

NEW JERSEY BOAT REGULATION COMMISSION MEETING
May 11, 2022
Spray Beach Yacht Club
23rd & Long Beach Blvd.
Beach Haven, NJ 08008

I. ROLL CALL: MEMBERS PRESENT

Acting Chairperson Ed Harrison Jr.
Kenneth Ryan
Bruce Strigh
Roland Gehweiler Jr.
Leonard Mangiaracina

STAFF

DAG Kevin Dronson	Office of the Attorney General
Sergeant Robert Frake	NJSP, Marine Services Bureau

PLEDGE OF ALLEGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:06 AM by Acting Chairperson Ed Harrison Jr., at which time he also announced that this meeting is being held in compliance with the provisions of Chapter 231, Public Law 1975, known as the Open Public Meetings Act. Notice of this meeting was filed with the Secretary of State, various news media outlets via the New Jersey State Police Public Information Unit, the New Jersey State Police website, and posting at State Police Headquarters, West Trenton, NJ.

III. MINUTES OF THE PRIOR MEETING

Minutes from the March 2022 Boat Regulation Commission Meeting were approved, via motion by Bruce Strigh and second by Roland Gehweiler Jr.

IV. UNFINISHED BUSINESS

- **Update on the BRC@njsp.org email address**

Sgt. Robert Frake provided an update regarding the fact that the email address is now fully available and operational, particularly for use by the public for addressing the Commission with public matters, without the need for physical attendance at the Meetings going forward. Notice of this email address has been posted on the New Jersey State Police Marine Services Bureau public website.

- **Update on the 2022 Waiver for the Lake Mohawk Ski Hawks**

Sgt. Robert Frake advised that the documentation for this Waiver was finalized by the Bureau Chief and has been forwarded to the Lake Mohawk Ski Hawks.

- **Update on the Mandatory Winter PFD Wear Requirement**

Sgt. Robert Frake advised of meetings held and communications with the New Jersey State Police Research and Legislation Services Unit, which have been productive, with positive feedback for moving this proposal forward.

- **Update on the 2021 Commission Meeting Minutes request to post for immediate Public Access**

Sgt. Robert Frake advised that all the 2021 Commission Meeting Minutes were posted on the New Jersey State Police Marine Services Bureau public website, as per the request from the Commission to do so. Bruce Strigh further commented that all Meeting Minutes going forward should be posted and remain there indefinitely regardless of time elapsed. Acting Chairperson Ed Harrison Jr. seconded this motion.

- **Arrangements for Liberty State Park 2023 Meeting, Jersey City with a test of the HSIN Virtual Meeting platform**

Acting Chairperson Ed Harrison Jr. proposed to move forward with the Jersey City Liberty State Park location, to replace the Bordentown meeting facility. Kenneth Ryan proposed instead replacing the Raritan Yacht Club venue, due to their geographic proximity to the proposed Liberty State Park location. The Commission openly discussed the matter. Acting Chair Ed Harrison Jr. also proposed finding a better location on the Delaware River, rather than the Bordentown Yacht Club, and this proposal was followed by open conversation amongst the Commission suggesting this would allow for keeping a location on the Delaware if the Commission does replace the Bordentown venue. A member of the Public, Nancy Chambers presented a Delaware River location, this being Riverton Yacht Club.

She also provided an address for that location, as assistance for the Commission, this being Main St and Bank Avenue. Kenneth Ryan then formally proposed replacing the Raritan Yacht Club with a Liberty State Park, Jersey City location, and replacing the Bordentown Yacht Club venue with another Delaware River venue. This motion was seconded by Roland Gehweiler Jr., and thereby approved by the Commission. Acting Chairman Ed Harrison Jr. requested to continue with this topic on the Agenda for the next meeting, as per chair.

- **Public posting of NJ Compliant Boat Safety Courses**

Sgt. Robert Frake advised that this matter remains pending. A working list of current Course Providers has been generated for the purposes of contacting all and confirming their information prior to public posting.

V. NEW BUSINESS

- **Waiver for the Sussex County Rowing Club (emailed to Commission in advance of Meeting)**

Roland Gehweiler Jr. made motion to Approve as written. Bruce Strigh seconded and therefore Approved.

- **Acting Chairperson Ed Harrison Jr.: Report on Wake Damage from Wake Surf Boats**

Acting Chairperson Ed Harrison Jr. provided the following article pertaining to wake damage resulting from wake surf boats:

Fay, E. , Gunderson, A. and Anderson, A. (2022) Numerical Study of the Impact of Wake Surfing on Inland Bodies of Water. *Journal of Water Resource and Protection*, **14**, 238-272. doi: 10.4236/jwarp.2022.143012.

ABSTRACT: In many areas around the world, wake surfing has been cited as one of the major causes of lakeshore erosion and turbidity. This paper quantifies the impact related to turbidity and erosion with the use of computational fluid dynamics (CFD) of boat wakes in shallow water and the build-up of wind driven waves. The energy, type and direction of the boat's wake are described quantitatively and a table for predicting wind driven waves over varying fetches, depth and wind speeds is provided. The CFD simulation shows that if a wake surf boat is operated 200 ft from shore and in at least 10 ft of water, the environmental impact is minimal.

Roland Gehweiler Jr. followed up the reading of this article by noting that the water

was ten feet deep for this study. Bruce Strigh mentioned other variables such as natural winds. This study is available for review at the above provided location via the internet.

- **Determination of Penalties for Boating Regulation Violations**

Commission presented the question as to who has the authority to set penalties for violations. DAG Kevin Dronson answered that the Commission would have the authority to prescribe these fines. The current list of fines is 20 years old, and worth revisiting. The current list of fines is from an unknown source and requires further research. Acting Chairperson Ed Harrison Jr. mentioned that during his time as Commissioner the source of those original penalties has not been clarified. Kenneth Ryan stated that the State Police took responsibility for marine patrol in 1997, and these fines likely fell under the Department of Environmental Protection prior to that time. Kenneth Ryan mentioned that the Failure to Register penalty has become less than the fee for registration, therefore it is cheaper to pay the fine than properly register. The public would likely consider the fines when making the decision whether or not to comply with boating safety rules. DAG Kevin Dronson agreed that fine adjustments could be handled on a case-by-case basis for the purposes of safety. Roland Gehweiler Jr. inquired if there is anything about intoxicated boating on the list. Bruce Strigh motioned for a comprehensive review of the fines for these violations. Roland Gehweiler Jr. seconded the motion calling for review, and as such, it was passed by the Commission.

- **Commissioner Bruce Strigh: 200' vs. 100' Wake Amendment**

Bruce Strigh questioned whether the 200' waterskiing / wake surfing amendment took effect. This referred to a proposed edit in 13:82-3.1 changing the '100 feet' verbiage to '200 feet'. It was mentioned, and agreed, that the Commission had voted to increase that distance, although current New Jersey Administrative Code remains set at '100 feet'.

- **Cost and Procedures for Public Posting BRC Proceedings in Newspapers**

This matter was resolved in advance of the Meeting. Following consultation with the Office of the Attorney General, Sgt. Robert Frake utilized the New Jersey State Police Public Information Unit as a resource to post meeting information to numerous press outlets.

- Kenneth Ryan initiates discussion for **Safe Boating Week** in May, and the importance of the national Personal Flotation Device campaign.

VI. PUBLIC COMMENT

Marty Kane spoke up under public comment and mentioned that there was a productive meeting involving the New Jersey State Police and the Morris County Sheriff. He stated that over the years, things have improved, and Byram Cove has seen more collaboration amongst the community. He highlighted the Lake Hopatcong Block Party Boat Safety demonstrations. Marty Kane advised that the Motor Vehicle Commission will be in attendance. Sgt. Robert Frake also advised he will be in attendance for that event. Marty Kane stated that he is expecting a busy summer, and the area boat slips have been rented out early. Marty Kane advised they have a full lake of water, the water quality has been good, and they look forward to the July Commission meeting. Acting Chairperson Ed Harrison Jr. and Marty Kane agreed that regarding the Byram Cove community, things are better than they were.

Paul Terzian, who identified himself as a 'Business Owner / Boat Dealer' stated that his concern is to keep boating fun and accessible with minimal barriers. He advised that he is against excessive regulations and speed zones. He advised that he was happy to hear about the aforementioned peer reviewed study pertaining to wakes from wake surfing. He stated that unsubstantiated public pressure can sometimes create a stink to advance their own interests. He posits that overregulation is bad for all of us. He expressed pleasure in the fact that peer reviewed studies are being used for decision-making. Paul Terzian continued in stating that Slow Speed / No Wake Barrels could have some improvement in how they are deployed. Sgt. Robert Frake addressed the proper effective range of such barrels, this being 200 feet surrounding the barrel, for a total span of 400 feet. Kenneth Ryan advised that the enforcement stems from people being responsible for their wake for that distance, and more if damage or injury occurs. Kenneth Ryan advises that each complaint is documented, with the best interests of the public being the ultimate goal, and not just the interests of those who complain. Kenneth Ryan agreed with Sgt. Frake on the position that there once were too many No Wake barrels deployed. Now, the State Police will conduct a survey to determine need.

Paul Terzian implored the Commission not to go with mandatory PFD wear all year long. He stated that this would be devastating to the boating industry. He stated that it would take the fun out of boating, and there may be unintended consequences. Bruce Strigh made it clear that mandatory PFD wear was only being considered for the cold-water seasons. Bruce Strigh mentioned case specific examples of how PFDs in cold water have saved lives. Bruce Strigh stressed the importance of PFD wear for cold water situations. Acting Chairperson Ed Harrison Jr. confirmed that the proposed mandatory PFD wearing rules would only apply November 1st until May 1st. Kenneth Ryan supported the position by

stating that the New Jersey State Police has specific safety rules in place during times of cold water.

VII. EXPRESSION OF APPRECIATION

Acting Chairperson Ed Harrison Jr. expressed his appreciation to the providers of the facility.

VIII. AGENDA FOR THE NEXT MEETING

Acting Chairperson Ed Harrison Jr. advised that the Agenda will be generated between now and the Lake Hopatcong Meeting, which is scheduled for July 13, 2022.

IX. DATE, TIME AND LOCATION OF THE NEXT MEETING

The next Boat Regulation Commission meeting is posted publicly on the New Jersey State Police website, www.njsp.org, under Public Information, Marine Services, New Jersey Boat Regulation Commission Annual Schedule of Meetings. The meeting is scheduled for 10:00AM, Wednesday, July 13th, 2022, at Lake Hopatcong Yacht Club, 75 North Bertrand Road, Mt. Arlington, NJ 07856.

X. ADJOURNMENT

The meeting was adjourned via motion by attending members.