

NEW JERSEY BOAT REGULATION COMMISSION MEETING
September 14, 2022
Toms River Yacht Club
1464 Riviera Avenue
Toms River, NJ 08753

I. ROLL CALL: MEMBERS PRESENT

Acting Chairperson Ed Harrison Jr.
Christopher Wozniak
Bruce Strigh
Roland Gehweiler Jr.
Leonard Mangiaracina
Shaun Blick

STAFF

DAG Vivek Mehta	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 10:00 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 July 2022 Boat Regulation Commission Meeting were approved.

IV. UNFINISHED BUSINESS

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

Acting Chairperson Ed Harrison Jr. advised that updating these fines would be a lengthy process and proposed a Subcommittee should be formed to address the issue. He advised that the Commission would need volunteers to join. The Acting

Chairperson reminded the audience that the fines are 30-plus years old, and in May the Commission learned of the ability to move forward with research into this topic, whereas the current established fines had been formed by the Department of Environmental Protection many years ago. He advised that the process would involve going over comparative information involving other states, in addition to established motor vehicle violation fines. At this time, volunteers from the Commission to join the Subcommittee were as follows: Acting Chairperson Ed Harrison, Jr., Shaun Blick, and Christopher Wozniak. Leonard Mangiaracina proposed having a member of the public on the Subcommittee, whereas Shaun Blick advised this couldn't be done. DAG Vivek Mehta advised that the public would not be allowed on the Subcommittee, but the results and findings of the Subcommittee would indeed be discussed in the public forum. DAG Vivek Mehta also advised that three persons would be the maximum allowed on the Subcommittee, per established rules. Shaun proposed beginning work on these matters immediately following this meeting.

- **NJAC 13:82 Regulations Update**

Sgt. Robert Frake advised the Commission that the proposed updates, which had been reviewed and approved by the Commission, are under review by the NJSP Research and Legislation Services Unit and the Office of the Attorney General. DAG Vivek Mehta reminded the audience that it would be several years at the minimum before these rule changes would need to be revisited.

- **Liberty State Park 2023 Meeting, Jersey City**

Sgt. Robert Frake advised that Liberty State Park has confirmed their availability as a venue for the Boat Regulation Commission in 2023. The Commission mentioned consideration for a Lake Mohawk meeting in the future. Sgt. Robert Frake advised that he had no knowledge or record of that request, whereas the Commission advised it could be a possibility to explore in the future. Regarding the switch from Perth Amboy to Liberty State Park, Sgt. Frake clarified that there were no derogatory reasons for departing the Raritan Yacht Club. Instead, it would be redundant to have two meetings in the same geographical region.

- **Update on the Public Posting of NJ Compliant Boat Safety Courses**

Acting Chairperson Ed Harrison Jr. advised that these courses will be publicly listed once the State Police iron out the details for doing so. He stated that the intention was to make it a fair method to list the course. Sgt. Frake described the most recent status of this project whereas communication has been broadcast to all of New Jersey's boating safety course providers to obtain their current contact information

and confirm their desire whether to be listed publicly, or not. Sgt. Frake advised that to date, there has been very little negative feedback on this project. Sgt. Frake also advised that confirmation is being made pertaining to the specific counties in which these course providers would commit to do their business. Finally, Sgt. Frake advised that the next step will be a collaborative effort with the NJSP tech experts to create the layout of the list on www.njsp.org. This will allow for ease of access to the public in order to access available boating safety courses, and will ease the burden on New Jersey State Police emergency call centers who frequently receive this question from the public.

V. NEW BUSINESS

- **Powered Surf Boards**

Roland Gehweiler Jr. mentioned that these vessels make no wake at all. A video he had located implies that helmets are suggested. Additionally, he stated that there is some concern for operation in confined places. He continued in describing the vessels as having kill switches, and expensive at 8-12 thousand dollars. Bruce Strigh questioned whether these Powered Surf Boards should be considered vessels. Sgt. Frake clarified the fact that the Coast Guard defines stand-up paddleboards as vessels. DAG Vivek Mehta advised that this could be further reviewed for legal definitions. DAG Mehta also advised that the Commission could generate regulatory verbiage for powered surfboards, with assistance from his office. Bruce Strigh questioned whether there would be an age stipulation. Roland Gehweiler Jr. indicated that more research would be needed to identify horsepower. Christopher Wozniak questioned their Motor Vehicle Commission registration status, and confirmed that a motorized vessel does indeed need to be registered. Sgt. Robert Frake advised that display of registration numbers might be an issue. Acting Chairperson Ed Harrison Jr. stated that there may be a potential age restriction needed, as is established for Personal Watercraft. He also agreed with Roland Gehweiler Jr. that the wake of the craft may be irrelevant, but the speed of the vessel could be the bigger concern. Acting Chairperson Ed Harrison Jr. advised that this topic should be placed on the Agenda for the next meeting, specifically for discussing age requirements, PFD requirements, and Boating Safety Certificate requirements. Roland Gehweiler Jr. stated his opinion that these powered surfboards will become more popular over time. Acting Chairperson Ed Harrison Jr. questioned whether the Commission might need to modify a regulation, to which DAG Vivek Mehta responded that clarification will be obtained for how to proceed with this topic. Trooper I Anthony Buro advised the Commission that he had stopped one of these vessels due to speed and agreed that it could be categorized similarly to a personal watercraft. Trooper I Buro opined that the craft could be

difficult to maneuver, and a helmet would be something to consider.

- **BRC@njsp.org Email Communications Inbox Report**

Sgt. Robert Frake provided an update regarding the Commission's email inbox, and advised it was negative for relevant comments or questions for the Commission.

- **Boat Rental Safety Compliance**

Acting Chairperson Ed Harrison Jr. references the brief introductory safety course provided for the operation of a rental boat. Sgt. Robert Frake advised the Commission that the New Jersey State Police has been actively researching rental boat safety concerns. Trooper I Anthony Buro presented some of this research to the Commission, stating to the effect: "Some operators of rental boats do not have full boating safety certificates, but instead they have an abbreviated course which allows for 30 day use of a rental boat. We have oversight over course instructors, and we are reviewing the abbreviated courses provided by those instructors, which is basically an 11-page pre-rental agreement. Rental boat operations can choose to rent only to people who have BSC's, but others choose to use the abbreviated pre-rental course of instruction. I am referring to 13:61-3.2a and 13:61-1.5. We need to check those credentials and every three years they should need to reapply allowing us to generate a full list of these boat rental businesses and their course materials. There are various statutes we can enforce, checking the registrations, checking for the boating safety manual, checking compliance with Christopher's Law, which is a 2x2 sign giving the public knowledge that the propeller can kill you. The New Jersey State Police can inspect for those signs, so, without any new legislation, we have the ability to check for compliance with these existing matters. This is geared towards safety. We are working towards an accurate master list for monitoring these rental businesses, and we are working on an MOU with the State for advising the State Police every time one of these rental businesses is generated. We feel we should be notified of that occurrence."

Bruce Strigh was unsure if the Commission could help with this matter, Roland Gehweiler Jr. mentioned the Freedom Boat Club, which is a boat rental business which should be included in this discussion. Trooper I Buro advised of a boat dealership statute which allows them to grant a temporary Boating Safety Certificate upon sale of a vessel. Bruce Strigh declared that this might not be a good practice, whereas it is cutting people loose on the water who might have no experience with operation of a vessel, and one size doesn't fit all when it comes to boat handling. Len Mangiaracina mentioned a few incidents of vessels running aground due to lack of experience. Acting Chairperson Ed Harrison Jr. questioned what the State could do to identify and track new boat rental businesses when they

are created. Trooper I Buro responded that Personal Watercraft rental businesses need to get permission from the State to operate, and we as the State Police need to be provided with a list of the boat rental businesses. Trooper I Buro also identified the difficulties we are having in chasing all those businesses down, and the potential that those businesses might not be in compliance with all the laws while they operate.

Shaun Blick proposed utilizing Department of Revenue resources, where he stated that businesses are defaulted into categories online to identify the nature of each business. Shaun Blick also mentioned the Department of Taxation as a resource. Bruce Strigh mentioned the ST-3 form, which asks for the nature of the business. Shaun Blick stated that there is an NAIC code, which is generated for these purposes in order to identify the business nature.

- **Navigation Lights**

Acting Chairperson Ed Harrison Jr. stated the fact that personal watercraft and powered surfboards do not have navigation lights and are not supposed to be out at night. Roland Gehweiler Jr. mentioned that personal watercraft were out at night at Lake Hopatcong, per comments made at the Lake Hopatcong Meeting. The Commission agreed that there are no reasons for considering or debating navigation lights on these vessels, due to the fact that it is already established that vessels without navigation lights cannot operate between sunset and sunrise on the waters of New Jersey.

- **Vessel Registration and the Motor Vehicle Commission**

Shaun Blick spoke from personal experience pertaining to the sale of a vessel, and he expressed concern that his name might still be attached to it due to the Motor Vehicle Commission problem with processing and documenting the sale of a vessel. Shaun Blick advised that he had desired for the vessel to be removed from his name, but there was no mechanism to document the transaction within MVC. Acting Chairperson Ed Harrison Jr. stated that the penalties for improper registration procedures should be raised as a deterrent for this problem.

- **Discussion for the 2023 Boat Regulation Commission Meeting Schedule**

Acting Chairperson Ed Harrison Jr. addressed the topic of the 2023 Boat Regulation Commission schedule. The suggestion of Lake Mohawk was discussed, and Shaun Blick expressed some concern pertaining to the private nature of Lake Mohawk. The Commission agreed that this may be a valid concern. Bruce Strigh proposed remaining at Lake Hopatcong in 2023, and Christopher Wozniak seconded that

proposal, while Roland Gehweiler Jr. concurred. Acting Chairperson Ed Harrison Jr. suggested trying to find a replacement for Bordentown Yacht Club in the future.

Proposed 2023 Meeting Venues are as follows:

January 2023: Bordentown Yacht Club

March 2023: Ocean City Yacht Club

May 2023: Spray Beach Yacht Club

July 2023: Lake Hopatcong Yacht Club

September 2023: Toms River Yacht Club

October 2023: Liberty State Park Central Railroad of NJ Terminal Building

- **Closing Comments**

The Commission expressed appreciation to Trooper I Anthony Buro #7093 for his research and presentation during this meeting. Bruce Strigh thanked Ken Ryan for his departure and Acting Chairperson Ed Harrison Jr. welcomed aboard Christopher Wozniak from the New Jersey State Police Marine Services Bureau.

VI. PUBLIC COMMENT

Marty Kane mentioned motorized surfboards and suggested including the name hydrofoil hoverboards in any future regulatory discussions. He addressed some of the Lake Hopatcong public meeting comments while stating that there is an abundance of positive feedback about the New Jersey State Police in that region. He advised that the derogatory Byram Cove comments were from a minority of the people at the meeting, while there are 2200 homes on Lake Hopatcong overall. Mr. Kane stated that the New Jersey State Police have done an incredible job with the Sheriff's Office, and as a result there were no major safety issues this summer, knock on wood, and only one minor hit and run accident with no injuries. Marty Kane stated that the Mayor had a raucous meeting in the Boro of Hopatcong, pertaining to lake matters. Houseboat use on Lake Hopatcong has become a topic of discussion according to Mr. Kane. He advised that Jefferson Township had an issue with the pumpout procedures utilized by one of the houseboats. Marty Kane stated that the four towns in that area are looking for a common ground on the topic of houseboats. Shaun Blick inquired whether this might be considered a zoning issue, while Bruce Strigh queried if it is powered vessel concern, and Marty Kane hypothesized that there might be issues with overnight stays on these vessels. Roland Gehweiler Jr. advised the audience that big lakes down south see a huge amount of houseboat rentals. Mr. Kane stated that the Lake Hopatcong area mayors do not want that to get out of hand. Acting Chairperson Ed Harrison Jr. mentions that grants are available for pump-out boats, and marinas make accommodations for having pump-outs. Len Mangiaracina advised that Ocean County has pump-out boats available which are covered by grants.

VII. EXPRESSION OF APPRECIATION

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

VIII. AGENDA FOR THE NEXT MEETING

The Agenda for the next meeting will be posted and 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 at State Police Headquarters, West Trenton, NJ.

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, October 26th, 2022, at the Raritan Yacht Club, 160 Water Street, Perth Amboy, NJ, 08861.

X. ADJOURNMENT

The meeting was adjourned at 11:05am via motion by Bruce Strigh. The motion to adjourn was seconded by Shaun Blick.