

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
JANUARY 30, 2013
7:30 P.M. AT TOWN HALL**

The meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Fitzgerald. The following statement was read by Township Clerk, Mr. Bowden: "The notice requirements of the New Jersey Open Public Meetings Law have been satisfied by forwarding a News Release to the Asbury Park Press on December 12, 2012 stating a regular meeting of the Colts Neck Township Committee would be held January 30, 2013 at 7:30 p.m., Colts Neck Town Hall, 124 Cedar Drive, Colts Neck, New Jersey. The notice requirements have been posted on the Township bulletin board and a copy is on file in the office of the Township Clerk."

Roll call by Mr. Bowden indicated the following:

Present: Mayor Michael Fitzgerald; Deputy Mayor Russell Macnow;
Committeemen James Schatzle, Thomas Orgo and Jarrett Engel

Also Present: Administrator/Municipal Clerk Robert Bowden, Deputy Municipal Clerk Beth Kara, and Township Counsel Chris Ackerman, Esq.

Absent: None

OPENING REMARKS: Mayor Fitzgerald

Mayor Fitzgerald noted Ms. Cindy Kuenstner, Senior Wildlife Biologist, Office of Information and Education, New Jersey Fish and Wildlife; and Mr. Mark Bocchieri, Verizon, were present this evening.

Mayor Fitzgerald stated Agenda Item No. 4, Ordinance 2013-5, is on tonight's agenda for introduction, not adoption. Mayor Fitzgerald stated the public hearing for this ordinance is being set tonight for February 27, 2013. Mayor Fitzgerald noted on November 29, 2012, a special Township Committee Meeting was held, and Ms. Kuenstner and Fish and Wildlife staff (Ms. Jodi Powers, Senior Wildlife Biologist, Central Region Deer Project Biologist; Lt. Tom O'Rourke, Conservation Officer; and Officer Shannon Martiak, Conservation Officer) presented deer management information. Mayor Fitzgerald stated the current Township ordinance does not conform to State Law. Ms. Kuenstner is available again this evening to answer residents' questions. At this point, Mayor Fitzgerald returned to tonight's agenda.

1. **APPROVAL OF MINUTES:** Mayor Fitzgerald stated the draft minutes of January 5, 2013 and January 9, 2013 are being considered for approval. Hearing no comments, Mr. Engel made a motion to approve, seconded by Mr. Macnow and unanimously carried; Mr. Schatzle abstained for the minutes of January 9, 2013*.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
Mayor Fitzgerald			X			
Deputy Mayor Macnow		S	X			
Schatzle			X		*X	
Orgo			X			
Engel				M	X	
M - Moved	S	-	Seconded	X	-	indicates vote
	NV	-	Not Voting			Ab - Absent

2. **MAYOR'S PROCLAMATION:** Mayor Fitzgerald read the Proclamation in full supporting the 2013 National Wear Red Day for Women within the Township of Colts Neck Friday, February 1, 2013. This is the 10th anniversary of National Wear Red Day for Women and all citizens were urged to show their support for women and the fight against heart disease by commemorating this day by wearing the color red. By increasing

awareness, speaking about heart disease, and empowering women to reduce their risk for cardiovascular disease, thousands of lives can be saved each year.

3. **ORDINANCE 2013-1:** ORDINANCE MAKING THE PROVISION OF SUBTITLE 1 OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE ORCHARDS SHOPPING CENTER (BLOCK 46, LOTS 13 AND 14) was read by title at second reading by Mayor Fitzgerald. Hearing no comments, Mayor Fitzgerald opened the meeting to public comment.

Ms. Rose Ann Scotti, a resident and former Mayor, questioned the purpose of the revised statutes. Mayor Fitzgerald stated the passage of this ordinance will enable the Police Department to enforce traffic regulations (parking, speed limits, etc.) within the Orchards Shopping Center.

Hearing no further comment, Mayor Fitzgerald closed the meeting. Mr. Engel made a motion to approve, seconded by Mr. Orgo and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
Mayor Fitzgerald			X			
Deputy Mayor Macnow			X			
Schatzle			X			
Orgo		S	X			
Engel			M	X		
M - Moved	S	-	Seconded	X	-	indicates vote
NV	-	Not Voting	Ab	-	Absent	

4. **ORDINANCE 2013-5:** AN ORDINANCE AMENDING AND REVISING CHAPTER 120 OF THE CODE OF THE TOWNSHIP OF COLTS NECK, FIREARMS, was read by title at first reading by Mayor Fitzgerald. Mayor Fitzgerald stated the school safety distances have been changed, and he is requesting the School Board provide input. Mr. Bowden stated this ordinance does not change the restriction for no hunting on Township property and Green Acres. Mr. Schatzle stated the current no discharge ordinance has done well and he will be voting "no" on passage of this ordinance. Mr. Macnow stated the current ordinance is not serving the Township well as there are numerous deer-related motor vehicle accidents, which has created public safety concerns. Since deer have no natural predators, the deer population has to be controlled, and Township code must be consistent with State law. Mr. Engel stated he agrees with Mr. Macnow, noting since the existing ordinance is unconstitutional, it is unenforceable. Mr. Orgo stated the new ordinance gives more teeth to the Colts Neck Police Department and Fish and Wildlife for enforcement. Mayor Fitzgerald stated the Wildlife Committee is being created this year to address deer, geese, and all wildlife within the Township. Mayor Fitzgerald stated this ordinance relates to the discharge of firearms, not just deer hunting, and urged the public to attend and the meeting of February 27. Mr. Macnow made a motion to approve, seconded by Mr. Engel and carried by Mayor Fitzgerald, Messrs. Macnow, Orgo and Engel; Mr. Schatzle opposed. Mayor Fitzgerald set the public hearing February 27, 2013.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
Mayor Fitzgerald			X			
Deputy Mayor Macnow			M	X		
Schatzle				X		
Orgo			X			
Engel			S	X		
M - Moved	S	-	Seconded	X	-	indicates vote
NV	-	Not Voting	Ab	-	Absent	

5. ORDINANCE 2013-6: AN ORDINANCE REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE TOWNSHIP OF COLTS NECK, MONMOUTH COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF was read by title at first reading by Mayor Fitzgerald. Mr. Bowden stated this ordinance allows Verizon access to Township streets to maintain its lines. Mr. Engel asked Mr. Bocchieri if there is any way the Township can work with Verizon to ensure the integrity of utility poles within the Township before this ordinance is adopted. Mr. Orgo stated he does not think the existing utility poles can handle the weight of today's wiring, noting there are more wires on the poles than when the poles were originally installed (FIOS, etc.). Mr. Bocchieri stated leaning poles are not always an issue; however, those leaning too far would need to be addressed. Mr. Bocchieri stated Verizon and JCP&L worked together to replace poles broken during Hurricane Sandy. Mr. Engel stated as part of the Township's Strategic Planning Committee, he would like to partner with Verizon and JCP&L, and he wants a good understanding of the infrastructure within the Township. Mr. Bocchieri stated he would supply the Township with the number of Verizon utility poles within the Township. Mr. Engel noted some of the poles are marked "Scobeyville" and "Atlantic Township", both of which have not been in existence for a great number of years. Mayor Fitzgerald noted if poles are marked "BT", they are vintage 1984. Mr. Schatzle noted Atlantic Township has not been in existence for 48 years. Mr. Schatzle stated the Township prepared a list of damaged poles (cracked, leaning, tied together, etc.) in 2011. Mr. Schatzle stated he wants to solve the safety and aesthetic issues of the Township's utility poles, and would like this list updated by Verizon. Mr. Bocchieri was requested to provide the Township with the number of Verizon utility poles within the Township and the last three poles replaced, and to forward this information to Mr. Bowden prior to placing this ordinance on an agenda.

6. RESOLUTION 2013-27: RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE THAT MAY EXCEED \$17,500 was read by title by Mayor Fitzgerald. Mr. Schatzle made a motion to approve, seconded by Mr. Macnow and unanimously carried.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald			X			
Deputy Mayor Macnow		S	X			
Schatzle		M	X			
Orgo			X			
Engel			X			
M - Moved	S	- Seconded	X	- indicates vote	NV	- Not Voting
					Ab	- Absent

7. RESOLUTION 2013-28: RESOLUTION AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5 WITH AN ESTIMATED VALUE LESS THAN \$17,500 was read by title by Mayor Fitzgerald. Mr. Orgo made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman			X			
Mayor Fitzgerald			X			
Deputy Mayor Macnow			X			
Schatzle		S	X			
Orgo		M	X			
Engel			X			
M - Moved	S	- Secended	X	- indicates vote	NV	- Not Voting
					Ab	- Absent

Mr. Bowden stated all professionals are appointed by the Governing Body at the Reorganization meeting, and all appointed professionals are operating at fees set in 2010 with no rate increase for the past three years.

8. **RESOLUTION 2013-29: RESOLUTION AUTHORIZING FORMAL TRANSFER OF FUNDS – 2012** was read by title by Mayor Fitzgerald. This resolution transfers \$10,340 from Elections, Other Expenses (\$1,400); Engineering, Other Expenses (\$2,340); Board of Health, Other Expenses (\$2,000); Animal Control Services, Other Expenses (\$2,000); Recreation Services and Programs, Salaries and Wages (\$600); and Snow Removal, Salaries and Wages (\$2,000); to the following to cover \$10,340 of additional expenses: General Administration, Other Expenses (\$600); Legal Services, Other Expenses (\$8,600); Police Department, Other Expenses (\$140); and Telephone (\$1,000). Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman			X			
Mayor Fitzgerald			X			
Deputy Mayor Macnow		M	X			
Schatzle			X			
Orgo			X			
Engel		S	X			
M - Moved	S	- Secended	X	- indicates vote	NV	- Not Voting
					Ab	- Absent

9. **RESOLUTION 2013-30: RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED, "MONMOUTH COUNTY FUTURE WASTEWATER SERVICE AREA MAP"** was read by title by Mayor Fitzgerald. By this resolution, the Township consents to the amendment publicly noticed on January 7, 2013, as the Monmouth County Future Wastewater Service Area Map, prepared by Monmouth County, for the purpose of its incorporation into the applicable WQM plan(s). Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman			X			
Mayor Fitzgerald			X			
Deputy Mayor Macnow		M	X			
Schatzle		S	X			
Orgo			X			
Engel			X			
M - Moved	S	- Secended	X	- indicates vote	NV	- Not Voting
					Ab	- Absent

10. **RESOLUTION 2013-31: RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS** was read by title by Mayor Fitzgerald. Mr. Macnow made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman						
Mayor Fitzgerald			X			
Deputy Mayor Macnow	M		X			
Schatzle		S	X			
Orgo			X			
Engel			X			
M - Moved	S	Seconded	X	indicates vote	NV - Not Voting	Ab - Absent

11. **DISCUSSION:** ESTABLISH BUDGET REVIEW DATES. Discussion ensued and the following budget review meeting dates were established: Saturday, February 23, 8:30 a.m.; Saturday, March 2, 8:30 a.m.; Saturday, March 9, 8:30 a.m., and Monday, March 11, 7:00 p.m. Mr. Bowden stated the 2013 budget should be ready for introduction at a March meeting and adopted at an April meeting. All budget review meetings will be held in the Town Hall meeting room.

12. **DISCUSSION:** DRAFT ORDINANCE ESTABLISHING A STRATEGIC PLANNING ADVISORY COMMITTEE. Mayor Fitzgerald stated this would be an ad hoc committee, not a standing committee; therefore, an ordinance codifying this committee would not be required. Mayor Fitzgerald stated the co-chairs will be Committeemen Engel and Schatzle. This committee would be involved with GIS mapping, technology, and a long-term macro view of all other areas of the Township including budgeting three plus years out, disaster planning, power planning, etc. Mayor Fitzgerald anticipates this committee would meet between four and six times this year and would issue a report of findings by the end of 2013.

13. **DISCUSSION:** DRAFT ORDINANCE ESTABLISHING A WILDLIFE ADVISORY COMMITTEE. Mayor Fitzgerald stated this would be an ad hoc committee, not a standing committee; therefore, an ordinance codifying this committee would not be required. Mayor Fitzgerald stated the continuance of this committee in future years would be determined at the end of the year. Mayor Fitzgerald requested any interested residents complete the Citizen Interest Application (found on the Township's website; see Department, Clerk/Registrar) and forward to Mr. Bowden.

14. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to add to his report this evening. Mr. Bowden stated the Local School Board requested, by resolution, the speed limit of Conover Road in the vicinity of the Conover Road Primary and Elementary Schools be reduced from 40 mph to 35 mph, and 25 mph when students are present. If the Township Committee is in agreement, the County will proceed with a traffic survey. All Township Committeemembers unanimously agreed with the aforesaid speed limit reductions. Mr. Bowden will advise the County Engineer's office.

15. **MOTION TO APPROVE VOUCHERS:** Mayor Fitzgerald reviewed the vouchers and recommended approval, as follows:

Animal Control	\$869.49
Capital Fund	\$6,839.10
COAH	\$1,116.50
Construction Trust	\$16,241.15
Current Fund	\$3,561,258.56
Escrow	\$9,962.22
Grant Fund	\$7,320.00
Tax Collector's Trust	\$44,423.18
Trust Fund	\$10,478.31
TOTAL:	\$3,658,508.51

Mayor Fitzgerald noted the bills list includes transfers to the School Boards, and monies spent on brush removal and disposal. Mr. Bowden commended Chief

Sauter for completing the paperwork required for FEMA reimbursement anticipated at 75% of costs expended. Mr. Engel made a motion to approve, seconded by Mr. Orgo, and unanimously carried. Mr. Macnow abstained from approving any Mazzara Trucking and Excavation bills.*

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Committeeman			X			
Mayor Fitzgerald			X			
Deputy Mayor Macnow			X		*X	
Schatzle			X			
Orgo		S	X			
Engel		M	X			
M - Moved	S	Seconded	X - indicates vote	NV - Not Voting	Ab - Absent	

16. TOWNSHIP COMMITTEE REPORTS

Mr. Schatzle reported the Historic Preservation Committee is sponsoring a program for Cedar Drive students with Ulysses S. Grant in February.

Mr. Schatzle reported the Local Emergency Planning Committee is meeting on February 7 to review additional details to be included in the Township's plan.

Mr. Schatzle reported the First Aid Squad will be requesting additional funds this year resulting from the wear and tear experienced at the comfort station during Superstorm Sandy. Mr. Schatzle noted these types of expenses do not qualify for FEMA reimbursement.

Mr. Schatzle reported the Colts Neck Fair Committee will be meeting February 4, 2013, in the Library at 7:30 p.m. This year's Fair theme is "Neighbors Helping Neighbors". Volunteers are needed.

Mr. Orgo reported the Architectural Review Committee reviewed and approved all plans before it.

Mr. Orgo reported the next meeting of the Operation Provide Comfort group, which is pairing with groups in Union Beach to assist Union Beach with its restoration, is scheduled for 6:30 p.m. tomorrow evening in the Meeting Room at Town Hall. This group is seeking additional volunteers and Mr. Orgo noted members of a Colts Neck organization or trade may be able to share their talents with Union Beach. Mr. Orgo reported this group has raised \$30,000, and the estimate for sheetrock alone is \$7 million. Mr. Schatzle commented this year's Fair will be helping with the Union Beach restoration initiative.

Mr. Engel reported he toured Colts Neck with a representative of JCP&L and identified damaged utility poles in need of repair. Mr. Engel stated he will work with Verizon and continue efforts to upgrade the Township's infrastructure.

Mr. Macnow reported the Executive Fire Council met, and the Fire Department is participating in mobilization drills with NWS Earle and Marlboro Fire Departments. Mr. Macnow stated the Fire Department's 2013 Budget request includes turn out gear, portable radios, and an air fill system. Mr. Macnow reported the Fire Department responded to 459 calls last year, and was busy during the two-week period related to Superstorm Sandy. Mr. Macnow reported the Fire Department responded to 16 calls in 2013.

Mr. Macnow reported the Friends of the Library are seeking bids for a back-up generator for the lower floor meeting room space. The Library would then be another location available to those without power during outages.

Mr. Macnow reported the Colts Neck Library children's programs include a celebration of Chinese New Year and a dental health program. Mr. Macnow urged all to check the Library's website for program offerings.

Mr. Macnow reported during a recent meeting of the Alliance, it was noted there is an increase in heroin usage by non-residents in public parks within the County. In addition, there is an increase in drug-related burglaries County-wide. Mr. Macnow urged all residents to be aware of their surroundings and to call the Police to report suspicious behavior.

Mayor Fitzgerald reported the Township's brush removal was accomplished at a significantly lesser cost than some surrounding municipalities. Mayor Fitzgerald spoke about a recent article in the Star Ledger where Bernards Township was reported to pay \$2.5 million for one-half the quantity of brush removed in Colts Neck. Mayor Fitzgerald thanked Mr. Bowden and the Township Committee for keeping brush removal costs to a minimum during this emergency period.

17. PUBLIC COMMENT

With no further comments, Mayor Fitzgerald opened the meeting to public comment.

Ms. Nancy Locasio, President of the Local School Board, thanked Mayor Fitzgerald for participating in the walk through at the schools with the Schools Superintendent, which focused on school security. Ms. Locasio thanked the Township Committee for their support to reduce the speed limit at the Conover Road Schools.

Ms. Locasio, speaking as a resident, noted Marlboro was reported as receiving \$1.6 million from FEMA for Hurricane Sandy relief, and she questioned if Colts Neck would be receiving reimbursements soon. Mr. Bowden responded bills are still coming in for inclusion in the FEMA reimbursement request. Mr. Bowden stated every municipality affected is expected to receive a reimbursement of 75% from FEMA. Ms. Locasio thanked Ms. Kuenstner for attending this evening's meeting. Ms. Locasio stated she would like to see the no discharge map as it is today and as it would be upon passage of the revised ordinance at the public hearing. Ms. Locasio questioned if the Governing Body is voting to adopt the same evening as the public hearing, and questioned how comments made at the public hearing would be incorporated as amendments. Mr. Macnow responded there have been prior instances when adoption is delayed, and he noted the Governing Body does not have to adopt the evening of the public hearing. Mayor Fitzgerald stated the ordinance can be amended.

Mr. Peter Berman, a resident, spoke of the restriction for discharge of firearms and referenced the no discharge map where hunting was permitted. Mr. Berman noted the fine for violating the no discharge ordinance is \$100; however, a deer carcass is worth more. Mr. Orgo stated licensed hunters obtain written permission from property owners before hunting on private property.

Mr. Kevin Clark, a resident, spoke of the recent Patch article. Mayor Fitzgerald stated the issue of a change in the no discharge ordinance was not a one to two month issue. Mayor Fitzgerald stated the Deer Management Sub-Committee was started one year ago in response to the question asked by then Mayor Jarrett Engel, i.e., Do we have a deer problem? The Sub-Committee explored the deer issue and found the Township's ordinance was not in compliance with State law. On November 29, 2012, a special Township Committee meeting was held to address deer management, at which State Fish and Wildlife representatives made a presentation. Mayor

Fitzgerald stated under the revised no discharge ordinance, hunting would not be permitted on Township property, Green Acres, and properties zoned two acres or less.

Ms. Cindy Kuenstner stated she has been working with the Township Subcommittee since last summer, and Fish and Wildlife gave a detailed presentation to the public at the end of last year. Ms. Kuenstner stated under Federal law, it is illegal to shoot eagles or raptors. Ms. Kuenstner stated hunters are key wildlife stewards. Ms. Kuenstner stated the regulation of hunting by municipalities cannot conflict with State law, and municipalities cannot increase distances of State-regulated safety zones, which are currently 150 feet for bow hunting and 450 feet for musket hunting. Ms. Kuenstner gave the analogy that the State issues drivers licenses and sets driving regulations; individual municipalities must follow State driving laws. Ms. Kuenstner stated past ordinances on the books are open to legal challenge and sporting organizations have the legal backing to challenge. Ms. Kuenstner stated if a municipality tried to increase safety zones, it may be illegal and subject to legal challenge. Municipalities may regulate municipal-owned properties legally.

Ms. Kathleen Schatzmann, NJ Director of the Humane Society of the U.S., and a resident, stated she opposes the ordinance change. Ms. Schatzmann stated there should be a compromise. Ms. Schatzmann stated she will not be attending the February 27th public hearing; however, she would like to see more humane solutions explored and would like to be a member of the Wildlife Committee.

Mr. Thomas Papalia, a resident, stated with regard to the utility poles in the Township, he is concerned with the amount of equipment on the poles. Mr. Papalia stated he only approves of bow hunting within the Township noting guns lead to accidents. Mr. Papalia stated Holmdel allows its residents to co-mingle recyclables. Discussion pertaining to co-mingling of recyclables at curbside collection ensued.

Ms. Elaine Mann, a resident, stated hunters must obtain written permission annually to hunt on private land from the property owner. Ms. Mann stated she has four hunters on her property. When a deer is killed, the hunters report the kill to the State by phone, which places limits on game hunted. Ms. Mann stated in 25 years, there has never been a hunting accident on her property. Ms. Mann stated it is at the discretion of the property owner to grant permission to hunt.

Mr. Vince Scotti, a resident, questioned if Home Rule applies. Mr. Scotti stated he had numerous conversations with a dispatcher at Fish and Wildlife and at the New Jersey League of Municipalities, and no one he spoke with could say the Township wasn't in the right to make its local law more restrictive. Mr. Fitzgerald asked if Mr. Scotti received any information in writing. Mr. Scotti responded no. Mr. Scotti stated over the years, there are a diminishing number of reported deer motor vehicle collisions. Mr. Schatzle stated people are getting used to deer motor vehicle collisions and may not be reporting the incidents. Mr. Scotti stated motorists should drive a little slower to avoid deer collisions. Mr. Scotti questioned what external force is putting pressure on the Township to change its current ordinance.

Mr. Pat Caputi, a resident, stated changing the current ordinance would invite transients to hunt here. Mr. Caputi stated if someone wants to sue the Township for its current no discharge ordinance, they can do so.

Ms. Susan Wilcox, a resident, questioned if hunting was year-round. Ms. Kuenstner responded there are hunting seasons, which can be found on the Fish and Wildlife website, and in the Fish and Wildlife magazine. Hunting seasons are set by State law and hunters must abide by these restrictions. Ms. Kuenstner stated private landowners can restrict hunting times.

Ms. Marybeth Tomaro, a resident, stated there have been break ins in her neighborhood. Ms. Tomaro questioned the use of emergency alerts. Messrs. Engel and Schatzle spoke of the types of alerts utilized. Mayor Fitzgerald discussed a video registry.

Mr. Richard Malinowski, a resident, spoke of an incident where someone was hunting a buck on a recent Sunday at 7:20 a.m. in Green Acres behind his property while his wife and child were in the yard. Mr. Malinowski stated the Police were called. Mr. Malinowski stated the individual was using something other than a hunting shotgun. Mr. Malinowski stated all residents have to worry about the hackers running around shooting deer who are not licensed hunters.

Mr. Byron Loyer, a resident, stated he has been hunting for 50 years and has shot a lot of deer in Colts Neck during those years. Mr. Loyer stated safety is always a hunter's number one concern, and hunters must abide by very strict State laws.

Mr. Kyle Reese, a resident, stated hunting is the best thing to do to reduce the deer population. Mr. Reese stated hunters are never shooting toward a house, and they don't shoot around corners.

Ms. Perri McNally, a resident, stated hunters are not all responsible. Ms. McNally questioned what happens when a hunter doesn't hit his target; how far does the bullet travel and where does it land? She noted she has heard shots fired, and indicated her neighbor had a bullet in their front door. Ms. McNally is concerned about possible accidents.

Mr. Fulton Wilcox, a resident, questioned the objective of the new ordinance. Mr. Wilcox stated deer hunting has not suppressed the deer population. Mr. Wilcox stated cars are keeping the deer population down; however, there are safety problems related to auto accidents. Mr. Wilcox does not think the changed ordinance will change things.

Ms. Andria Schanzer, a resident, stated she believes the Wildlife Advisory Committee is self-serving and person(s) should recuse oneself from this committee. Ms. Schanzer stated the committee membership should be more balanced. Ms. Schanzer stated Home Rule can counter State mandates. Ms. Schanzer questioned if deer baiting is illegal. Ms. Schanzer would like to explore methods for decreasing deer fertility. Ms. Kuenstner responded contraceptives are not approved by FDA for use on free range deer. Ms. Kuenstner stated deer are having earlier multiple births due to an increased nutritional diet.

Ms. Kathy Gizzo, a resident, stated she wants more comprehensive exploration of other options, and the pros and cons of each before deciding on this option. Ms. Gizzo asked at what point will the proposed ordinance be available. Mr. Bowden advised it will be placed on the Township's website tomorrow. Mayor Fitzgerald stated the State of New Jersey does have information about wildlife management on its website; this issue is not just deer control, but includes turkeys, etc.

Ms. Rose Ann Scotti stated the ordinance would revise the existing no discharge map. The existing ordinance requires annual review of the map to update Township acquired property. Based on what is being proposed, she would be able to shoot a gun on her property. Counsel Ackerman stated the ordinance remains a no discharge ordinance, except as regulated by the State for hunting discharges. Non-hunting discharges remain illegal, and many privately owned areas within the Township will remain no-discharge zones due to property size.

Ms. Muriel Rogers, a resident, questioned why hunting is not restricted to the killing of males. Since bucks can service multiple does, killing bucks would reduce the deer population. Ms. Rogers stated residential areas are not suitable for hunting since residential properties are not large enough and greenways are not permitted for hunting.

Ms. Kathleen Schatzmann stated ammo contraceptives have been approved for use at a cost of \$10 a vial. Ms. Schatzmann wants to hear from a biologist to receive another perspective.

Mr. Vince Scotti questioned target shooting. Ms. Kuenstner responded target shooting is regulated.

Ms. Nancy Locasio requested clarification questioning if the Township is mandated to change the existing ordinance. Counsel Ackerman stated the current ordinance is inconsistent with State law. Counsel Ackerman stated changing the current ordinance was not a goal of the Deer Management Sub-Committee; however, not doing so is exposing the Township to litigation. Ms. Locasio suggested taking a breath since laws on gun control will change due to recent incidents in other States. Ms. Locasio stated she could be shot while running.

Ms. Marybeth Tomaro commented the Township never shied away from lawsuits and questioned why the fear now? Mr. Schatzle responded at the advice of Legal Counsel, this ordinance was brought forward.

Mr. Thomas Papalardi stated the deer need to be thinned out.

Mr. Byron Loyer stated it is a shame the people present this evening weren't at the November meeting. Mr. Loyer stated the current ordinance is illegal and he questioned why this is being discussed.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

18.

RESOLUTION 2013-32: EXECUTIVE SESSION was read by title by Mayor Fitzgerald. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote. Mr. Bowden stated the Township Committee was not expected to return to open session this evening.

RECORD OF VOTE								
	M	S	Yes	No	NV	Ab		
Committeeman			X					
Mayor Fitzgerald			X					
Deputy Mayor Macnow			X					
Schatzle		M	X					
Orgo			X					
Engel			X					
M - Moved	S	- Seconded	X	- indicates vote	NV	- Not Voting	Ab	- Absent

The public meeting adjourned at 10:25 p.m.

Motion by Mr. Macnow, seconded by Mr. Orgo and unanimously carried to adjourn Closed Session.

RECORD OF VOTE								
	M	S	Yes	No	NV	Ab		
Committeeman			X					
Mayor Fitzgerald			X					
Deputy Mayor Macnow		M	X					
Schatzle			X					
Orgo			X					
Engel			X					
M - Moved	S	- Seconded	X	- indicates vote	NV	- Not Voting	Ab	- Absent

Motion by Mr. Macnow, seconded by Mr. Schatzle and unanimously carried to reconvene in public session and adjourn meeting.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
Mayor Fitzgerald			X			
Deputy Mayor Macnow	M		X			
Schatzle		S	X			
Orgo			X			
Engel			X			
M - Moved	S - Seconded	X - indicates vote	NV - Not Voting	Ab - Absent		

Meeting adjourned at 10:40 p.m.



Robert Bowden, Administrator/Municipal Clerk