

**New Jersey Boat Regulation Commission Meeting
May 08, 2024
New Jersey Maritime Museum
528 Dock Road
Beach Haven, NJ 08008**

I. ROLL CALL

Acting Chairman Ed Harrison Jr.
Bruce Strigh
Roland Gehweiler Jr.
Leonard Mangiaracina
Christopher Wozniak

STAFF

DAG Daniel Knox
Sergeant Karen Fahy

Office of the Attorney General
NJSP, Marine Services Bureau

PLEDGE OF ALLEGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:18 AM by Acting Chairman 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 Office of Public Information, the New Jersey State Police website, and posting at State Police Headquarters, West Trenton, NJ.

III. MINUTES OF MARCH 2024 MEETING

Minutes from the March 13, 2024, Boat Regulation Commission Meeting were approved by Bruce Strigh and the motion to approve was seconded by Roland Gehweiler Jr.

IV. UNFINISHED BUSINESS

- **13:82-1.4(f) amendment (eliminate “recreational”)**
Acting Chairman Ed Harrison Jr. stated the Commission had made the decision to eliminate

the term “recreational” from 13:82-1.4(f), the mandatory cold weather PDF regulation. Sergeant Karen Fahy added that she will submit the justification for the change along with the other 13:82 proposed changes that are set on the agenda to be discussed during the current meeting. She added that current 13:82 regulations are not set to expire until November of 2030.

- **13:82 terms to be defined**

Acting Chairman Ed Harrison Jr. asked where the state was at regarding the proposed definitions to be added to Administrative Code 13:82. Sergeant Karen Fahy advised she had been communicating with DAG regarding what definitions should be included. DAG Daniel Knox recommended eliminating the term “recreational” from the proposed definitions to be defined because of the proposed amendment to remove the term “recreational” from 13:82-1.4(f), and because it does not exist elsewhere in 13:82. Bruce Strigh made a motion to eliminate “recreational” from the proposed definitions in 13:82. Leonard Mangiaracina seconded the motion to eliminate the term.

Acting Chairman Ed Harrison Jr. read the following proposed definitions:

Floats: Any buoyant apparatus utilized as a commercial platform, recreational platform, swimming aid, or toy not intended to be used as a means of transportation.

Swim platform: Any buoyant apparatus utilized as a recreational platform, swimming aid, not intended to be used as a means of transportation or, any ledge or surface extending from the transom of a vessel utilized to assist swimmers with boarding or exiting the vessel into the water.

Ski jumping: The act of jumping ramps while utilizing a wakeboard, water skis, surfboards, inflatable tubes, or any other device used for flotation of a person that is provided motion through the water by a vessel.

Power Vessel: Any vessel propelled through the water by machinery.

Muffling Device: Any mechanical device utilized to suppress the level of sound of a vessel’s engine or means of propulsion.

Livery: Any vessel utilized “for rent” or “for-hire” services such as charters or taxis.

He then asked if there were any questions with the proposed definitions.

Sergeant Karen Fahy mentioned the term “Passenger.” She advised during the last BRC meeting the proposed definition was amended to be more broad. She added that DAG Knox had recommended a less broad definition based on the Federal Code, 46 U.S.C. 2101(29) to include the operator and crew. Christopher Wozniak stated that a vague definition would be better applicable for State Police investigations. Acting Chairman Ed Harrison Jr. asked the BRC if there were any thoughts on which definition would be most suitable. Christopher Wozniak suggested keeping the definition within the scope of the Boat Regulation Commission and to not get involved in specifics. Bruce Strigh added that he was not certain about liability issues. Christopher Wozniak replied with the fact that if it is a commercial vessel, the US Coast Guard will investigate. He added that for general boating accidents, the State Police will investigate, and for the sake of the investigation, we want to know all the people on board, captain or mate. Bruce Strigh asked for affirmation that there is no difference between a captain and crew on a recreational boat. DAG Daniel Knox stated that the explanation sounds reasonable. Christopher Wozniak reiterated to keep the scope wide. Leonard Mangiaracina agreed to keep it simple. Acting Chairman Ed Harrison Jr. reverted to stating the definition can be “any person transported on a vessel,” and asked if the BRC was okay with that. Leonard Mangiaracina made a motion to accept the proposed definitions and Bruce Strigh seconded the motion.

Sergeant Karen Fahy mentions the placement of the definition within the 13:82 Administrative Code. DAG Daniel Knox advised he would defer to the Commission, but added the construction section can house the definitions. Christopher Wozniak asked DAG Knox if we went under each section the definitions were relevant to, could they be placed multiple times throughout the code. He also questioned if the placement of the definition was determined by the cosmetics of the book or individual regulation. Bruce Strigh stated it may be best placed under the construction section. Leonard Mangiaracina made a motion to accept the placement of definitions in the construction section and Bruce Strigh seconded the motion.

- **Exploring any needed 13:82 area specific updates / changes**

Acting Chairman Ed Harrison Jr. moved on to discuss updates to area specific regulations in 13:82. He advised there are different rules and regulations created for different lakes and specific areas in the state. He then explained that Troopers have contacted the responsible party for each lake commission, association, or over-seeing municipal agent to assess any needed changes in regulation for these areas.

Acting Chairman Ed Harrison Jr. read and explained the proposed revisions to N.J.A.C. 13:82 as they pertain to specific areas.

Deal Lake, Monmouth County (13:82.3.3)

Seargent Kokoszka #6797 and Trooper Renner #7681 met with Don Brockel, the Chairman of the Deal Lake Commission on 02/27/2024. Due to the small size of the Lake and continued problems caused by the operation of PWCs on the Lake, the Commission would like to ban any operation of personal watercrafts on the Lake.

Roland Gehweiler Jr. motioned to approve the requested revision for Deal Lake and Leonard Mangiaracina seconded the motion.

Lake Grinnell, Sparta Twp, Sussex County (13:82-3.4)

During a meeting with the Lake Grinnell Association, Members of the Association suggested the following changes to the 13:82-3.4 regulation to Sergeant Petelicki #6962:

- 13:82-3.4 (b) 2. Delete all of the old verbiage in this subsection and replace it with, "Ending at a point approximately 100 feet north of the island's northern shore."
- 13:82-3.4 (b) 3. Replace old verbiage "white Styrofoam buoys" with "Ski course buoys"
- 13:82-3.4 (d) Replace old verbiage "behind the island" with "at the south end of the lake"
- 13:82-3.4 (f) 2. change afternoon hours from "2:00 P.M. to 5:00 P.M." to "1:30 P.M. to 6:00 P.M."

Bruce Strigh stated that based on the fact that the Trooper and the Lake Association have viewed the needed changes he motioned to approve the requested revision for Lake Grinnell. Roland Gehweiler Jr. seconded the motion.

Indian Lake, Denville, Morris County (13:82-3.5)

Based on Sergeant Petelicki's conversation with Mike Weldon, a Boat Trustee at Indian Lake, the Boat Trustees would like an exemption to the current N.J.A.C. 13:82-3.1 in order to keep the no wake zone at 100 feet for water skiing operations. The Indian Lake is a private community lake that is operated and regulated by the Board of Trustees. The waterskiing course is clearly marked and has been utilized for many years without incident. The new 200 ft no wake zone implementation would cease all boat operation on this lake due to its size.

Bruce Strigh stated that he was okay with the requested change in regulation however, he expressed concern over the wake caused by wake surfing and the reason the Commission

initiated the increase in distance for waterskiing and wake surfing operations. He reiterated that he was okay with the change as long as the Board of Trustees understands the consequences.

Christopher Wozniak asked if there were any horsepower restrictions on the Lake and suggested it may be something to consider. Sergeant Karen Fahy advised that the State Police can further review the suggested change in the regulation and re-visit this regulation. Bruce Strigh added that everyone needs to be clear of the consequences of including wake surfing within 100' of other vessels, and shore. Acting Chairman Ed Harrison Jr. stated the Commission will hold on this regulation for the next meeting.

Sergeant Karen Fahy questioned if there was a need to address water skiing and wake surfing in each individual statute to which the activity applies, or is each individual area covered under the new regulation change in 13:82-3.1. Bruce Strigh stated that it should be covered, and it needs to be understood that wake surfing is a part of the regulation for water skiing. Christopher Wozniak advised that a Trooper will re-address the issue with Indian lake and Paulinskill Lake.

Paulinskill Lake, Newton, Sussex County (13:82-3.6)

Sergeant Petelicki met with and received input from Tom Williver, from the Paulinskill Lake Association, who is requesting an exemption to the current N.J.A.C. 13:82-3.1, based on the narrow width of the lake. Paulinskill lake is an exclusive boating community that allows only members in good standing to utilize the lake. Tpr. I Gilroy # 7618 conducted a survey to justify an exemption for the new speed, wash, and wake regulation for water skiing operations.

The justification survey reads as follows:

Sergeant Petelicki met with the Vice President of Paulinskill Lake Association, Thomas Williver at Lake Paulinskill, Newton NJ reference a Lake Survey. Lake Paulinskill is a narrow body of water that stretches from Hampton Township in the North to Stillwater Township South. The Paulinskill Lake Association has been compliant while utilizing this body of water recreationally since 1951. Mr. Williver contacted the NJSP Marine Bureau in reference to the recent changes in the Title 13:82-3.1 Statute. The concern is that the Statute now has changed from 100 feet to 200 feet when operating a vessel from any wharf, marina, dock, pier, bridge structure, abutment, persons in the water, other vessels, any shore, approved aid to navigation, or mooring. By implementing the changes to this Statute, the Lake would not be compliant after all these years of safe operation.

After conducting a survey of the Lake, it is confirmed that the Lake is approximately 3 miles long with the widest part of the lake being approximately 400 feet in width. The changes in the buoy distances in the lake would ultimately make the Lake completely no wake. Mr. Williver provided a 1.5-mile map of the Paulinskill Lake ski course buoy diagram along with a diagram of properly 200 foot marked buoys from both beach areas. Mr. Williver confirmed they have 72 power boats registered for the upcoming season who have all been provided with a copy of the lake rules. Due to the width of the Lake and the fact the Lake Association has been operating safely here all these years, Mr. Williver along with the Lake Association believes an exception should be warranted with the recent changes in the statute.

Acting Chairman Ed Harrison Jr. stated the BRC will hold on this regulation for the next meeting due to the same concerns as with Indian Lake.

Lake Hopatcong, Byram Twp, Sussex County and Morris Counties (13:82-3.11)

Sergeant Fahy contacted Marty Kane, the Lake Hopatcong Foundation Board Chair, reference any changes to the 13:82. Following a Lake Hopatcong Commission meeting, Marty Kane suggested a slow speed / no wake speed restriction after sunset, versus the current 10 MPH speed restriction. The justification would be increased safety for operating from sunset to sunrise, to provide clarity to operators, and decrease the burden of speed enforcement for LEO's.

Sergeant Karen Fahy advised Marty Kane informed her, via a recent telephone call, that he would like to re-address the issue at the Lake Hopatcong BRC Meeting. Acting Chairman Ed Harrison Jr. Ed advised he will, also, hold on any amendments to this regulation for the next meeting.

Upper Greenwood Lake, Hewitt, Passaic County (13:82-3.16)

The board of Trustees for Upper Greenwood Lake implemented a law requiring all kayakers and paddleboarders to wear a Coast Guard approved PFD and not just have one on board. This rule was voted on at the April 11, 2023 board meeting. The Board would like to add this to N.J.A.C. 13:82-3.16 under subsection (e). In effect, " No person should be allowed to utilize a kayak or a paddleboard without wearing a properly fitted United States Coast Guard approved PFD while on the lake."

Roland Gehweiler Jr. advised that this has been discussed in the past. Acting Chairman Ed Harrison Jr. stated that they discussed it had to be on the board or kayak, not necessarily on the person. Bruce Strigh stated that if it is their wishes, he would make the motion to approve the requested revision. Leonard Mangiaracina seconded the motion.

V. NEW BUSINESS

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

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

- **Vacant BRC position**

Sergeant Karen Fahy advised there is a vacant position on the Boat Regulation Commission due to a recent resignation. She shared the application information, for public record, to apply for the position through the State of New Jersey Boards, Commissions, and Authorities Directory at the following web address:

https://gov-dotnet.state.nj.us/GOV_APPT/Directory

- **12:7-51 Proposal to increase fines**

Acting Chairman Ed Harrison Jr. described the General Penalties law under 12:7-51 as being applicable to any person who violates any provision of 12:7 of the revised statutes or any rule or regulation issued thereunder, where the penalty therefore is not specifically prescribed, shall be subject to a fine of \$25 for a first offense, \$50 for a second offense and \$100 for a third and each subsequent offense for the same violation. Sergeant Karen Fahy noted where many 13:82 regulations do not specify a fine or penalty, the regulation would be subject to N.J.S.A 12:7-51. She suggested a proposal to increase the fine within 12:7-51, in conjunction with an ongoing effort to amend the fines within 13:82.

Acting Chairman Ed Harrison Jr. asked what occurs after the third violation. He then proposed there need to be something harsher for further violations. Christopher Wozniak stated at the last 13:82 Fines sub-Committee meeting, Shaun Blick had suggested a percentage-based increase for the fines. Bruce Strigh suggested we wait on this issue. Roland Gehweiler Jr. concurred. Acting Chairman Ed Harrison Jr. stated that a proposal could still be made for an amendment to the fines for 12:7-51. Christopher Wozniak reiterated that he would still like to see a reasonable percentage increase for both 13:82 fines as well as 12:7-51 fines. Acting Chairman Ed Harrison Jr. advised to table the discussion until the next meeting. Roland Gehweiler Jr. made a motion to table the topic until the next meeting and Leonard Mangiaracina seconded the motion.

VI. PUBLIC COMMENT

Fred Brueggemann, the New Jersey Marine Trades Association. Fred Brueggemann asked about the Boat Regulation fines, specifically if there are different fines for different violations. He also inquired about the removal of the term “recreational” from the 13:82-1.4(f) regulation. He further inquired about the impact of waterskiing versus the impact of wake surfing. The differences in fines per statute, the removal of the term recreational, and greater impact of wake surfing were discussed following the meeting.

VII. EXPRESSION OF APPRECIATION

Acting Chairman Ed Harrison Jr. expressed his appreciation to the providers of the facility and to the staff for the accommodations for the meeting.

VIII. AGENDA FOR THE NEXT MEETING

The agenda for the next meeting will be posted publicly on 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, July 10, 2024, at the Lake Hopatcong Yacht Club, 75 North Bertrand Road, Mount Arlington, New Jersey 07856.

X. ADJOURNMENT

Roland Gehweiler Jr. moved to adjourn the meeting; Bruce Strigh seconded the motion. The meeting was adjourned at 11:11 AM.