hook Channel will occur this fall and extend into the winter.

The Wittppen Bridge over the Hackensack River will be raised for the first time to 7ft. The construction began on June 9th.

Public notices went out for dredging contracts in the Newark Bay, Sandy Hook Channel and the Arthur Kill.

Harbor Ops is looking to go back to in person meetings beginning September 15th. However, this is not final.

H. Vacation Schedule - Ms. Stuckey plans to take vacation time on Friday, July 23rd and Friday, July 30th and Monday, August 2nd. Mr. Hawkins does not have any plans scheduled.

I. Articles of Interest - Several articles of interest were sent to the Commission and they were encouraged to read them at their leisure.

Public Comment (s)

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

Captain Foley reported that Sandy Hook currently has no active COVID cases.

Captain Foley reported that the Oasis of the seas will do a two day trial cruise on the 29th of August. If all goes well, they will return to weekly service on September 4th.

Captain Foley reported that the new New York has fallen behind schedule because they are still waiting for supplies to arrive from Korea.

Captain Foley reported that Sandy Hook has not made any plans to do an industry cruise in the fall, but they may revisit that soon.

Comments from Captain Ellis, President, Harbor Pilots Association:

Captain Ellis reported that Harbor Pilots has one pilot out with a medical issue and he should be returning by the end of the month.

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

Captain Richardson reported all Interport Pilots are healthy.

Captain Richardson reported that Interport has been doing their own testing of various safety equipment during the past year. They will continue testing during the summer and will report back to the Commission when they have the results.

Ms. Stuckey advised Captain Richardson that during the past two months it was reported to the Commission that Interport had an apprentice that was ready to test. Leadership was instructed to submit information to the Commission's office so the scheduling of the testing can began. She inquired on the status of the apprentice.

Captain Richardson advised that some of the information from the apprentice was in different places. He was advised to put all the paperwork together. The loose ends are now tied up and Interport would send that information to the Commission's office today.

Ms. Stuckey advised Captain Richardson that moving forward the Commission has developed a monthly report form. If they complete that report form, this issue would not have happened. The apprentice should send the Commission a copy and keep a copy for themselves. Moving forward, she advised Captain Richardson to insure that all of Interport's apprentices utilize that form.

Captain Richardson advised that they are now using that form.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that ship movement is still strong coming into the port. Ships coming in look good going into the first quarter of 2022.

Mr. Kelly reported that container traffic is up in the port and that is good news.

Mr. Kelly reported that the Maritime Association awards dinner is on October 5th at Pier 60 in Manhattan. He advised that if anyone has not received an invitation, let him or Ms. Stuckey know and they will make sure you receive one.

Committee Reports

A. Occurrence Investigation Committee:

- I. M/V Zim Yokohama - 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.

Resolution #21-19 to Approve the Adoption of Amendments to the Commission's Regulations

Ms. Stuckey advised that the Commission received approval from the Governor's office to continue with the adoption. The regulations will be submitted to the office of Administrative Law to be published in the New Jersey Register on August 16th. She has spoken to the Executive Director of the New York Commission and was advised that they are on the same time line for the regulations to become effective in August insuring that when the new process starts this year both Commission's regulations will be updated.

A motion was made by Commissioner McEwing and seconded by Commissioner Roberts to Approve the Adoption of Amendments to the Commission's Regulations.

All voted in favor.

Resolution #21-20 to Approve the Docking Pilot Apprentice Selection List

Ms. Stuckey reported that this year the Commission received some strong candidates, but she was a little disappointed that one of the candidates backed out at the last minute. She thanked the Presidents of the association that served on the Committee for their help and advised that two of the associations will be taking candidates off the list at the August meeting.

A motion was made by Commissioner Lombardi and seconded by Commissioner Kils to Approve the Docking Pilot Apprentice Selection List.

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 McEwing and seconded by Commissioner Lombardi that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:46 PM.

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 11:49 PM.

A motion was made by Commissioner McEwing and seconded by Commissioner Lombardi to approve the Agreement to temporarily change working hours for Mr. Hawkins.

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 11:50 AM.