Minutes of the Regular Meeting of The

New Jersey Maritime Pilot and Docking Commission

June 18, 2019

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, June 18, 2019 at One Penn Plaza East, 9th Floor Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:07 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

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

Approval of the May 28, 2019 regular meeting minutes

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to approve the May 28, 2019 meeting minutes.

All voted in favor.

Resolution #19-20 to approve the June, 2019 Treasurers Report

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #19-20 to approve the June, 2019 Treasurers Report.

All voted in favor.

Executive Director's Report

A. Agenda Change - Ms. Stuckey advised the Commission that Captains Robert Flannery and Andrew McGovern who were scheduled to appear, had interviews with the Port Authority at Kellogg Street, Port Newark regarding their ten-year plan. The Commission tabled Captain Flannery's appearance for the July meeting and advised Ms. Stuckey to mail Captain McGovern his retirement plaque.

B. Tom Butler Passing - Tom Butler who in his last position was the recording secretary for Bi-State Motor Carriers and prior to that, he had a career that spanned thirty plus years with the Port Authority has passed away at a nursing home in Ireland. The Commission met him on previous Harbor Inspection Tours. The Commission observed a moment of silence for Mr. Butler.

C. Docking Pilot Apprentice Selection Process - Of the five applications that were received the Committee will interview four today immediately following the board meeting. The fifth candidate was very impressive but seemingly lacked the requisite tug experience. A copy of the letter that was sent to him encouraging him in his pursuit to become a docking pilot, accompanied by the contact information for the Presidents of the docking pilot associations for their advice on how he can work to get that experience was provided to the Commissioners.

   Apprentice Donald Occipinti from Interport Pilots has recently completed a month of naval reserve duty. Upon the completion of his tour, he received the designation of an Unlimited Tonnage Harbor Pilot. Ms. Stuckey would like to send him a letter on behalf of the Commission congratulating him and thanking him for his service. A copy of the letter he received from the Department of the Navy was provided to the Commission.

D. Harbor Tour - On June 12, 2019 Ms. Stuckey took new assistant counsel for the Authorities Unit, Stephanie Brown out for a tour of the harbor. Ms. Stuckey thanked Captain Foley for setting the tour up and also Captain Speiser for attending. She believes that between the three of them, Ms. Brown received a lot of information and hopefully walked away with a better understanding of state pilotage.

E. New Jersey Transit Lease - Ms. Stuckey has not gotten the formal lease, but she has been assured that New Jersey Transit is proposing a ten-year lease and based on the current market the

Commission's rent will begin at $2,100 on July 1st. The rent amount is subject to an adjustment based on the consumer price index. Ms. Stuckey advised the Commission that she used the term adjustment because in the past, one year it would increase and the next it would decrease. The current rent is $2,275 so the Commission will begin this fiscal year with a $175 decrease.

F. New Coast Guard Rules - New Coast Guard rules regarding Radar Observer certifications. Ms. Stuckey previously reported that the Coast Guard was looking to change its regulations regarding radar observer renewals. The new rules will become effective on July 22nd. The Coast Guard is stating that if a pilot can certify that they have been piloting on vessels with the radar technology they do not have to take the test, but can submit a letter from their employers and their radars will be renewed. The Commission's regulations require that each pilot have an updated endorsement in order for their licenses to remain valid. There was a misunderstanding with some of the pilots as they called the Commission's office stating that the Coast Guard no longer requires the endorsement. The endorsement will still be needed however, the test is being eliminated for those that qualify. Ms. Stuckey will send out an advisory to all New Jersey licensed pilots informing them to send the Commission a copy of the certification they submit to the Coast Guard for the radar endorsement. Ms. Stuckey provided a copy of the policy letter outlining the new regulations and a copy of the actual regulations to the Commission.

Captain Foley reported that any pilot who will be renewing their certification after July 1st, a letter will be sent to the Coast Guard from Sandy Hook certifying that they've used the radar certification for 365 days.

Ms. Stuckey advised the Commission that she will keep a close eye on the situation, because there have been talks that the Coast Guard may eliminate the Radar Certification all together and if that does happens, the Commission may need to change their regulations.

G. Sandy Hook Pilot Apprentice Training Report - Ms. Stuckey provided the Commission with a copy of the Sandy Hook pilot apprentice training report. She advised the Commission that apprentice Robert Flannery will stop up as of July 1, 2019 and the Commission is scheduled to test apprentice James Britton the week of August 26, 2019. The next Docking Pilot apprentice

anticipated to sit for his state exam is Craig Tomalo and it has been reported that he will be ready within the next six months.

H. Legislative Cruise - The cruise is scheduled to take place this afternoon rain or shine. Ms. Stuckey advised that there will be a formal program. She provided a copy of the Legislative cruise attendance list.

I. Harbor Ops - The last meeting before the summer break will be held at Fort Wadsworth tomorrow. Ms. Stuckey will attend that meeting and report back to the Commission at the July meeting. She provided the Commission with a copy of the meeting agenda.

   Captain Foley advised the Commission that even though Captain Andrew McGovern is now retired, he will remain the Chair of the Harbor Ops Committee and he will inform the Commission if and when anything changes.

J. Vacation Schedules - Ms. Stuckey currently is looking to take vacation the week of July 1st and the week of September 2nd. She advised that she may need to reschedule the July vacation due to passport delays. Currently, Mr. Hawkins has not scheduled any vacation time. She advised that she will keep the Commission up to date as things develop.

K. Summer Schedule - Ms. Stuckey advised the Commission that beginning July 1st, the Commission's office will start their summer schedule which means the office will close at 2pm on Fridays. These hours will remain in effect until September 1st.

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

Public Comment (s)

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

Captain Foley reported that the Deputy Pilot rules that went into effect on May 20th are fully implemented. All of the senior pilots took advantage of the familiarization rides with the next class of ships they will be riding on and he believes that the new rule changes are working well.

Captain Foley reported that on June 2nd, the replacement boat for the pilot boat New York arrived and is in lay-up status at Sandy Hook's pier. The replacement boat will remain in lay-up status until she goes to the ship yard. Sandy Hook has put out an R.F.P. for the retro-fitting of the new boat.

Captain Foley reported that the pilot boat New York on June 6th participated in the Silver Bells procession of ships.

Captain Foley reported that on June 7th, Sandy Hook Pilots hosted the Arch Bishop of Newark for the blessing of the port on the pilot boat New York.

Captain Foley reported that he believes the June 12th tour went well and he hopes that the tour gave the attendees a better understanding of the work done in the harbor.

Captain Foley reported June 14th, New York's President Captain John DeCruz participated in simulations at MITAGS for the new LNG dynamic positioning barge unit. The simulations were to see if it's possible to get this vessel alongside Pier 88. Next month, operators of the vessel will be meeting with city officials and other interested parties.

Captain Foley reported that he received a text this morning from the captain of the Motor Yacht Utopia who is departing from Miami, stating that he is looking forward to working with the Sandy Hook pilots and should be arriving sometime early next week.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that New York City had its marine mammal annual review and they received a large amount of money donations to evaluate that area for marine mammal activity. They found that it was an unusual amount of humpback whales and a minor decrease in North Atlantic right whales. Navigational concerns were submitted to the National Maritime Shipping community and it was noted and will continue to be monitored going forward.

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

Captain Richardson reported that Interport Pilots have finished their initial testing of the Navcon navigation software units and will keep the Commission updated on the progress moving forward.

Captain Richardson reported that Interport pilots have submitted their plan to the Commission for bridge resource training approval. He hopes to have the Approval by the end of the summer so they can start cycling all pilots and apprentices through the training.

Committee Reports

A. Occurrence Investigation Committee.
   I. **Mozart** - Tabled for the July 16, 2019 meeting.

Motor Yacht Utopia

DAG Mehta informed the Commission of the verbal conversation he had with Robert Stone, counsel for the owners of the Motor Yacht Utopia. During the conversation, he informed Mr. Stone of the Commissions intent to follow their laws and the Commission had no intention of waving or amending said laws. He stated that at the end of the conversation that Mr. Stone understood the law and the Commissions intent. Ms. Stuckey was advised by DAG Mehta that Mr. Stone would like to set up a meeting to be facilitated by Ms. Stuckey with the pilots to talk about the upcoming season.

Ms. Stuckey informed the Commission that after consultation with Captain Brendan Foley, she advised Mr. Stone to speak with the owners regarding services that were performed last season and how they can be improved. Once that information has been received, she would then set up a conference call with the pilots to discuss any issues that may have arisen. To date, Ms. Stuckey has not received any feedback. She also advised that the Coast Guard has been advised of the issue with the Utopia and will work with the pilots to monitor the vessels movements to help insure they utilize a compulsory pilot.

Resolution #19-21 to Approve the Recurrent Training Program of Interport Pilot's Association

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #19-21 to approve the Recurrent Training Program of Interport Pilot's Association.
All voted in favor.

Resolution #19-22 to Honor Captain Andrew McGovern

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to pass Resolution #19-22 to Honor Captain Andrew McGovern.

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 McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:31 AM.

Return to Public Session

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

All voted in favor.

The Commission returned to Public Session at 11:26 AM.

Resolution #19-23 to Approve the Upgrade of Captain Graham Mergenthaler to a Pilot of the 4th grade.

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to Approve the Upgrade of Captain Graham Mergenthaler to a Pilot of the 4th grade.

All voted in favor.

Adjournment

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

All voted in favor.

The meeting was adjourned at 11:28 AM