

NEW JERSEY BOAT REGULATION COMMISSION MEETING
January 11, 2023
Battleship New Jersey, Officers' Wardroom
100 Clinton Street
Camden, NJ 08103

I. ROLL CALL: MEMBERS PRESENT

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

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 10:00 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 Office of Public Information, the New Jersey State Police website, and posting at State Police Headquarters, West Trenton, NJ.

III. MINUTES OF THE PRIOR MEETING

Minutes from the October 2022 Boat Regulation Commission Meeting were Approved by Bruce Strigh and the motion was seconded by Shaun Blick.

IV. UNFINISHED BUSINESS

- **Mechanically Propelled Personal Hydrofoils (EFOILS) and Motorized Surfboards (JETBOARDS)**

Acting Chairperson Ed Harrison Jr. reminded the Commission that the thinking has been that since these craft are powered, they should be registered. He also expressed the similarities to Personal Watercraft, to which Sgt. Robert Frake also stated that there are distinct differences pertaining to the current Personal Watercraft legislative verbiage. Bruce Strigh questioned whether or not there are HIN numbers assigned to PWC's and the answer was yes, and then Bruce inquired to the group whether or not powered hydrofoils and powered surfboards have those HIN numbers assigned. Shaun Blick raised the question whether or not it is in the purview of the Commission to decide if they need to be registered with the Motor Vehicle Commission. Bruce Strigh noted that a Hull Identification Number could be assigned aftermarket, as is the case with a homemade vessel following a HIN Inspection. Christopher Wozniak reminded that we would typically want to wait to see how the United States Coast Guard handles and defines those vessels, but as far as registration, there would be various locations where to place it for display. Roland Gehweiler Jr. agreed that the Commission should wait for the United States Coast Guard to determine some of the specifics. The audience was provided an opportunity to provide feedback on the topic at which time Sgt. Petelicki of the New Jersey State Police mentioned how a registration decal would be issued by the Motor Vehicle Commission and Christopher Wozniak contributed that further conversation might be needed with the MVC in order to discuss the registration of Hydrofoils and Powered Surfboards. Bruce Strigh stated that the registration issue might fall under the MVC, but the safety concern of these relatively new powered vessels may well be within the bounds of the Commission to determine as pertains to safety equipment. He then suggested that the definition of Personal Watercraft may need to be amended in order to include these craft. Acting Chairperson Ed Harrison Jr. posited that the Commission would need to determine what category these vessels would fall under. Members of the Commission asked whether or not the Coast Guard would set the definition, while the Acting Chairperson answered that the Commission would not need to wait for the Coast Guard. Roland Gehweiler Jr. stated that these craft might not throw a wake, but they could certainly travel at a high speed. The Commission discussed that there is certainly a collision risk and perhaps they should be included into the category of Personal Watercraft.

A member of the Public at the Meeting, Bob Kita, mentioned that the exclusion of Personal Watercraft from the canals in the State might want to be considered in the conversation. He reminded the group to consider restrictions for where EFOILS and Motorized Surfboards can operate. Mr. Kita further suggested that helmets should be required on these craft, because if they were to get hit by a jet ski, the larger craft wins. Acting Chairperson Ed Harrison Jr. queried whether or not other states require helmets, and it was mentioned that NASBLA might have information

pertaining to any helmet requirements on vessels nationwide.

Tpr. II Michael Scott #7689 of the New Jersey State Police Marine Services Bureau mentioned required equipment for a PWC relative to a powered surf board. For example, a fire extinguisher is required on PWC's, however, these may not be needed on a powered surf board. Additionally, an engine cut-off switch is required on powered surf boards. He also reminded the audience that PWC's cannot operate after sunset, therefore no distress signals are required. Bob Kita confirmed the distress signal exemption for recreational boats under 16' operating during daytime hours. Shaun Blick proposed exclusion categories regarding required equipment for the powered surf board.

Acting Chairperson Ed Harrison Jr. queried about the exclusion of operators under 16 years of age, while Bob Kita added that these craft are not designed to go slow. Acting Chairperson Ed Harrison Jr. answered that it seemed as though the Commission might be able to consider these craft under the category of Personal Watercraft while excluding the fire extinguisher requirement. Shaun Blick proposed that the Commission might create a catch all provision to cover all future craft which have not yet been created, to which Sgt. Robert Frake responded that this would require a crystal ball which was currently unavailable. Leonard Mangiaracina put forth a motion that the Mechanically Propelled Personal Hydrofoils (EFOILS) and Motorized Surfboards (JETBOARDS) regulations be included into the existing ones for Personal Watercraft with the exception of fire extinguishers. Bruce Strigh seconded that motion and the Commission approved it. Shaun Blick advised that it would take some consideration for the revised wording of the regulation, and the Commission in general discussed amongst themselves how to create verbiage which might cover current and future versions of the craft to address any safety concerns on the horizon.

- **Vessel Transactions and the Motor Vehicle Commission Update (12:7-34.45 Change of address of owner; status of vessel)**

Acting Chairperson Ed Harrison Jr. reminded all in attendance about the issue which Shaun Blick had in the past upon attempting to obtain documentation from the Motor Vehicle Commission pertaining to the sale of his vessel. In turn, Shaun Blick reminded the members and attendees about his Homeland Security safety concerns when he had difficulty in obtaining proof from the Motor Vehicle Commission that the vessel was sold, particularly because his boat was being exported to Russia. He had attempted to document that he was clear of the vessel, and had spoken to the MVC about taking his name off of the vessel to ensure he was free and clear of it. In turn, Shaun Blick advised that he had been told by the

Motor Vehicle Commission that his transaction would not be recorded until a new owner attempted to register it within the State of New Jersey. Sgt. Robert Frake advised of ongoing discussions between the Marine Services Bureau and the Motor Vehicle Commission, and that no mechanism currently exists within the MVC for memorializing the sale of a vessel via receipt or documented proof. He also mentioned how these boats sometimes become abandoned and could be hazards to navigation and pollution concerns, while also stating the Homeland Security concerns when vessel ownership cannot be readily identified. Sgt. Frake advised that meetings with the Motor Vehicle Commission are ongoing in hopes of resolving this concern, and it was mentioned that Shaun Blick might provide a letter for the Motor Vehicle Commission to advise them of these concerns.

V. NEW BUSINESS

- **United States Coast Guard Fire Extinguisher Regulations**

Acting Chairperson Ed Harrison Jr. mentioned the new United States Coast Guard rules for fire extinguishers and cited his references as being both a Boat U.S. newsletter and a NASBLA newsletter.

- **Waiver Request for the Lake Mohawk Ski Hawks**

Roland Gehweiler Jr. inquired about the Lake Mohawk Ski Hawks waiver. Members of the Commission asked Sgt. Robert Frake if there existed any reasons to deny the waiver request which elicited a negative response, at which time Shaun Blick put forth a motion to approve the waiver, and Roland Gehweiler Jr. seconded the motion, and the waiver was thus approved.

- **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.

- **Personal Watercraft Rental Safety and Fines (NJAC 13:64)**

Acting Chairperson Ed Harrison Jr. addressed NJAC 13:64 involving the rental of PWC's and the safety concerns of renting these vessels. It was mentioned that there may be a lack of deterrence for violations of the rules because a \$49.00 dollar fine is not a deterrent. Sgt. Peter Petelicki #6962 advised that we need to revisit the fines as a deterrent for these activities, particularly because the businesses are not taking these fines seriously. He advised attendees that there have been fatalities when people do not follow the rules and leave State waters. Sgt. Robert Frake confirmed that members of the Marine Services Bureau would like to seek support with a

mission of ensuring safety for the State's PWC and boat rental businesses. Shaun Blick advised that the businesses should be put on notice that there can be significant penalties for violations pertaining to these safety concerns. Sgt. Petelicki spoke of the deterrence factor for having tiered offenses (first offense, second offense, etc.), and advised how the Marine Services Bureau investigates the circumstances and then provides the facts of the case to the New Jersey Boating Law Administrator, Lieutenant Christopher Jones, for a determination. He advised how enforcement could be helped by these graduated penalties. Shaun Blick interjected that if a company were to simply change the name of their LLC, they could potentially use that as a work around and be back in business, and therefore he suggested that the penalty should be issued to the principal if possible. Sgt. Kenneth Kokoszka #6797 advised the attendees that there have been two recent fatalities amongst this population. Shaun Blick inquired if it is a pervasive problem, to which Christopher Wozniak provided clarification. He said that Personal Watercraft rental businesses have a designated zone where they are supposed to remain for safety reasons. He advised that those rental craft are departing the approved rental zones and heading into more dangerous areas against the rules. Shaun Blick advised this could call for graduated penalties based upon the number of violations. Acting Chairperson Ed Harrison Jr. asked if enforcement action should be taken on the business or the operator. Sgt. Petelicki responded that the NJSP would look towards the business for enforcement. Shaun Blick responded that perhaps increasing the fines might not be substantial enough, but additionally there should be consideration of liability for injuries stemming from the rule breaking which has occurred. Shaun Blick proposed not only increasing the fines, but also a graduated fine system and a joint liability scheme whereas the business would be held accountable for failure to adhere to the rules. Acting Chairperson Ed Harrison Jr. confirmed that we would need to add suspensions to the penalties in addition to the fines. Bruce Strigh recognized the OAG representative in the room Kevin Dronson at which time DAG Kevin Dronson acknowledged the proposals and a readiness to work towards the aforementioned means of deterrence.

- **Houseboat Rules on State Waters**

Acting Chairperson Ed Harrison Jr. refreshed the conversation from the last meeting as it pertained to pump-out concerns and such, and he advised that this might be more of a DEP concern, whereas the Boat Regulation Commission might not have jurisdiction to regulate especially if the houseboat is non-powered. Marty Kane of the public stated that he believed that pump-out grants did not exist anymore, to which Melissa Danko responded that yes in fact they do exist. Marty Kane stated that the DEP was aware of the issue, while Acting Chairperson Ed Harrison Jr. suggested that Marty Kane should meet with Melissa Danko to discuss

the pump-out boat topic. Shaun Blick questioned about how many houseboats there are in the State, to which Melissa Danko responded not many, and Roland Gehweiler Jr. commented that the pump-out issue is likely a Department of Environmental Protection concern.

VI. PUBLIC COMMENT

Ryan Szimanski, Director of Education & Curatorial Affairs for the Battleship New Jersey: provided a brief history of the Battleship New Jersey for all of those in attendance.

Sgt. Robert Frake, New Jersey State Police: announced the launch of the new Boating Safety Course locator which can be found on the New Jersey State Police Marine Services Bureau public website. Sgt. Frake highlighted how the map will assist the public in finding a boating safety course in close geographic proximity to their residence. Additionally he advised how this will alleviate the call volume to State Police emergency call centers.

Shaun Blick, Member of the Boat Regulation Commission: recognized Sgt. Robert Frake of the New Jersey State Police for his work with setting up the meeting on the Battleship and for arranging the NJSP photographer to memorialize the occasion.

Marty Kane, Lake Hopatcong Foundation: Marty Kane mentioned ice fatalities and ice safety during the winter months. He advised that ordinances for houseboats are being looked at as a land use issue, and one houseboat had been listed as an ‘AIR BNB’ which was a concern for a municipality in the Lake Hopatcong area. Marty stated that they would address that issue locally, while advising that counsels and attorneys are looking at the issue. Marty expressed the challenge of getting four municipalities on the same page with differing viewpoints on the topic of noise ordinances. Marty advised that the noise ordinances would not be decibel based, but advised that they were looking for help from the State Police on that matter. Finally, Marty Kane expressed concerns with how the vessel shrink wrap has been ending up in landfills. Melissa Danko of the Marine Trades Association advised to the contrary that shrink wrap recycling is coming back. Marty Kane suggested putting a dumpster for shrink wrap at the State Police facility. He expressed a strong desire to have a procedure established for recycling the shrink wrap.

Robert Kita, Owner Boat Safe US, LLC, Boating Safety Course Instructor and Provider: Regarding rentals, Bob Kita suggested that every renter should have a Boat safety Certificate, although this may or may not stop some of the challenges that we are facing. He continued by stating his belief that everyone in most of the States is aware of the requirements for Boating Safety Classes. Regarding the vessel transaction topic, Mr. Kita queried that if a boat is sold to Pennsylvania, how does New Jersey communicate with

Pennsylvania for tracking the transaction. In response, Sgt. Robert Frake advised that we in New Jersey do not have the capability to fix Pennsylvania boat registration procedures. On another topic, Mr. Kita mentions the Freedom Boat Club and the operation training requirement. He advised that you can have operation instruction from that boat club which is a requirement to rent a boat from them, and the Captain who takes people out will sign off on their hands on instruction. Mr. Kita then clarified that he is speaking for the Point Pleasant based Freedom Boat Club. He then stated that their corporate structure is set up that they require the NJ Boat Safety Certificate.

Melissa Danko, Marine Trades Association of New Jersey: expressed appreciation towards Sgt. Robert Frake for prompt posting of the Meeting Minutes and Agendas on the State Police public website.

VII. EXPRESSION OF APPRECIATION

Acting Chairperson Ed Harrison Jr. expressed his appreciation to the providers of the facility and particularly to the Battleship New Jersey staff for the accommodations for the meeting.

VIII. AGENDA FOR THE NEXT MEETING

Acting Chairperson Ed Harrison Jr. indicated the following topics for discussion at the next meeting: eFoil surfboards, jet boards, and the need for additional information from the Motor Vehicle Commission regarding vessel transactions.

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, March 8, 2023, at the Ocean City Yacht Club, 100 Bay Road, Ocean City, NJ 08226.

X. ADJOURNMENT

The meeting was adjourned via motion by Roland Gehweiler Jr. and seconded by Philip Weisbecker Jr. at 11:15AM.