

**NEW JERSEY BOAT REGULATION COMMISSION MEETING**

**July 13, 2022**

**Lake Hopatcong Yacht Club**

**75 North Bertrand Road**

**Mt. Arlington, NJ 07856**

**I. ROLL CALL: MEMBERS PRESENT**

Acting Chairperson Ed Harrison Jr.

Kenneth Ryan

Bruce Strigh

Roland Gehweiler Jr.

Leonard Mangiaracina

Shaun Blick

Philip Weisbecker Jr.

**STAFF**

DAG Vivek Mehta

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

**III. MINUTES OF THE PRIOR MEETING**

Minutes from the May 2022 Boat Regulation Commission Meeting were approved, while Philip Weisbecker Jr. and Shaun Blick abstained due to absence.

#### IV. UNFINISHED BUSINESS

- **2022 Waiver for the Sussex County Rowing Club**

Sgt. Robert Frake advised the Commission that the Marine Services Bureau has granted final approval letters for the Sussex County Rowing Club.

- **NJAC 13:82 Regulations**

The proposed updates were presented to the Commission via a 69-page document, for review and acknowledgement. Acting Chairperson Ed Harrison Jr. inquired if the updates for waterskiing were included, which they were, and mentioned the parasailing tow length requirements. Commission will need to sign off on the revisions prior to sending them back to the NJSP Research and Legislation Unit.

- **Liberty State Park 2023 Meeting, Jersey City and Additional Venue Change**

Sgt. Robert Frake advised that progress is being made for adding Liberty State Park as a venue for the Boat Regulation Commission, although this had not been confirmed and finalized. Princeton University has been approached for hosting a Delaware River regional meeting but has not yet responded to the request.

- **Public posting of NJ Compliant Boat Safety Courses**

Sgt. Robert Frake advised that this matter remains a work in progress. A working list of current Course Providers has been generated for the purposes of contacting all and confirming their information prior to public posting.

- **Determination of Fines for Boating Regulation Violations**

Acting Chairperson Ed Harrison Jr. agreed that the fines for regulation violations are very old and outdated, and at some point there needs to begin a discussion for revisiting and updating these fines. Kenneth Ryan confirmed that each statute would need to be revisited and suggested utilizing Motor Vehicle fines as a benchmark. Waterborne fines are outdated 30 plus years. A new dollar amount would need to be determined for each of these violations. Bruce Strigh asked if a request needed to be made, in order to learn the motor vehicle fines, but DAG Mehta answered that the fine amounts are publicly available. The Commission requested State Police guidance regarding motor vehicle fines, for review, and called for further discussion on the matter for the next Commission Meeting.

## V. NEW BUSINESS

- **Noise Complaints, Enforcement, and Penalties**

The Commission clarifies their stance that noise complaints are covered by local ordinances. A public attendee, Bill Jelly, mentions that noise complaints are covered under NJAC 7:2 State Park Service Code. Shaun Blick and Bruce Strigh state that noise complaints are not within the purview of the Commission. Shaun Blick advised that the Boat Regulation Commission does not determine State Park regulations.

- **BRC@njsp.org email address**

Sgt. Robert Frake provided an update regarding the email inbox and advised it was negative for relevant comments or questions for the Commission. Acting Chairperson Ed Harrison Jr. reminded the public that the email address is being monitored by a Trooper from the New Jersey State Police.

- **Comments from members of the Commission**

Acting Chairperson Ed Harrison Jr. references notice from the United States Coast Guard that boating accidents are down, and that there has been a decline in deaths as per USCG statistics. Roland Gehweiler Jr. initiated comment on 'Self-Propelled Surfboards', which are propelled via battery and move swiftly across the water. He followed this by stating that they make no noise, and there may be a need to categorize and define them for safety. Acting Chair Ed Harrison Jr. stated that they can cost in excess of \$10,000 dollars, travel at 25-35 miles per hour, and may require further discussion to determine if regulation is needed or required. Sgt. Robert Frake advised attendees that the United States Coast Guard has been defining Stand Up Paddleboards as vessel for quite some time, and a Self-Propelled Surfboard would likely also fall under the same definition.

## VI. PUBLIC COMMENT

Linda Healy, a resident of Byrum Cove, complained about the noise in Byram Cove. Advised that nothing has changed since 2014. Stated that Troopers are asking residents to take pictures of registrations for enforcement purposes. Advised of 150 boats in the Cove on 4<sup>th</sup> of July Weekend. Stated the music is horrendous, the area is abused, the wake problem is tremendous, it's like 'Spring Break' out there, and requested a survey of how many boats are out there during busy times.

Diane DelForno, a resident of Byrum Cove (Maxim Drive) stated she agreed with the prior speaker, there are people out at night with no proper lighting, expressed concern over police response time for calls, stated kids are drinking and smoking out there, stated that Byram Cove is a disaster waiting to happen, stated that the buoys are getting destroyed and people are spending all night out there, and finally questioned why ordinances are written if they are not being enforced.

Bruce Strigh of the Commission responded that the Commission has nothing to do with law enforcement and advised that there are many laws on the books which the Commission does not regulate. He advised that many of the aforementioned complaints are handled on the municipal level with ordinances. Bruce advised that local ordinances can be enforced by the State Police. Phil Weisbecker Jr. advised that these concerns can be addressed via the Assembly or Senators, who should be made aware of these concerns. Diane DelForno addressed the State Police specifically and asked about police presence on the water, and inquired about who enforces the rules on the water. Roland Gehweiler Jr. mentioned that Diane could visit her local municipality and sign her own complaints. Acting Chairperson Ed Harrison Jr. reminded the public to avoid repeating the same topics which had already been heard and addressed.

Lynn Owens, Byram Bay Community Club, stated how important the Lake is to the local population, advised that people cannot hear conversations due to the noise, and lifeguards cannot hear potential cries for help. Lynn stated things have been deteriorating over the span of time she has been there.

Marty Kane, Lake Hopatcong Foundation, addressed the audience identifying himself as Chair of the Lake Hopatcong Foundation. He stated that the New Jersey State Police has been working with local mayors to address these concerns, and that the bleak picture being painted via public comments is not accurate. He advised that Morris County has maintained a presence in problem areas. He stated that it was unfair to the State Police for such a bleak picture to be painted. He stated that the sound systems and noise complaints are being dealt with. He mentioned past controversies such as Personal Watercraft with no lights out at night, and rafting together of vessels, both of which have been resolved. He reminded the audience that they all need to share the lake.

MaryAnne Fox, Byram Bay Community Club, stated that she has been in the area 45 years and she had filed a noise complaint in June where the dispatcher was very rude to her. She advised that when she visited the State Police Station, the Trooper was very pleasant. She stressed her concerns about safety issues and the difficulty with coordinating the various entities in two different counties. She concurred that Byram Cove is the most difficult area. Although she was very satisfied after speaking with a Trooper, she suggested that all

involved parties get more unified about the actual safety issues.

Tim Becza, Nolans Point Park Road, advised that he has been here all his life, and he wanted to thank everyone for their service. On the topic of increasing violation fines, Mr. Becza stated that could just go concurrent with inflation rates over the years. He stated that the motorized surf boards might be a problem bigger than just Lake Hopatcong. He stated that there is just a general lack of respect for one another. He spoke of positive interactions with the State Police. He stated that the local population should find solutions for the Troopers, rather than simply being vocal about the problems. He informed the audience of his position that if you move to Byram Cove, you need to do your research about the local environment, because it has always been a place where people congregate and socialize.

Bill Jelly, Byram Bay Community Club, stated that he grew up waterskiing in the area, but the last 20 years of his experience have been a mess. He expressed discontent with the rules which do not allow waterskiing in his cove. He stated that 20 boats tied up together is an explosion hazard. He stated that it is terrible out there and we need to do something.

Melissa Danko, Marine Trades Association of New Jersey, advised that she had no comments.

Cliff Lundin, (illegible affiliation), stated that he is a licensed attorney, and the buck stops here. He stated that a noise control law does exist, and there should be some communication with the DEP regarding noise control. He mentioned existing regulations for obstruction of navigation, and the ability of the Commission to address this. He stated that the State Police can enforce both Park Service regulations and local ordinances. He stated that he cannot eat dinner due to the volume of the noise on the lake. He stated that he performed marine patrol in the past, and recently when he advised the State Police of his problems, they disputed his claims. He advised that he knows the rules because he wrote them. He suggested that the State Park Service might be a good resource for answers.

Mayor Eric Wilsusen, Township of Jefferson, thanked our Troopers and the Morris County Sheriffs personnel. He stated it is not an easy job. He proposed that substantial fines would be a deterrent. He reminded the audience how the algae blooms led to improved meetings and communication. He expressed appreciation for the Colonel responding to the Lake. He concluded by stating the Byram Cove is not in his jurisdiction, but they are all talking about the issues and trying to solve the problems and make the Lake a great place for everyone.

Bruce Strigh of the Boat Regulation Commission answered that Marty Kane has been heavily involved with these problems and it has always been encouraged for people to go to their town council meetings in order to get some of these things done.

Mike Healy, Resident in Byram Cove, stated that he went to the town council meetings to address these issues, but nothing ever happened as a result. He expressed appreciation for the Troopers responding to calls for service. He suggested undercover operations while stating that there is no quantifiable way to measure a nuisance. He stated that the nuisance is unbearable until 9:30 or 10PM every night.

Michael Rebarber, Lake Property Owner, stated that he has been a Byram Cove property owner for 25 years. He stated that the crowds used to go to Halsey Island, but now they move to Byram Cove. He stated that he is unable to get off his dock with his boat, and it is unsafe conditions. He stated that the 100' line is not being enforced.

John Kurzmca, resident, stated that the noise issue is a hot topic. He advised of the existence of the Lake Hopatcong Citizens for Action Group. He stated that the Morris County Sheriffs advised that music violations are enforceable. He also continued by stating the following: irresponsible behaviors are being ignored, there is a need for a decibel reading tool, Stand Up Paddleboards should have Personal Flotation Devices, the registration process can be complicated for motorized surf boards, and all fresh water vessels should have white lights. Mr. Kurzmca concluded by posing the question to where the new fine money will go.

Rachel Rodriguez, Byram Bay Community Club, stated that it would be helpful for the existing rules to be relayed out to the public. She stated that she has been told at town council meetings that the town does not have jurisdiction, and they then refer them to the State Police. She suggested that the Commission should meet with the four local Mayors. She concluded by asking how the decision is made to issue either a Summons or a Warning, and how boat registration violations are handled. Sgt. Robert Frake explained that Troopers have discretion whether to issue Summons or Warnings, on a case-by-case basis.

Dan Thropp, Stonypoint Byram Bay, followed up on prior discussion by inquiring if the Commission is suggesting that each local town should have their own marine patrol units on the water. Acting Chairperson Ed Harrison Jr. responded by saying that each town is ultimately responsible for enforcement of their jurisdiction. Roland Gehweiler Jr. of the Commission posed the question whether or not the local mayors have made an attempt to secure their own vessels for marine patrol. Dan Thropp stated that he recorded 80 decibels on the decibel meter from his backyard, and made the position that it is a State Lake. Bruce Strigh responded that the laws apply to everyone from the town which extends out into the water.

Cindy Dannelio, Coulter Place Hopatcong, stated that she has been in Byram Cove since

the 1930's, and she proposed a potential solution for the number of boats in the congested areas. She proposed that the DEP could issue a limited number of passes for boats to enter Byram Cove, and it could be capped at 100. She advised that this could be a method for controlling the number of boats in the cove. Bruce Strigh responded that this might be a question to pose for the local town council.

Irene Ash-McKechnie, boat owner, stated that her neighbors pay a lot to be here, but people are not obeying the rules at night. She said that wake is an issue, and the buoys are hard to see at night. She requested more attention to the boat rental industry, because they are visitors who do not understand the lake. She expressed appreciation for more police presence in Woodport Cove, but she stated that people are leaving the restaurants 'shit-faced' and it is a safety issue. She advised that ski-doo's at night are a problem, the reflective things on buoys need upgrades, and waterskiing and tubing are occurring with disregard for safety. She concluded by stating that she is unsure whose jurisdiction these would be. Kenneth Ryan answered by saying that a Boating Safety Course is required, and the operators of the vessels all have the same set of rules, and these concerns are being addressed as a work in progress.

Sergeant First Class Bisl, Assistant Station Commander of the Lake Hopatcong Sub-Station, responded to the concerns of the public. SFC Bisl advised the public that their concerns are important, but the nature of State Police marine patrol has large geographic areas to cover, from Monmouth County to Sussex County for his station's area of responsibility. He reminded the public that his Troopers are very knowledgeable and fair with enforcement. He stated that Troopers patrol the lake with varying levels of experience, and there is a learning curve when new Troopers are assigned. He confirmed that Byram Cove is a big concern for the Lake Hopatcong State Police Sub-Station. He stated that the State Police has increased their local patrols of the area, but limitations do exist for what can be accomplished. He stated that the mooring laws which had been mentioned do not exist. He stated that Troopers do in fact patrol at night, contrary to statements from the public, while winter operations are inherently different than summer operations. Violations of navigational lights at night are enforced, buoy concerns are addressed, bridge clearance issues and tubing in the coves are not overlooked, and the Troopers do respond to the noise complaints. He stated that on holiday weekends, there will be more boats and noise, and it is being addressed. SFC Bisl advised that boats can always navigate through Byram Cove, and the reports of dangerous levels of congestion are overstated.

## **VII. EXPRESSION OF APPRECIATION**

Acting Chairperson Ed Harrison Jr. expressed his appreciation to the providers of the facility.

**VIII. AGENDA FOR THE NEXT MEETING**

Acting Chairperson Ed Harrison Jr. advised that the Agenda for the next Meeting could include Boat Rentals, Powered Surf Boards, Boating Fines / Penalties, Lights, Registration, the Liberty State Park venue, and the updates for posting Boating Safety Courses on the NJSP public website.

**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, September 14<sup>th</sup>, 2022, at the Toms River Yacht Club, 1464 Riviera Avenue, Toms River, NJ, 08753.

**X. ADJOURNMENT**

The meeting was adjourned via motion by Bruce Strigh and seconded by Philip Weisbecker Jr.