

**New Jersey Boat Regulation Commission Meeting
October 30, 2024
Liberty State Park Central Railroad of NJ Terminal Building
1 Audrey Zapp Drive
Jersey City, NJ 07305**

I. ROLL CALL

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

STAFF

DAG Patrick Cucurullo
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 10:11 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 SEPTEMBER 2024 MEETING

Minutes from the September 11, 2024, Boat Regulation Commission Meeting were approved by Leonard Mangiaracina and the motion to approve was seconded by Bruce Strigh.

IV. UNFINISHED BUSINESS

• **13:82 / 12:7-51 Proposal to increase fines**

Acting Chairman Ed Harrison Jr. spoke on the proposal to increase the 13:82 fines. He explained the fines were last updated in 1995. He further added that any amendments will be a process and may take some time. Sergeant Karen Fahy added that we have been

researching the most practical avenues to enhance the fines, whether through regulatory or legislative means. She stated they have sought guidance from the Office of Legislative Services and the Office of the Attorney General and are waiting for a response for the best way to move forward. Sergeant Karen Fahy said she hopes to present some updates by the March 2025 BRC meeting.

V. NEW BUSINESS

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

Sergeant Karen Fahy advised the BRC@njsp.gov Email Communications Inbox was negative for any comments or questions for the Commission.

- **13:82-4.3 Muffling Device / 12:7-23.2 Muffler Requirement**

Acting Chairman Ed Harrison Jr. stated every outboard motor needs to be equipped with a muffler according to 13:82-4.3 regulating muffling devices. He further said he did not believe every outboard motor has a muffler. Sergeant Karen Fahy stated there was not a simple answer to whether or not all outboard motors have a muffler, because they do not all specifically have a muffler. They do however have a type of muffling system. Sergeant Karen Fahy explained that she conferred with subject matter experts on the topic; the NJSP Marine Services Bureau vessel mechanics. She was advised all recreational outboard motors do have some type of muffling system. The system is designed to reduce noise and manage exhaust gases before they exit the motor, however outboard racing motors do not have a muffler. Sergeant Karen Fahy read 13:82-4.3 for Muffling Device:

Every outboard motor, inboard motor, or inboard/outboard motor in use or attached to a vessel operating on the waters of this State shall be equipped with a muffling system as supplied by the manufacturer or installed by the owner. The muffling system shall be maintained in good working order at all times. An exemption to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, the State Police, or operation with a race test permit.

Sergeant Karen Fahy then cited the definition of a muffler in 12:7-23.2 for Muffler Requirement:

Where a muffler means a sound dissipative device or system which abates the sound of gases which are emitted from an internal combustion engine, and which prevents excessive or unusual noise.

She continued to explain that there are a variety of muffling devices or a combination of several types of muffling devices that will muffle the sound as the regulation requires. She remarked that these systems can include *Water-Cooled Mufflers*, where these use water to help cool and muffle exhaust gases, significantly reducing noise levels; *Chambered Designs*, where some outboards feature internal chambers that allow exhaust

gases to expand and reflect, which helps dissipate sound; and, *Integrated Exhaust Routing*, where the exhaust may be routed through the lower unit and expelled below the waterline, further reducing noise and visual impact.

Christopher Wozniak suggested that the explanation made sense and outboard motors, except for racing outboards, met the regulation requirement. He added that we should leave the regulation as is. All commission members agreed.

- **USCG 2023 Recreation Boating Statistics**

Acting Chairman Ed Harrison Jr. commented on the USCG 2023 Recreation Boating Statistics report. He stated that nationwide boating fatalities have gone down, except in New Jersey we saw an increase in vessel accidents and fatalities. He cited alcohol as being a major contributor to fatal boating accidents, and mostly captain inattention as a leading cause of boating accidents. Acting Chairman Ed Harrison Jr. also stated that lack of boater education and inexperience was a major contributor to vessel accidents, adding that most accidents occur where the operator did not have any instruction or a boater safety card. He proposed enforcement would help remedy the situation.

Christopher Wozniak noted on page 3 of the USCG Statistics handout (captured from page 48 of the 2023 USCG Statistics) highlighted that accidents by vessel type showed a substantial increase in canoe, kayaks, and stand-up paddleboards. Acting Chairman Ed Harrison Jr. added that a number of people who died were not wearing a PFDs and touched on the next agenda item where Spruce Run Reservoir representatives are looking to make PFDs mandatory. Leonard Mangiaracina mentioned an informative article from Boat U.S. magazine on PFDs and which illustrated the importance of awareness. Acting Chairman Ed Harrison Jr. replied he doesn't think there is anything the Commission needs to do regarding PFD wear. If we made PFDs mandatory year-round, there would be a lot of push back.

- **Spruce Run Reservoir Regulation Request**

Christopher Wozniak stated Spruce Run representatives are looking to regulate Spruce Run Reservoir similar to Round Valley Reservoir, with PFD required on any person on a vessel 14 feet or less. Sergeant Karen Fahy said the request was made through members of the NJ State Park Police to regulate the Spruce Run Reservoir in Hunterdon County, similar to the Round Valley Reservoir regulation, 13:82-18, where the Regulation reads:

All persons on board vessels under 14 feet in length or a canoe, kayak, inflatable, or windsurfer, regardless of power, while on Round Valley Reservoir shall wear a serviceable United States Coast Guard-approved personal flotation device.

She added that she had received this suggestion from NJ State Park Police Officer Brian Todaro, who was present at the BRC meeting. He informed Sergeant Karen Fahy the reasoning behind this request included the following:

- Spruce Run Reservoir which is another body of water with similar rough water conditions when the weather passes through.

- There are almost as many rescues on Spruce Run as Round Valley at times and seems to get overlooked for public safety while in or on small crafts on the water.
- This Reservoir is only 15 minutes away from Round Valley in Hunterdon County.
- Additionally, it is requested to specify Paddleboard in the regulation, since their increased popularity on our waters, and not all paddleboards are inflatable.

Officer Brian Todaro spoke on the request. He advised the Commission he has 15 years of experience, and multiple rescues on Round Valley Reservoir. He stated the regulation should be the same for both reservoirs since the Park Police are also involved in a lot of rescues at Spruce Run. Officer Brian Todaro explained the problems surrounding PFD wear. He stated that people just don't want to wear them because they feel they are cumbersome. They don't even want to wear the type 5 PFD belt.

Christopher Wozniak asked Officer Todaro if both reservoirs were populated the same. Officer Brian Todaro responded that right now Spruce Run is not as populated as Round Valley due to an algal bloom increase this season. Christopher Wozniak stated that there are no residences surrounding either reservoir, so if someone calls for help, no one is listening. Officer Brian Todaro concurred. He further stated that Round Valley is 2 miles by 2 miles, and if the weather picks up, they will have a lot of rescues. He also described Spruce run as being a little different because there are jetties that stick out, and at Spruce Run there are spill outs.

Sergeant Karen Fahy asked Officer Brian Todaro about the request to specify paddleboards in the regulation, specifically as it pertains to the general length of most paddleboards. She stated the average length of most stand-up paddleboards was between 10-12 feet, but after a little research, she thought they could be as long as 14 feet. She pointed out that this would meet the requirement in the regulation for PFDs for any persons on board vessel under 14 feet. Officer Brian Todaro advised that there are paddleboards that measure up to up to 20 feet, so the addition of the term paddleboards in the Round Valley regulation as well as a Spruce Run regulation would be advantageous.

Sergeant Karen Fahy advised the Commission she was waiting from correspondence from the Superintendent of the NJ Parks Service regarding the request for the regulation addition for Spruce Run Reservoir. She suggested we can move this topic to the next BRC meeting. Acting Chairman Ed Harrison Jr. stated, if the superintendent agrees, then we are in agreement as well.

Acting Chairman Ed Harrison Jr. asked if there was anything else on the USCG stats. Leonard Mangiaracina added that general disregard for safety and the well-being of others is a factor in many accidents, and unfortunately a sign of the times.

Christopher Wozniak mentioned speaking on statistics, he would like to thank Sergeant Anthony Buro who initiated 10 or 11 BUI arrests this season, as well as conducted a boating safety educational campaign. He added, as a consequence to an educational campaign, he was able to affect many BUI arrests. Acting Chairman Ed Harrison Jr. asked if the boating education classes have been up in numbers. Christopher Wozniak

replied in the affirmative. He stated sergeant Anthony Buro and other Troopers have been going to schools for boating education which is one of the Marine Services objectives.

- **13:82-1.7(b)1. Remove Lake Hopatcong exemption**

Acting Chairman Ed Harrison Jr. explained the need for an exception in the 13:82-1.7(b)1 rule for Speed, where it states “All vessels shall reduce speed to slow speed/no wake when passing:

1. Any marina, pier, dock, wharf, or abutment at a distance of 200 feet or less, except on Lake Hopatcong, in accordance with N.J.A.C. 13:82-3.11;

He further explained the BRC approved an amendment during the July meeting for the Lake Hopatcong Regulation to reflect the new state rule for waterskiing and wake surfing to read as:

- 13:82–3.11(d) All power vessels (including vessel, towline, and skier) conducting waterskiing operations, including wake surfing, shall, while underway, keep at least 200 feet distant from any wharf, marina, dock, pier, bridge structure, abutment, persons in the water, other vessels, any shore, approved aid to navigation, or mooring,

Sergeant Karen Fahy stated with the regulation change for the Lake Hopatcong regulation, there would no longer be a need for an exemption in the speed regulation. Bruce Strigh made a motion to remove the exemption, Leonard Mangiaracina seconded the motion.

VI. PUBLIC COMMENT

Melissa Danko, Executive Director of the Marine Trades Association of New Jersey, stated on the topic of the boating statistics, New Jersey was not the only state with an increase in boating fatalities. She pointed out the increase was from 4 fatalities to 7. Additionally, she commented that enforcement does make a big difference in education.

Marty Kane, Board Chair of the Lake Hopatcong Foundation advised Lake Hopatcong had a good report on the boating season even with the lake water level down now. He included over the last week, an ALUM (Aluminum Oxide) treatment was just added to the Lake that should hold for 5 years with the help of the DEP and State Authority, and all parts of the lake were treated that are under 15 feet.

Marty Kane stated there has been an incredible collaboration between the New Jersey State Police, Lake Hopatcong, Police Department and Morris County Sheriff’s Department. He stated they have gotten incredible feedback this year. He added, the biggest issues are now the wake boats and the PWC’s by the park. He further advised there was only one fatality on the Lake, but that was medically related. Marty Kane stated they will miss Captain Wozniak (prior to the meeting Sergeant Karen Fahy announced Captain Christopher Wozniak will be retiring from the New Jersey State Police and this will be his last BRC meeting) and the Troops have been great. He said it

really has been a great team to work through the issues. He added that this has been good news for the end of the year.

VII. EXPRESSION OF APPRECIATION

Acting Chairperson 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

Acting Chairman Ed Harrison Jr. stated the Spruce Run regulation addition will be added to the agenda for the next meeting. Additionally, 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, January 08, 2025, at the Battleship New Jersey, Officers' Wardroom, 100 Clinton Street, Camden, New Jersey 08103.

X. ADJOURNMENT

Roland Gehweiler made a motion to adjourn the meeting. Bruce Strigh seconded the motion. The meeting was adjourned at 10:50 AM.