

New Jersey Boat Regulation Commission Meeting
May 10, 2023
Spray Beach Yacht Club
23rd & Long Beach Blvd.
Beach Haven, NJ 08008

I. ROLL CALL

Acting Chairperson Ed Harrison Jr.
Christopher Wozniak
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
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 10:17 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 MARCH 2023 MEETING

Minutes from the March 08, 2023, Boat Regulation Commission Meeting were Approved by Roland Gehweiler Jr., and the motion was seconded by Bruce Strigh.

IV. UNFINISHED BUSINESS

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

Acting Chairperson Ed Harrison Jr. reminded the Commission that this item still needed to be addressed. He requested the status of the issue, and Sergeant Karen Fahy responded by informing the Commission the New Jersey State Police held a meeting with members of the NJMVC two months prior and was waiting to hear back reference requests for action. She advised the topic would need to be tabled until the next meeting.

- **Safety Concern for Children 13 to Under 16 Years of Age Operating High-Powered Electric Motors on Vessels (12:7-61)**

Acting Chairperson Ed Harrison Jr. spoke on the topic of high-powered electric motors being operated by children 13 to under 16 years of age. Sergeant Fahy stated during the last meeting we had discussed the options of restricting operators between the ages of 13 to under 16 years of age to operate at slow speed, no wake, similar to the path Pennsylvania had taken. Otherwise, we could consider an adjustment to the statute (12:7-61). She advised the statute currently reads “(a) a power vessel powered solely by an electric motor: or (b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower.” She recommended the statute could read “(a) a power vessel powered by a motor, or combination of motors, of less than 10 horsepower or the equivalent of less than 10 horsepower.” Acting Chairperson Ed Harrison Jr. stated restricting the horsepower for young persons may be effective.

Sergeant Fahy spoke of the nature of the Pennsylvania regulation which restricts their operation to slow speed, no wake. She advised the restriction is placing a lot of responsibility on young people to make good decisions, as opposed to adjusting the statute and limiting what they can operate. Acting Chairperson Ed Harrison Jr. agreed that we cannot limit or restrict young people with horsepower restrictions.

Christopher Wozniak advised the Commission he would like to see the equivalent of the horsepower used to regulate the high-powered electric motors. He mentioned the regulation could potentially be like the New Jersey regulation of low-speed electric bicycles limiting the power to less than 750 watts. He further stated the industry is changing and regulations may require change. However, he added, it will take time to amend Title 12.

Leonard Mangiaracina posed a question regarding the possibility of a boat dealer to address the Boat Regulation Commission and provide some insight regarding this topic. Paul Terzian, a member of the Marine Trades Association of New Jersey, and representative of Causeway Marine in Manahawkin, Ocean County, advised he hasn't gotten into the “E” stuff reference sales, so he is not well versed in electric motors. Paul Terzian suggested that to use the equivalent of horsepower in order to restrict the age of the operator, would prove to be most useful, using whatever rule applies under horsepower for a gas-powered engine.

Sergeant R. Frake #5696 read Title 12:7-61(a):

“Operation of power vessels, personal watercraft; boat safety course requirements; violations. (a) A person who is under 16 years of age shall not operate a power vessel

on the waters of this State, except that: (1) a person who is under 16 years of age but at least 13 years of age and possesses a certificate certifying that person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety may operate: (a) a power vessel powered solely by an electric motor; or (b) a power vessel which is 12 feet or greater in length and powered by a motor, or combination of motors, of less than 10 horsepower; (2) A person who is under 16 years of age and has successfully completed an approved boat safety course prior to July 1, 1996 may operate a power vessel on the tidal waters of this State, provided that the person complies with all other requirements of law, rule and regulation; (3) A person who is under 16 years of age and was issued an operator's license pursuant to section 7 of P.L.1954, c.236 (C.12:7-34.7) before July 1, 1996 may operate a power vessel equipped with an outboard motor until the expiration date of that license; and (4) A person who is under 16 years of age but at least 13 years of age and who possesses a certificate certifying the person's successful completion of a boat safety course approved by the Superintendent of State Police in the Department of Law and Public Safety, or a person under 16 years of age but at least 13 years of age who is an out-of-State resident or resident of a foreign country who possesses proof of successful completion of a boat safety course as provided in paragraph (2) of subsection b. of this section may operate a power vessel on the tidal and nontidal waters of this State while actually competing in an authorized race held under the auspices of a duly incorporated yacht club or racing association conducted under the rules of a national boat racing association in accordance with rules and regulations prescribed by the New Jersey Boat Regulation Commission in consultation with the Division of State Police in the Department of Law and Public Safety and pursuant to a permit issued by that division. Such permit may include limitations on age, vessel type, and horsepower."

Acting Chairperson Ed Harrison Jr. responded that the current statute gives young people the ability to operate a power vessel propelled solely by an electric motor which could be operated at a high rate of speed, and this is the cause for concern. Paul Terzian re-stated his thoughts to just limit the usage to the horsepower equivalent. Sergeant Frake expressed agreement with the horsepower equivalent. Christopher Wozniak agreed we should just calculate the conversion formula and use the equivalent. Acting Chairperson Ed Harrison Jr. concurred.

Christopher Wozniak stated the statute falls under Title 12, not Title 13. Consequently, it will take time and would be required to be sent up through legislation. We can make the motion, but it will need to be sponsored by a politician. Leonard Mangiaracina inquired about the wording for a motion. Christopher Wozniak deferred to Deputy Attorney General Kevin Dronson, reference being on the right track, who responded in the affirmative. Christopher Wozniak stated the State Police Marine Services office would come up with the appropriate verbiage and would bring it back to the next meeting. Acting Chairperson Ed Harrison Jr. concurred. He stated the Commission would re-visit this matter during the next meeting when the State Police comes back with sound verbiage.

- **Status of 13:82 Rule Changes Approved in 2022 by Commission**
Acting Chairperson Ed Harrison Jr. reminded the Commission, last year we had implemented some changes to the Administrative Code 13:82. Sergeant Frake advised that Title 13:82 was approved through the legislature. This would include mandatory PFD (Personal Flotation Device) winter wear and could potentially take effect November 1st of this year, if approved.
- **Jet Levitation Vessels (Proposed N.J.A.C. 13:82-5.2)**
Acting Chairperson Ed Harrison Jr. announced that last year the commission discussed Jet Levitation Devices on which they had proposed regulations. He mentioned they also had regulations proposed on parasailing.

Sergeant Fahy described the New Jersey 2014 Proposed Jet Levitation Vessel regulations found in the Proposed New Rule N.J.A.C. 13:82-5.2, as well as the Maryland 2021 Boating Regulations which stipulate Jetpack Vessel Requirements. She advised at the time of the proposed New Jersey regulation; Maryland also implemented temporary rules for Jetpacks that were similar in nature to the New Jersey proposed regulations. Maryland did, however, move forward with legislation on these temporary rules to currently be included in Maryland Boating Regulation. Acting Chairperson Ed Harrison Jr. made a motion to re-propose the regulations that we made some time ago pertaining to the jet levitation devices. Leonard Mangiaracina seconded the motion. All members were in favor.

To be clear on the regulations that were proposed on the Jet Levitation Devices in 2014, Sergeant Fahy read the proposed statute for 13:82-5.2, Jet Levitation Vessels:

(a) For the purpose of this chapter “jet levitation vessel” means a power vessel defined as a Class “A” vessel by the United States Coast Guard, which:

1. Is equipped with an internal combustion engine which powers a water jet pump; or
2. Consists of a separately registered personal watercraft or an integrated streamline hull that acts as the power unit and not intended to be ridden; and
3. Is connected by a high-pressure water hose to a jet-propelled device, which is the portion of the apparatus where the rider is either seated or standing and allows the rider to levitate above the surface of the water, and includes, but is not limited to backpacks, boards or water bikes.

(b) Private non-commercial operation of jet levitation vessels is restricted to the Atlantic Ocean, not less than three-eighths nautical mile from the shore. Jet levitation vessels shall be accompanied by an observer vessel, which shall maintain a distance of not less than 100 feet or more than 300 feet from the jet levitation vessel. The jet levitation vessel shall maintain a distance of not less than 600 feet from vessels other than the observer vessel. The observer vessel shall display two stacked pennants yellow in color and triangular in shape not less than 12 inches on any dimension, at least four feet above the vessel’s highest point during jet levitation operations. Vessels other than the observer vessel shall not approach within 600 feet of the jet levitation vessel. This restriction shall not apply to law enforcement vessels.

- (c) A person shall not operate or permit another to operate a non-commercial jet levitation vessel on the waters of this State other than as permitted in (b) above.
- (d) Subject to the requirements applicable to personal watercraft specified in N.J.A.C. 13:82-5.1, including N.J.A.C. 13:64, a person may operate a rented jet levitation vessel on the waters of the State under the following conditions:
1. The jet levitation device shall remain at all times under the control of a qualified supervisor as defined in N.J.A.C. 13:64-2.2 in an observer vessel;
 2. The person in the air does not exceed a height of 20 feet off the water as indicated by a four-inch-wide mark orange in color on the hose 20 feet from the operator;
 3. The area of operation is a minimum depth of eight feet mean low water;
 4. If the commercial owner permits "porpoising", the minimum depth is 25 feet mean low water; and
 5. Notwithstanding N.J.A.C. 13:64-2.2(c), supervisors shall display two stacked pennants orange in color and triangular in shape not less than 12 inches on any dimension, at least four feet above the supervisor vessel's highest point during jet levitation operations.
- (e) A person shall not operate or give permission to operate a jet levitation vessel unless the rider is wearing a water sports helmet and a high impact Type I, Type II or Type III personal flotation device approved by the United States Coast Guard.
- (f) Jet levitation vessel operators are subject to all other boating laws and regulations applicable to power vessels, including the requirement for a boat safety certificate, except as otherwise provided under N.J.A.C. 13:64 for rented personal watercraft.

Christopher Wozniak mentioned the need to amend the wording, "Type I, Type II and Type III personal flotation devices" to "US Coast Guard Approved flotation device." Sergeant Frake agreed that the language was just recently changed under Title 13. Paul Terzian of the Marine Trades Association of New Jersey asked about the 25 foot stipulation that was mentioned in the proposed statute. Acting Chairperson Ed Harrison Jr. advised the 25 feet is reference porpoising, in regard to safety and water depth. Paul Terzian asked if that includes the Bay. Christopher Wozniak responded that the bays are excluded due to their shallow depths.

- **Parasailing (13:82-6.3)**

Acting Chairperson Ed Harrison Jr. mentioned the topic of Parasailing. He advised the Commission touched on this last meeting and stated that we may need to do some research on this for the next meeting. Roland Gehweiler Jr. said that the Commission may have been discussing the length of the tether. Acting Chairperson Ed Harrison Jr. reiterated this could be researched for the next meeting. He asked the Commission if there was anything else that was touched on in the past that should be re-visited. Christopher Wozniak stated that is already updated in the statute, 13:82-6.3 Parasailing Operation and Equipment. Sergeant Frake informed the Commission that his office would email everyone the current Title 13 Statutes. He further stated his understanding of relaying the most recent updated information, and we will make certain the Commission is aware of final changes in the statutes in the future.

V. NEW BUSINESS

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

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

- **Cape May Canal Safety Concerns / Ferry Wake Surfing**

Acting Chairperson Ed Harrison Jr. stated the Commission members were forwarded video from the New Jersey State Police Marine Services Bureau office. He re-visited the discussion from the last meeting, of not allowing non-motorized vessels to operate in the Cape May Canal. He reminded the Commission the Trooper who presented the topic wanted a similar statute to implement as in the Point Pleasant Canal. He advised there is a lot of current and turbulence in the Point Pleasant Canal, and the restriction is due to a safety issue. He stated he wasn't sure if the same safety issues apply to the Cape May Canal. The Statue for the Point Pleasant Canal, Ocean County, is Administrative Code 13:82-3.21 which needs to be adopted for the Cape May Canal. Administrative Code 13:82-3.21 states "No person shall operate a canoe, kayak, rowboat or other non-motorized vessel in the confines of the Point Pleasant Canal, except in an emergency."

Acting Chairperson Ed Harrison Jr. described the video featuring a 17-year-old male attempting to surf the Cape May Canal. The intention was to surf the ferry wake. Officers made contact with the 17-year-old and indicated they can't take action due to his age. He added, this is an issue we may want to address.

Leonard Mangiaracina agreed and advised proper wording would be needed.

Acting Chairperson Ed Harrison Jr. said we can just use verbiage restricting non-motorized vessels surfing wake of commercial vessels. Leonard Mangiaracina followed up with concern for the safety of the ferry operators, passengers, and the surfers. He also expressed concern regarding the operators attempting to avoid the surfers. Christopher Wozniak questioned existing statues for wake surfing and inquired if this activity is just present in the Cape May Canal. Sergeant Fahy advised the activity has been captured on video in other areas, such as New York City. Shaun Blick asked how pervasive the issue is. Sergeant Fahy explained she has not been advised of any other incidents in the Cape May Canal but was waiting on further information from members of the Delaware River and Bay Authority. She advised law enforcement personnel have tools, or statutes, that can be used to discourage people from ferry wake surfing while we wait the summer months to see if the issue becomes more pervasive. Christopher Wozniak added that the New Jersey State Police are in touch with the ferry captains. Acting Chairperson Ed Harrison Jr. stated the Commission can table this discussion for now.

V. PUBLIC COMMENT

Marty Kane, of the Lake Hopatcong Foundation, stated he had good news to report. He elaborated there was no ice in Lake Hopatcong. He further stated they had a great meeting with the New Jersey State Police and the Morris County Sheriff's office. The

Sheriff's office has put new boats on the Lake, and the residents are pleased with the safety of the area. He added Hopatcong Police Department has put undercover officers on docks, however, they just don't have a ton of boats. He explained the PD is looking at uniform noise ordinances. Marty Kane shared news that the Lake has a new boat company coming to the Brady Bridge area. They also have some dredging operations and some sewer operations up and coming. He included the Department of Environmental Protection is assisting with the dredging and sewer operations and it will help Jefferson Township. He advised they are planning a large lakeside clean-up effort on November 4th. Marty Kane expressed that the Lake Foundation is available to assist with legislation and additionally they are looking forward to hosting the Boat Regulation Commission Meeting in July. Lastly, he added that there will be questions regarding the status of wake surfing.

Sergeant Thomas Fiorello, New Jersey State Police, Marine Service Bureau, Point Pleasant Station addressed his concern regarding locating home addresses, on lagoons, when responding from the water in emergent situations. He indicated minutes and seconds count when responding to some calls for service. Sergeant Fiorello stated that his Navionics program has taken him four houses away from the actual call location address when responding to an emergency situation. He was hopeful the Commission could recommend to certain townships to request homeowners to place their numeric address on the rear dock or bulkhead of a home on a lagoon. Sergeant Frake asked Marty Kane if residents on the Lake do anything similar. Marty Kane responded that the residents do have voluntary dock numbering. He elaborated that they had a situation where a home burned down because of a late response. He stated the numbering is completely voluntary and they have about 45% cooperation from residents. Additionally, numbers were generated for residents to make the request more affordable. Christopher Wozniak advised we could potentially address this issue with individual townships. Sergeant Frake mentioned the concern would be added to the public comment.

Christopher Wozniak stated that moving forward into the next meeting, we will not be able to do much with the wake boards at that time. Marty Kane asked if the Commission could just present the changes with Title 13:82 at the next Commission meeting. Sergeant Frake referred to the N.J.A.C. 13: 82- 3.1 and read the statute and proposed changes for the permissible uses of waterskiing and wake surfing as follows: The division proposes to amend this section to increase the distance from 100 feet to 200 feet to update the recommended safety standard. Sergeant Frake also mentioned other changes within the Administrative Code, such as the verbiage regarding PFD types to be amended to "USCG approved PFD;" N.J.A.C. 13:82-1.4 reference Mandatory Winter Wear, requiring all persons on board certain vessels to wear a USCG approved PFD between November 1 and May 1. Lastly, he read N.J.A.C. 13:82-1.13(b), which prohibits operators from allowing passengers to ride in dangerous positions. The Commission proposes to amend N.J.A.C. 13:82-1.13(b) to prohibit a person to ride between the operator and the steering controls of a personal watercraft. This amendment is to increase safety. He added that this change prohibits a child sitting in front of a mother while seated on a PWC. Marty Kane requested the commission to announce the 200-foot change at the next meeting, then that would be satisfactory.

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

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 July 12, 2023, Boat Regulation Commission meeting is scheduled to take place at 10:00AM at the Lake Hopatcong Yacht Club, 75 North Bertrand Road, Mount Arlington, New Jersey 07856.

X. ADJOURNMENT

The meeting was adjourned at 11:51 AM