

**New Jersey Boat Regulation Commission Meeting
September 11, 2024
Toms River Yacht Club
1464 Riviera Avenue
Toms River, NJ 08753**

I. ROLL CALL

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

STAFF

DAG Daniel Knox	Office of the Attorney General
DAG Patrick Cucurullo	Office of the Attorney General
Sergeant Karen Fahy	NJSP, Marine Services Bureau

PLEDGE OF ALLEGIANCE

II. SUNSHINE LAW ANNOUNCEMENT (OPEN PUBLIC MEETINGS LAW)

The meeting was called to order at 10:08 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 JULY 2024 MEETING

Minutes from the July 10, 2024, Boat Regulation Commission Meeting were approved by Roland Gehweiler Jr. and the motion to approve was seconded by Bruce Strigh. Shaun Blick abstained due to absence.

IV. UNFINISHED BUSINESS

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

Acting Chairman Ed Harrison Jr. discussed the complexities of the Title 13, Chapter 82 and Title 12, Chapter 7 fines and penalties structure. He advised it will take some time and some more research to be able to update the fines for marine violations. Sergeant Karen Fahy explained that her office is carefully reviewing the best way to move forward with amending the 13:82 fines whether regulatory through Title 13, Chapter 82 boating regulation or legislatively through Title 12, Chapter 7 boating law. She added that members of the NJSP Marine Services office and the Boat Regulation Commission have formed a 13:82 Fines Sub-committee to carefully consider the most practical legal path to amend the current fines and penalty structure. She stated they are working with the DAGs from the Office of the Attorney General and have requested further assistance through the Office of Legislative Services to ensure that any change to the fines and penalties for 13:82 violations is prudent and follows the letter of the law.

- **Excessive Boat Idling in a Marina**

Acting Chairman Ed Harrison Jr. introduced the topic of excessive boat idling in a marina. He advised that various marina owners were contacted about this possible issue and had not received any feedback on persistent problems. Sergeant Karen Fahy advised she had contacted Melissa Danko of the New Jersey Marine Trades Association for assistance with reaching out to other marina owners and industry people working around marinas. Sergeant Fahy relayed Melissa Danko's response that she had reached out to a number of marina owners, and this is not an issue of concern at any of their facilities. Melissa Danko, who was present at the meeting, confirmed.

V. **NEW BUSINESS**

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

Sergeant Karen Fahy provided an update regarding the Commission's email inbox and advised there were two new comments and questions for the Commission in the inbox, and one which was a lengthy email sent late the evening prior to the July BRC meeting from Mr. John Kurzman and was therefore not addressed during the July meeting.

Sergeant Karen Fahy stated Mr. John Kurzman sent an 8-page email along with a 33-page attachment, at 10:50 PM on July 9th the night before the July BRC regarding 13:82-3.1(b). Waterskiing and Wake Surfing Regulations in reference to the 200' rule which was listed under New Business on the July Agenda.

John Kurzman, a resident of Lake Hopatcong, identifies that there was a discrepancy between the State Rule and the Lake Hopatcong Regulation. This was already addressed during the July meeting. John Kurzman further explains Navigation Rules and Waterskiing and Wake surfing pennant rules, and other boating regulations and laws where he cites the statutes along with his viewpoints.

We appreciate Mr. Kurzman's concerns as citizen. It should be noted the BRC does follow statutes and procedures set in place for the Commission. Public comment is considered by the Commission and rule changes are opened to public comment prior to the approval process through Legislature. These regulations have been adopted through the Administrative Procedure Act. When the Commission approves a regulation amendment, the DAGs and the State Police follow the rule making process, and the current regulation would stay in place, until a formal change can be implemented. Due to the scope and length of Mr. John Kurzman's Email and attachments, an abridged summary of all his concerns and the slides in the attachment has been thoughtfully constructed.

SUMMARY – email from John Kurzman July 9, 2024 10:50 PM

- New “200’ rule” in NJAC 13:82-3.1(b) does not apply to Lake Hopatcong or other bodies of water with their own sets of rules under current regulations.
 - Sports such as waterskiing, tubing, and wakeboarding fall under the definition of “Waterskiing” and as such are covered by NJAC 13:82-3.11 on Lake Hopatcong and other lakes with their own sets of regulations.
 - The length of rope for waterskiing on Lake Hopatcong should remain 35 feet nor more than 75 feet instead of the new state rule allowing 35 to 85 feet.
 - NJAC 13:82-3.1 creates new definitions for wake surfing which should apply in all waters, even enumerated lakes, and the lakes’ rules should be updated to reflect new definitions.
- BRC should reconsider rule requiring triangular pennant (rather than a rectangle) for ski boats because NJ is the only state with such a rule.
- BRC should consider alterations to NJAC 13:82-3.1(b) and 13:82-3.11 to clarify, where distance rules apply, that it is the towing boat which has the right of way and “other boats” which should maintain a safe distance.

SUMMARY – supplemental slides from John Kurzman dated July 10, 2024

- Subject: Conflicts between 13:82-3.1(b) and 13:82-3.11 involving rules on towing (other than wake surfing) creates misunderstanding of boating laws; slides purport to illustrate such conflicts (e.g., relating to speed, towing distance, etc.)
 - Commenter includes “reminders” of certain regulations throughout slide deck (i.e., noting that N.J.A.C. 13:82-1.10, regarding interference with other vessels, is important).

- Several bodies of water in NJ carry their own regulations, which slides illustrate (i.e., N.J.A.C. 13:82-3.3 Deal Lake, Monmouth County)
- NJAC 13:82-8.15 should be amended to require marked boat when the operator renting a boat does not have a full NJ training certificate but is only renting using the rental exception for lack of proof of training and testing.
- Uncertified operators should not be permitted to operate on the special weekends/holidays of Lake Hopatcong when speed & sports are restricted on the lake in 13:82-3.11.
- Rental operators should not be allowed to participate in recreational towing.
- Rotating propeller warning for pontoon boat rental businesses is insufficient: “People need to be made aware of the ‘tunnel of death’ by recognizing that it is NOT just the engine itself to be aware of, but the special dangers for dual-hull single engine boats when falling off the bow.” (See N.J.S.A. 12:7-87).
- Commenter asked which BRC member is actively employed in the marine industry.
- No fire extinguisher should be required for eFoils. An eFoil does not fit the definition of “Personal Watercraft” since it does not use an internal combustion engine.
- There should be an exception in NJAC 13:82-1.13 for slow-moving PWCs. Also, commenter questions the logic of prohibiting person(s) riding between the operator and the steering controls of personal watercraft.
- Requirement for vessels to use lights at night at all times should be included in the Lake Hopatcong regulation writeups.
- There should be a regulation requiring some form of ‘swim buoy’ or object to mark their position when a person is swimming a certain distance from a vessel.
- Boat endorsement on a license should be sufficient to show evidence of training.

Sergeant Karen Fahy next addressed an email from Jennifer Sweeney sent Wednesday, July 10 at 2:35 PM. *Jennifer Sweeney, a resident of Lake Hopatcong*, stated the following in her email: I was unable to make the meeting today due to work commitments. I do have some issues though & I wanted to pass them on.

There is a growing concern regarding the unsafe boating behaviors that have emerged on our beloved lake. It is evident that these actions not only violate established rules and regulations but also pose significant risks to our collective safety, potentially leading to harm, death, injury, and/or property damage.

As concerned individuals who values the tranquility and well-being of our community, it is crucial that we come together and take proactive steps to address this escalating issue. During the meeting if anyone had any positive thoughts, suggestions, and/or ideas that could contribute to this collective effort? I know in the past, there was safety & lake etiquette on the website. Do we know if the marinas pass out safety information to those who are renting for the day? Do we think this is something we could implement? I am willing to help in any manner.

Sergeant Karen Fahy responded to Ms. Sweeny's concerns with the fact that the Lake Hopatcong Boat Regulation Commission Meeting generates a healthy number of public attendees with concerns for the lake and the lake community. The comments will be found in the posted meeting minutes after approval at the next meeting and will be posted on the NJSP Marine Services Bureau website. She was advised to check with the Lake Hopatcong Commission regarding any posted safety regulations and etiquette suggestions. Additionally, if someone were looking for local marinas to post or hand out safety information, that may also be a suggestion to present to the Lake Hopatcong Commission.

Lastly, for the Email Communications Inbox, Sergeant Karen Fahy addressed an email from *Carole Sovocool, a resident of Lake Hopatcong*, which was sent Thursday, July 11 at 7:49 PM. Ms. Sovocool stated in her email the following: I'm following up on the July 10 boat safety commission meeting regarding my complaints to the board and attending police depts.

There is an urgent need to address the issues at Lake Hopatcong state park which is having a detrimental effect on the standard of living for the residents along the banks of the State Park by the public boat launch.

The issue is this: My neighbors and I are tearing our hair out in our efforts to get some sort of control over the crafts that launch from the state park boat ramp. While there are many violations of basic boating protocol from here, we are particularly being terrorized by the jet skis. The issue - which has gone ignored for years, and I have a long email chain going back 5 years - is getting worse every season. The jet skis are now the primary launch vessels from the park, and they have a huge impact on the residents.

Riders accelerate straight out of the park, and straight back in again. Many of them go back and forth to the launch all day, sometimes only going out 500 feet and back, showing off ("donuts") on the way, and then switching out passengers, so they can roar in and out again, giving us a days-long noise and disturbance.

Today (July 11) I've witnessed one jet ski go out past my house 14 times within an hour - that's the equivalent of a motorbike going past your house *every two minutes*.

There is a mass of evidence to show that the noise from jet skis is especially annoying because of the revving up and down, the amount of airtime (bouncing) out of the water (amplifying the sound) and the fact that they are already 115 decibels. (I can supply intel on this from other neighborhood organizations who have worked to limit this disturbance.)

If their riders even have a boat license, they didn't pay attention in class - they shoot along within 10 feet of the end of our docks, despite children swimming; tow without flags, and have kids riding shotgun on the front.

Another jet skier rode past my neighbor's little kids (at speed) in the water and yelled at them as he shot by that they shouldn't swim there because it was dangerous - !!! Three doors down from me is a beach club where kids congregate and kayak together - this should not be allowed. The Mariners Pointe condo development have also voiced their displeasure.

Asides from the aggravation of jet skis, they are also huge polluters. There is essentially zero policing of the boat launch. I have been told this is due to understaffing. Understood, but if so - *close the boat launch!!* If there are no lifeguards on the beach, the beach is closed. Ditto, stop the unplugged influx of cowboy jet skiers to the lake! It's a simple solution. I am told to call in the problems I see but I am finding that I am already becoming a known complainer - maybe crying wolf? - today my second call went unheeded - so the idea that I can make a difference that way is false. Also, I would rather enjoy my life, and have a solution to the problem, rather than hanging on the phone trying to Band Aid the situation by picking off the violators that we can catch.

Increasingly, states and municipalities are banning jet skis from recreational waterways altogether. We should at least close the boat launch to jet skis to stop this influx of loud, obnoxious, constant up-and-down behavior in Lake Hopatcong. This would keep the jet skiers in the body of the lake by launching elsewhere, instead of channeling up and down ONE residential area.

I am more than happy to talk to you or anyone in charge in person (or via Zoom) to discuss this further. Rest assured, this issue is not going to be resolved unless there is some kind of solution, and we are not about to stop complaining/fighting for our rights. I await your thoughts and input.

Sergeant Karen Fahy provided a response to Ms. Sovocool's email and advised her that she would forward her concerns to the New Jersey State Police Carteret and ILake Hopatcong Stations for awareness and to establish more police presence in the area.

Trooper I Thomas Gilroy #7618 further responded to Ms. Sovocool's email with the following: I spoke with Carol Sovocool in reference to all the complaints with the Jet Skis at the State Park on Lake Hopatcong. She has contacted the Station numerous times

this year in reference to the careless operation and skis in the No Wake Zones at the Park. Ultimately, she wants to petition to make the State Park Ban Jet Skis. In case she contacts again, I want to make aware that I have personally spoke with her several times as well as notified the Troopers at Lake Hopatcong Station to make sure they periodically check the area throughout the shift. Troops have stopped a great number of Skis, and this is one of our most enforced areas on the lake with issuing summonses. She has been advised that we have the largest lake in NJ to cover and that all of our patrols cannot stay at the State Park because the rest of the Lake would be neglected. I contacted State Park Police to propose that they check for proper documents such as boater safety certs and valid registrations prior to letting them in the State Park. I believe this will eliminate a lot of the issues. Most of the Jet Skis we stop for careless operation do not have these documents and therefore do not know the Boating Safety Laws.

Marty Kane, Board Chair of the Lake Hopatcong Foundation, advised he spoke with the members of the Park Police about banning launching from the county park. The State Park Police advised him that this is an accessibility issue and was not a consideration. Marty Kane was advised this is the only place on the lake that allows for launching PWC's. Acting Chairman Ed Harrison Jr. asked if there are any slow speed buoys in the area. Marty Kane replied in the affirmative and stated more buoys were recently placed along Mariners Landing Cove. John Kurzman, a resident of Lake Hopatcong, interjected with the fact that a lot of people cannot afford larger boat but can afford a PWC.

- **2025 Boat Regulation Commission meeting schedule**

Sergeant Karen Fahy advised she would like to present the proposed 2025 Boat Regulation Commission meeting schedule where some alternative venues were available for the Commission, if needed. She stated the Liberty Landing State Park Central Railroad of NJ Terminal Building may not be available in 2025 due to construction. The following schedule was discussed:

Jan 08, 2025, **Battleship New Jersey**
Mar 12, 2025, **Ocean City Yacht Club**
May 14, 2025, **The New Jersey Maritime Museum**
Jul 09, 2025, **Lake Hopatcong Yacht Club**
Sep 10, 2025, **Toms River Yacht Club**
Oct 29, 2025, **Keyport Yacht Club**

A motion to approve the 2025 BRC Meeting schedule was made by Roland Gehweiler Jr., Shaun Blick seconded the motion to approve the listed venues.

VI. PUBLIC COMMENT

Roland Gehweiler Jr., a member of the Boat Regulation Commission, advised it was worth mentioning the recently published 2023 United States Coast Guard statistics showed there was a nationwide decrease in vessel accidents, involving death and injury. He also stated alcohol and drug use as a contributing factor in accidents have decreased nationally. He thought it important to advise the boating public is moving in the right direction.

Sergeant Karen Fahy advised the Marine Services Office has received a multitude of questions related accessing boating regulation information. She explained and passed out printed website information on the following websites:

www.nj.gov/oal/ - the Office of Administrative Law website provides a public information forum in order to view public notices of rulemaking as they are published.

www.nj.gov/njsp/marine-services/ - the NJSP Marine Services website provides the statutes for New Jersey Boating Law and New Jersey Boating Regulations.

www.nj.gov/njsp/news/proposed-rules - the New Jersey State Police website provides information on proposed rules before adoption.

Sergeant Karen Fahy reviewed the pending 13:82 amendments that had been approved by the BRC over the last year, as well as a review of some proposed amendments to Title 12, Chapter 7.

She advised that justifications for these regulation changes still need to be submitted to the NJSP Office of Research and Legislation to be advanced through the rulemaking process.

- This includes the addition of 13:82 terms to be defined, which are:
 - Passenger
 - Floats
 - Swim Platform
 - Ski Jumping
 - Power Vessel
 - Muffling Device
 - Livery

The placement of these definitions is to be placed in the construction section of 13:82

- This also includes exploring needed 13:82 area specific updates and changes, which consists of the following areas and regulation amendments:
 - Deal Lake, Monmouth County (13:82-3.3)

- Ban operation of PWC's on the Lake
- Upper Greenwood Lake (13:82-3.16)
 - Addition of subsection (e). "No person should be allowed to utilize a kayak or paddleboard without wearing a properly fitted United States Coast Guard approved PDF while on the lake."
- Lake Grinnell, Sparta Twp, Sussex County (13:82-3.4)
 - Waterskiing and Wake Surfing - 200' rule exemption
 - 13:82-3.4(b)2. Replace old verbiage 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."
- Indian Lake, Denville, Morris County (13:82-3.5)
 - Waterskiing and Wake Surfing - 200' rule exemption
- Paulinskill Lake, Newton, Sussex County (13:82-3.6)
 - Waterskiing and Wake Surfing - 200' rule exemption
- Lake Hopatcong, Sussex and Morris County (13:82-3.11)
 - Waterskiing and Wake Surfing - 200' rule addition to be identical to the State rule 13:82-3.1(b)
- Also, there is an amendment to 13:82-1.4(f), which is:
 - To eliminate the term "recreational" from the regulation.
- Additionally, from 2023, 13:82-5.2 Jet Levitation Devices proposed regulations were submitted on 9/2023 to NJSP office of Research and Legislation for review
 - To be added 13:82 to the rulemaking calendar for early 2025 to undergo legal review

Sergeant Karen Fahy also advised of Title 12, Chapter 7 Boating Law Proposed Amendments which have been discussed by the BRC who determined a legislative amendment to these statutes would provide increased safety to the boating community. They are as follows:

- Amend verbiage to 12:7-61(a) that would dis-allow children age 13 to under 16 YOA to operate high powered electric motors
 - Justification needs to be submitted to NJSP Office of Research and Legislation
 - This will require a legislative sponsor

- Amend 12:7-62, Personal watercraft defined, to reflect USCG definition
 - Allow for Efoils and Jet boards to be regulated as PWCs with some exceptions
 - A Justification for amendment has already been submitted to NJSP Office of Research and Legislation for review on 10/2023
 - Forwarded to the Office of Legislative Services
 - This will require a legislative sponsor

Bruce Strigh questioned how a legislative sponsor gets involved with the proposed boating law amendments. Sergeant Karen Fahy advised the New Jersey State Police Office of Research and Legislation will locate a legislative sponsor.

Melissa Danko, Executive Director of the Marine Trades Association of New Jersey, advised the Marine Trades Association operates goboatingnj.org and could post the cited information and websites for boating regulation information. Melissa Danko also requested visibility on the aforementioned pending regulations. Sergeant Karen Fahy advised the information will be included in the meeting minutes and will be posted online once approved. Melissa Danko replied with a further request to be more transparent with any pending regulation changes in the future. She stated it would be helpful to discuss or re-address the pending changes, and suggested they could be posted online or addressed during the in meeting.

Marty Kane, Board Chair of the Lake Hopatcong Foundation. mentioned that summer has concluded and while the lake gets intensive use during the summer months, Lake Hopatcong only had one fatality. This involved a medical episode where the person hit his head. Additionally, Marty Kane added that noise complaints are down. He stated that this a testimony to the law enforcement efforts of the State Police, Park Police, Lake Hopatcong P.D., and the Sheriff's Department. Marty Kane further stated as noise complaints go down, the wake surfing complaints are going up. He added, a lot of boaters are not well equipped, and education is an issue. With that said, the NJSP have a great program with education. Marty Kane advised the Lake had low weed growth, because turbidity was high. He explained the sunlight doesn't penetrate so you have low weed growth which is not good because they had high algal count. Subsequently, all summer the Lake had a green to brown tint, so it was not so clear. He advised the Lake uses "Alum" (Aluminum Oxide) treatment to keep phosphorous low. Additionally, the Lake Hopatcong Foundation has been working with the NJSP for assistance with the algal issue.

John Kurzman, a resident of the Lake Hopatcong area, had sent the email correspondence just prior to the July BRC meeting which was addressed during this meeting. John Kurzman stated that he is a city official in Florida. He further said Florida is known as the Sunshine State and added that the Sunshine Law is far more lax here. He advised he used to be on the Lake Hopatcong Planning Board. John Kurzman wished to re-address the intent of his email and explain why he has a concern. He stated that waterskiing was 100' for the boat and the skier, but he did not know if the committee was aware, if his letter was read into the record, this law states "except specifically provided otherwise in this chapter" each lake has its own rule, and those laws are already in place since the new law was placed into effect. John Kurzman charged the Boat Regulation Commission with acting too soon on a recommendation from the Lake Hopatcong Subcommittee. John Kurzman informed the BRC he was trying to get the agenda from the Lake Hopatcong meeting; however, the June meeting minutes were not published until after the July meeting. John Kurman said in effect he is looking to the BRC to realize the Commission needs to represent the people. He then stated he would like the BRC to rescind their decision on Lake Hopatcong.

Marty Kane responded to John Kurzman by stating the recordation of the Lake Hopatcong Commission meeting will show the matter was extensively discussed by the Lake Hopatcong Commission. Marty Kane wished to make clear that the matter was discussed at length. He advised that the Lake Hopatcong Committee head was looking to get rid of wake surfing all together, however the new State Law gave them the wake surfing regulation they wanted.

Bruce Strigh motioned to close the public comment portion of the meeting. Roland Gehweiler Jr. seconded the motion.

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. requested to add an item to the agenda for the next meeting. He advised the Commission may need to investigate 13:82-4.3, Muffling device. The regulation states that every outboard motor shall be equipped with a muffling system. Acting Chairmen Ed Harrison stated outboard motors do not have a muffling system.

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, October 30, 2024, at the Liberty State Park Central Railroad of NJ Terminal Building, 1 Audrey Zapp Dr., Jersey City, NJ 07305.

X. ADJOURNMENT

Leonard Mangiaracina made a motion to adjourn the meeting. Roland Gehweiler Jr. seconded the motion.

The meeting was adjourned at 11:06 AM.