

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

February 16, 2021

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, February 16, 2021 Via-Teleconference.

Commissioner Dacey called the meeting to order at 2:00 PM.

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 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 Robert Ellis, President Harbor Pilots; Captain Charlie Jonas, President Interport Pilots; Captain Robert Flannery, President Metro Pilots; Ed Kelly, Executive Director Maritime association; Jamera Sirmans, Authorities Unit, Vivek Mehta Esq., DAG.; Brian Ashnault Esq., DAG.

Approval of the January 19, 2021 regular meeting minutes

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to approve the January 19, 2021 meeting minutes.

All voted in favor.

Resolution #21-05 to approve the February, 2021 Treasurers
Report

Ms. Stuckey advised that every year the Commission's rent is subject to an increase based on the consumer price index. That increase was scheduled to go into effect on July 1, 2020 but because of the coronavirus that adjustment did not take place until this month. In addition to the Commission's rent being increased to \$2,187 there is also a retro adjustment from July through January.

A motion was made by Commissioner Kils and seconded by Commissioner Lombardi to pass Resolution #21-05 to approve the February, 2021 Treasurers Report.

All voted in favor.

Executive Director's Report

Ms. Stuckey advised the Commission that DAG Vivek Mehta will no longer be the Commission's primary person at the DAG's office. The new representative will be Brian Ashnault.

Mr. Ashnault introduced himself and gave the Commission a brief summary of his background.

- A. Pilot Log - A copy of the pilot trip log was previously sent to the Commission.
- B. Pilot Update - The pilots did have a couple of issues with COVID19 within the ranks over the past month. It is Ms. Stuckey's understanding that most are back to work. There is a New Jersey pilot with symptoms awaiting the results of his test. She will speak more about that in Executive session. The Commission continues to wait for guidance from the Governor's office on vaccine classification. Ms. Stuckey is hopeful that things will move along quicker as the states in general are receiving more doses each week and the Johnson and Johnson vaccine is closer to becoming approved.
- C. Pilot Ladder Climbing Course - A report was previously sent to the Commission on the class as well as some photos. Ms. Stuckey thanked Sandy Hook for taking the initiative in setting up the training. She advised that her belief is

that the training is a positive step and will contribute greatly to pilot safety.

- D. Docking Pilot Apprentice - The Commissioners were sent a copy of the ad that will be placed in the Professional Mariner and Workboat Magazines. It has also already been posted on the Commission's website. The Commission has already received a request for an application. The application deadline is May 30, 2021. After that date, the Committee will meet to choose the applicants to interview and then schedule a date to interview. Ms. Stuckey is hopeful that by then the Committee will be able to interview in person as it makes a difference.
- E. Apprentice Testing - The Commission completed the testing process for two apprentices, one docking pilot and one maritime pilot. The test was able to be conducted at the Commission's office while practicing safe guidelines and both apprentices passed. The Commission will vote on the resolutions to approve their licenses later in the meeting.

The Sandy hook Pilots Association plans to take another person off the current list as of March 1, 2021. He will be registered in New York. The next apprentice is scheduled to be taken on November 1, 2021 and they will be registered in New Jersey.

- F. Harbor Ops - At the Harbor Ops meeting Captain Tama reported that he will be leaving the port in April and Captain Zeita Merchant who is currently his deputy will be promoted to Captain of the port. Her replacement will be Captain Mark Sennick. Ms. Stuckey advised that she plans to invite the three of them to an upcoming meeting to welcome the new COTP, her Deputy and to thank Captain Tama for his work within the port.

They also reported that they are doing everything they can to keep the situation with the coronavirus under control.

- G. 2020 Annual report - Ms. Stuckey has begun collecting the information for the annual report. As previously reported, it will focus on the Maritime industry's response to COVID. This year, Ms. Stuckey picked a photo of the U.S. Comfort coming into the port with Maritime Pilot Captain Timothy Ferrie bringing her in. A copy of the draft cover page was sent to the Commission. She thanked Commissioner Kils for such a great photo.

Public Comment (s)

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

Captain Foley reported that it has been a busy month with Covid and they currently have two New York pilots out with Covid. He advised that due to contact tracing and mask coverings, they have prevented the virus from spreading. There are two other pilots in quarantine due to exposure to a positive docking pilot.

Captain Foley reported that the mid river station is iced in and is closed.

Captain Foley reported that dredging at the point of the hook is 90% complete and will be completed sometime this fall.

Captain Foley reported that in August and September, the Army Corp. will be dredging in the AK. Also in August, the dredging will occur in the Upper Bay, 40 and 50 foot channels.

Captain Foley reported that Canada has extended their no sail order on cruise ships through 2021. In the US as it stands, there is a voluntary no sail for major cruise lines through May.

Captain Foley reported that cargo volumes are very high according to the Port Authority.

Captain Foley reported that Sandy Hook crews are not testing on a regular basis because all of their rotations are different, but because they have had so many people exposed to the virus; they have been getting pilots tested regularly.

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

Captain Flannery reported that he, Captain Foley and Captain Ellis were working with the Port authority over their 30 year dredging program and advised that he has the hopes that they will continue when the virus is over.

Captain Flannery reported that he and Captain Ellis have been working with the Bayonne dry dock operators and the Port Authority to fix that issue. He asked that Captain Ellis elaborate on the issue when he reports to the Commission.

Comments from Captain Bob Ellis, President, Harbor Pilots Association:

Captain Ellis reported that he and Captain Flannery did have a zoom meeting with the operators of the Bayonne dry dock and the Port Authority. The topic of discussion was about what have been going on with the shoaling since 1991. It has been gradually showing more and more. At one time, it was 35 feet in front of the dry dock. If it is not taken care of, eventually no ships will be able to get in there.

Commissioner Dacey encouraged the Governor's office to take note of and have a discussion with the Port Authority.

Captain Ellis reported that the Harbor Pilots do have one pilot out with an injury, he did have COVID-19 but he didn't contract it at work. He got it while in Florida and will probably be out until June.

Comments from Captain Charlie Jonas, President, Interport Pilots Association:

Captain Jonas reported that Interport had two pilots who were exposed by someone who tested positive for the coronavirus. They were quarantined and then tested 3 days later and both were negative.

Captain Jonas advised that he will be finished with his break-in trips by next month.

Committee Reports

A. Occurrence Investigation Committee:

- I. Maersk Sebarok - 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 Shisha to accept the recommendations. All voted in favor.

Resolution #21-06 to Approve the Issuance of a Deputy Maritime Pilot License to Captain Scott T. Britton

Ms. Stuckey advised that Captain Britton was not on the meeting call and would attend the March meeting call to be sworn in.

A motion was made by Commissioner Roberts and seconded by Commissioner Lombardi to Approve the Issuance of a Deputy Maritime Pilot License to Captain Scott T. Britton.

All voted in favor.

Resolution #21-07 to Approve the Issuance of a Docking Pilot License to Captain Adam R. Graves

A motion was made by Commissioner Roberts and seconded by Commissioner Shisha to Approve the Issuance of a Docking Pilot License to Captain Adam R. Graves.

All voted in favor.

Captain Graves was sworn in by Commissioner Dacey.

Captain Graves thanked all for helping him get to this point and advised that he is very excited to take on this venture.

Ms. Stuckey advised that Captain Graves will be starting out as a part-time Deputy Pilot and will have to send in a monthly report on all his trips. When he goes on the board full time, the Commission will be notified and he will not be required to send in monthly reports.

Resolution #21-08 to Approve the Proposal of Amendments to the Commission's regulations located at N.J.A.C 16:64-25.3

A motion was made by Commissioner Roberts and seconded by Commissioner Kils to Approve the Proposal of Amendments to the Commission's regulations located at N.J.A.C 16:64-25.3.

All voted in favor.

Ms. Stuckey advised that the amendments have been sent to the Governor's office and have not yet been approved. If the approval comes in by March 18, 2021, they would be published in the April 19th edition of the New Jersey Register. At that time, there will be a 60 day comment period that would end on June 18th. If there are comments, there will be a response to those comments; with the possibility of them being completed and voted on for proposal by the August 17nd Commission meeting. That would make them effective on October 1st. If there are no comments, then the Commission will move forward with approving them at the

June 15th meeting. That scenario would then make them effective on September 17th. She advised that it is very important to have amendments effective before the end of the year because that is when the new application process will begin.

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 2:31 PM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 3:18 PM.

Resolution #21-09 to Approve the upgrade of Captain Salvador Rivas. III to a pilot of the Fifth Grade

A motion was made by Commissioner Shisha and seconded by Commissioner Roberts to Approve the upgrade of Captain Salvador Rivas III to a pilot of the Fifth Grade.

All voted in favor.

Resolution #21-10 to Approve the upgrade of Captain Robert Flannery III to a pilot of the Sixth Grade

A motion was made by Commissioner Kils and seconded by Commissioner Roberts to Approve the upgrade of Captain Robert Flannery III to a pilot of the Sixth Grade.

All voted in favor.

Approval to Extend the Physical Waiver until June 30, 2021

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to Extend the Physical Waiver until June 30, 2021.

All voted in favor.

Approval of the final Agency Decision in the matter of Lou Bettinelli

A motion was made by Commissioner Shisha and seconded by Commissioner Lombardi to approve the final Agency Decision in the matter of Lou Bettinelli.

All voted in favor.

Adjournment

A motion was made by Commissioner Lombardi and seconded by Commissioner McEwing that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 3:26 PM.