

**NEW JERSEY BOAT REGULATION COMMISSION MEETING**  
**March 08, 2023**  
**Ocean City Yacht Club**  
**100 Bay Road**  
**Ocean City, NJ 08226**

**I. ROLL CALL: MEMBERS PRESENT**

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 10:18 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 January 11, 2023, Boat Regulation Commission Meeting were Approved by Bruce Strigh, and the motion was seconded by Roland Gehweiler Jr.

**IV. UNFINISHED BUSINESS**

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

Acting Chairperson Ed Harrison Jr. advised the Commission the Efoils and Jetboards should fall under the same regulations as personal watercraft. He added that a separate category should not be created. Roland Gehweiler Jr. mentioned that registration may be a consideration. Sergeant Karen Fahy interjected with information from the October 5, 2022, policy letter 22-02 regarding registration and numbering being required. A Hull Identification Number (HIN) would be required and would allow for registration. She added that the USCG is recommending these vessels be registered as “Personal Watercraft” or “Other.” Sergeant Fahy included safety concerns with equipment and lighting would be the same as personal watercraft (PWC) rules. This would also include the requirement of an audible sounding device, and depending on the set-up of the vessel, an engine cut-off switch (ECOS). The operator would also be required to wear a personal flotation device. One notable difference would be the fire extinguisher requirement. It was noted that a fire extinguisher may not be suitable for these vessels due to the inability to properly secure them in a safe place while underway, while also subject to degradation in a wet environment. Roland Gehweiler Jr. stated that most do not display numbers to his knowledge. He further stated that the MVC would need to get involved for the registration process. He added that the business from where you buy the vessel would need to address the numbers reference a HIN or unique hull number. Shaun Blick and Sergeant Frake agreed that a helmet requirement would be unnecessary if these vessels are to be treated the same as a PWC. Acting Chairperson Ed Harrison Jr. moved to hold the mechanically propelled personal hydrofoils and the mechanically propelled surfboards the same as a PWC. Bruce Strigh re-visited the fire extinguisher consideration on electric powered craft. Acting Chairperson Ed Harrison Jr. said there might not be a place to put it, and the conditions might create degradation of the fire extinguisher. Acting Chairperson Ed Harrison Jr. stated it might not be critical for fire extinguishers to be a requirement. Shaun Blick questioned whether there might be statistics available regarding accidents with these craft.

Sergeant Frake asked Sergeant M. Baker #6159 from the New Jersey State Police, Marine Service Bureau, Atlantic City Station if he has had any experience regarding these vessels being involved in accidents. Sergeant Baker stated he has not had much interaction with these vessels. He added that a vessel fire can occur and spread throughout a marina, however a jet ski or efoil on fire is of little to no threat for a big fire. Subsequently, there is no real concern for a fire extinguisher requirement. Acting Chairperson Ed Harrison Jr. moved a motion to include these vessels under the PWC Rules and Regulations. Roland Gehweiler Jr. seconded the motion. All members present were in favor.

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

Shaun Blick reminded the commission he had an issue regarding the sale of his personal vessel where he learned the vessel would be shipped out of the United States. The boat was to be exported, and he was concerned that he had no existing means to remove his name from ownership of the vessel, or any ability to prove via documentation that he had sold the vessel. Shaun Blick advised that he sent a certified letter to the Motor Vehicle Commission as well, expressing his concern. He provided a copy of the letter describing his experience with the sale of his vessel. Attempts made by Shaun Blick to document the sale of his vessel through the NJMVC pursuant to N.J.S.A. 12:7-34.45(b) to record a change in ownership and removal of ownership were not met with success. Sergeant Frake advised the Commission that this is also a concern with regards to abandoned vessel problems. Should the NJMVC memorialize the sale of a vessel at the time of the sale to document new ownership, it would better allow members of the New Jersey State Police to identify vessel owners when that vessel becomes abandoned. Currently there is no means to memorialize the sale of a vessel, until and unless the buyer initiated a new registration process with the NJMVC. Roland Gehweiler Jr. paralleled the question as it relates to boat trailers documented with the NJMVC.

- **Status of 13:82 Rule Changes Approved in 2022 by Commission**

Sergeant Frake read the 13:82 rule proposals. He advised the proposed rule changes have successfully moved past the second OAG review and are currently being reviewed by the Governors' Office.

Bruce Strigh questioned the Jet Lev-Flyer personal flying machines where regulations had never been approved. Lt. Christopher Jones #6456, New Jersey State Police, Marine Service Bureau, Burlington Station Commander, Boating Law Administrator, advised he had worked on the project, but it never made it through approval. Bruce Strigh and Acting Chairperson Ed Harrison Jr. suggested re-proposing the topic. Roland Gehweiler Jr. addressed water depth limitations with the Jet Lev-Flyers, stating shallow water is not good to operate these machines. Lt. Chris Jones recalled helmets were a topic of discussion in relation to the Jet-Levs and a concern for water depth. Roland Gehweiler Jr. recommended revisiting this topic. Bruce Strigh seconded the motion, and the Commission approved same.

## **V. NEW BUSINESS**

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

Sgt. Robert Frake provided an update regarding the Commission's email inbox and advised the Commission of an emailed letter from Robert P. Kita, Boat Safe US, LLC. The contents of the email and the letter will become public record included with these Minutes. Mr. Kita was present at this Meeting and provided time to speak during Public Comment.

- **13-15-Year-Old Children: Operation of High-Powered Electric Motors (12:7-61)**

Acting Chairperson Ed Harrison Jr. spoke on the topic of high-powered electric motors. Sgt. Robert Frake #5696 mentioned and read N.J.S.A. 12:7-61, Operation of power vessels, personal watercraft; boat safety course requirements: violations, maintaining emphasis on the age restriction on operation of a vessel powered by a motor greater than 10 HP. Sergeant Karen Fahy advised the speeds of these high-powered electric motors could reach 60 MPH, where electric motors were historically low powered trolling motors. Sgt. Fahy added that the Pennsylvania Fish and Boat Commission is recommending only allowing these high-powered electric motors to be operated at slow speed, no wake limits with regard to child operators.

Acting Chairperson Ed Harrison Jr. advised the Pennsylvania ruling is probably the simplest means to enforce issues regarding speed and age with these high-powered electric motors. He stated that a 13–15-year-old would only be allowed to operate at slower speeds. Sergeant M. Baker #6159, New Jersey State Police, stated it should strictly be an age limit, in his own opinion, maintaining a simple approach as the topic relates to marine patrols. He additionally questioned the maturity level of kids to maintain slow speed, no wake while operating a vessel with greater capabilities. Shaun Blick stated he is not sure that existing rules could be walked back, but agreed age is one consideration. Bruce Strigh stated the existing age requirements are no good. Lt. Chris Jones stated that the high-powered electric motors are new to him and questions the manufacturer’s requirement to provide a horsepower equivalent to the electric power. Sergeant Baker recommended the operator age be restricted until 18 years of age. Acting Chairperson Ed Harrison Jr. addressed the fact that 16-year-olds can already operate a high speed PWC. He thinks that a slow speed no wake rule for 13- to 15-year-olds could work. Christopher Wozniak advised that we should go with the horsepower equivalent of an electric motor. Shaun Blick stated there exists a formula to determine the number. Acting Chairperson Ed Harrison Jr. reiterated the concern is the speed they could potentially achieve with these craft. Sergeant Fahy questioned if the manufactures of the electric motors could be persuaded to post the horsepower equivalent on the motors. Bruce Strigh advised this could create legal challenges. Shaun Blick stated New Jersey could restrict the sale of these motors if the horsepower equivalent is not posted, however, it could interfere with interstate commerce. Bruce Strigh mentioned the planing capabilities of the vessels. Bob Kita, a member of the public audience suggested looking at the non-tidal water rules and how these rules could carry over to high powered motors on tidal water.

Sergeant Frake advised that a slow wake, no wake restriction with a high-powered electric motor would require a 13- to 15-year-old to make a responsible decision on a vessel which can go very fast, to obey the rules and not go fast. Bruce Strigh advised further research is needed regarding the equivalent between horsepower and the electric power. Sergeant Baker proposed that all vessel operators should be over the age of 18 years. Roland Gehweiler Jr. recognized the speed of the PWC's can be over 65 MPH. The Commission acknowledges that changing the age might be an uphill battle for all watercraft. Shaun Blick stated this needs further consideration, acknowledging that this will be an impactful decision, and he moved to table the issue until next meeting for further discussion. Acting Chairperson Ed Harrison Jr. said in the meantime, we could contact NASBLA and see where else this has been addressed. Bruce Strigh seconded the motion to table the issue for now.

- **Sussex County Rowing Club 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.

- **Vermont Proposed Regulations for Wake Boats on Lakes**

Acting Chairperson Ed Harrison Jr. said this may not affect New Jersey as a whole, but the subject may be a consideration regarding erosion or wake against docks.

## V. **PUBLIC COMMENT**

*Sgt. Robert Frake, New Jersey State Police:* announced and explained the May 11, 2023, deadline to end the COVID specific allowance for drive-in proctored Boater Safety Course exams due to capacity limits and social distancing requirements. Concerns had surfaced for the integrity and for the need of this COVID pandemic allowance, and for the ability of the New Jersey State Police to ensure compliance with the rules while students take exams in their personal vehicles. The letter to New Jersey Boating Safety Course Providers was dated March 1, 2023.

*Robert Kita, Owner Boat Safe US, LLC, Boating Safety Course Instructor and Provider:* expressed his opinion that the drive-in proctored testing for boating safety classes should be allowed to continue for the convenience of his students. Bob Kita explained his March 7, 2023, letter to the Boat Regulation Commission in which he detailed his business approach utilizing technology to provide the boating safety message during COVID. He explained the SP421 form, scanning the test through the window of the vehicle, use of QR

codes for scanning efficiently and for contact-free safety during COVID. Acting Chairperson Ed Harrison Jr. requested confirmation that students are in their own vehicle. The Commission asked how many vehicles are at the site. Bob Kita stated there is an average of seven vehicles. Bob Kita campaigned for the opportunity to make public comment on the issue. Sergeant Frake countered with an explanation and a reason why this drive-in course was offered during COVID, how the New Jersey State Police made concessions during the pandemic, and the importance now that COVID restrictions have come to an end, the subsequent need to get back to pre-COVID testing procedures. Sergeant Fahy advised going back to pre-pandemic testing procedures would ensure the integrity of testing and ultimately be best for the boating public. Sgt. Frake stated that providers could arrange for the use of their residence for a boating safety course for any reason, but especially if they are immunocompromised or disabled. Bob Kita mentioned that this would carry an additional charge for the proctor to do so.

**Robert P. Kita, Boat Safe US, LLC emailed letter to the Commission will be considered public record and available with these Minutes upon their approval by the Commission.**

Sergeant Frake mentioned the Boating Safety Course Provider list is now public and has received 1000 hits reference the boating safety courses. Bob Kita stated the majority of course providers are NJSP certified. Bob Kita proposes that they be NASBLA approved also. He advised that with his business, he provides a card that they have taken a NASBLA approved course, and it will be accepted nationwide. Bob Kita requested that there should be a mention of a course Provider's affiliation and approval by NASBLA noted on the NJSP's public list of courses.

*Melissa Danko, Marine Trades Association of New Jersey, Executive Director:* Melissa Danko advised that the Marine Trades Association has created a flyer for the public list of boating safety courses.

*Sergeant Michael Baker, New Jersey State Police, Marine Services Bureau, Atlantic City Station:* Sergeant Baker addressed ongoing issues in the Cape May Canal regarding people surfing the wakes from the ferries. Sergeant Baker advised the Administrative Code 13:82-3.21 for Point Pleasant Canal, Ocean County needs to be adopted for the Cape May Canal, regarding "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." He explained there is no existing administrative code for the Cape May Canal. Bruce Strigh asked if the Cape May Canal is dangerous. Sergeant Baker stated that it is dangerous for vessel traffic and added there are areas of strong current. Acting Chairperson Ed Harrison Jr. asked if there is a lot of non-motorized craft in the canal. Lt. C. Jones has seen a lot of stand-up

paddle boards in the canal. Boats are permitted to travel at high speed and that is a concern. Acting Chairperson Ed Harrison Jr. and Roland Gehweiler Jr. concurred that the Point Pleasant Canal is certainly dangerous. Shaun Blick proposed adding this to the discussion for the next meeting. Lt. Christopher Wozniak advised this topic may require more research and homework for the next meeting. Sergeant Baker made reference to a video posted on You Tube where a famous surfer and his friends are seen surfing the ferry wakes. The video also includes a negative encounter with the Delaware River and Bay Port Authority Police. He expressed his concern is regarding the recent video enticing more surfers and even less experienced copycats in the canal. Sergeant Baker advised he will forward Sergeant Frake and Sergeant Fahy the video which demonstrates the activities which encouraged surfing the ferry wakes, and then the video can be forwarded to the Commission. Bruce Strigh attempted to look into enforcing just the surfing of the ferry wake first, before creating new rules for the entire canal. Lt. Jones stated the navigable channel in the canal is very deceptively narrow. He added the PWC rule reads that Spicer Creek rules for PWC's geographically allow PWC operation from Spicer Creek eastward into Cape May Harbor, not westward through the canal. Acting Chairperson Ed Harrison Jr. advised to place this topic on the agenda for next meeting.

**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](http://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, May 10, 2023, at the Spray Beach Yacht Club, 2300 Long Beach Blvd., Beach Haven, NJ 08008.

**X. ADJOURNMENT**

The meeting was adjourned at 11:57AM.