

**TOWNSHIP OF COLTS NECK  
TOWNSHIP COMMITTEE MEETING  
FEBRUARY 27, 2013  
7:30 P.M. AT COURT HOUSE**

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 February 27, 2013 at 7:30 p.m., Colts Neck Court House, 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 (arriving late)

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

Absent: None

Mr. Bowden stated Committeeman Engel would be arriving late as he is returning from a business trip.

**1. APPROVAL OF MEETING MINUTES: JANUARY 30, 2013 and FEBRUARY 13, 2013. Mr. Schatzle made a motion to approve, seconded by Mr. Orgo and unanimously carried.**

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

**2. 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 second reading by Mayor Fitzgerald. Mr. Orgo discussed how the change to the existing ordinance impacts properties of 5+ acres. Mr. Orgo stated no ordinance will stop illegal hunting; however, this will provide the Police with the ability to enforce within the Township. Mr. Schatzle stated the Township does have a deer population issue, and he encourages continued discussion to address this issue. Mr. Macnow stated there is a deer population problem, which has led to an increase in deer vehicle accidents and an increase in Lyme disease, which are affecting the quality of life within the Township. Mr. Macnow stated he is concerned about making a blanket change to the existing ordinance and expressed concern regarding hunting in the close proximity to schools. Mr. Macnow suggested having the Wildlife Committee comprised of community members with divergent viewpoints review the actions of the Deer Subcommittee and begin an independent review of the issues. Mr. Macnow stated the end result may not please everyone, but he is hopeful the recommendations will be based on many thoughts. Mayor Fitzgerald commented the special Township Committee of November 29 included the**

State's presentation on deer management through hunting. On January 30<sup>th</sup>, the ordinance was introduced, and resulted in a three-hour meeting. On February 13<sup>th</sup>, although this ordinance was not on the agenda, public comment resulted in meeting of two plus hours. Mayor Fitzgerald stated this is the third meeting addressing the ordinance amendment, and Mayor Fitzgerald stated the Township Committee stoically listens to the opinions expressed. Mayor Fitzgerald stated his personal opinion was the ordinance should be more distinct, and he wants to have the safety zones delineated. Mayor Fitzgerald stated there needs to be further exploration on the bow hunting downward trajectory, and he concurs with Mr. Macnow that safety zones around schools need to be further addressed. Mayor Fitzgerald stated the membership of the Wildlife Committee would include former Deer Subcommittee members, Tom Orgo, Pam Russo and Bryan Grant, and new members Kathleen Schatzman, Bryan Loyer, Kevin Clarke, and Gregg Wolf. Mayor Fitzgerald stated he has read e-mails and listened to the concerns of the community and Township Committeemembers, and does not think this version of the ordinance is adequate. Mayor Fitzgerald questioned Counsel on what is needed to withdraw consideration of the ordinance. Counsel Ackerman stated a motion is needed to withdraw. If the Township Committee withdraws the ordinance, it would have to start the process with a new ordinance for introduction, then schedule a second reading and public hearing. Mayor Fitzgerald is in favor of withdrawing the ordinance and referring this issue to the Wildlife Committee for review and recommendations.

At 7:49 p.m., Mr. Engel arrived. Mayor Fitzgerald brought him up to speed. Mr. Engel then presented comments, which are appended. Mayor Fitzgerald stated is in favor of a motion to withdraw the ordinance. Mr. Macnow made a motion to withdraw Ordinance 2013-5, seconded by Mr. Schatzle and carried by Messrs. Fitzgerald, Macnow, Schatzle and Engle; Mr. Orgo opposed. Mayor Fitzgerald stated since the ordinance was withdrawn, there would be no public comment and the existing ordinance remains in effect.

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	

3. MOTION TO ADOPT A CONSENT AGENDA:

4. \*RESOLUTION 2013-37: RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE, ZONING BOARD APPLICATION NO. 509 (COWDREY WOODS);

5. \*RESOLUTION 2013-38: RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT FOR 2013; AND

6. \*RESOLUTION 2013-39: RESOLUTION AUTHORIZING RECREATION REFUND.

Mr. Macnow made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

At 8:05 p.m., Mayor Fitzgerald called a recess.

At 8:12 p.m., Mayor Fitzgerald reconvened the meeting.

7. **DISCUSSION:** WILDLIFE MANAGEMENT COMMITTEE. Mayor Fitzgerald noted this is an ad-hoc committee he established to expire December 31, 2013, unless the next Mayor wanted to continue. Mayor Fitzgerald read the names of the members, Tom Orgo, Pam Russo, Bryan Grant, Kathleen Schatzmann, Brian Loyer, Greg Wolf and Kevin Clark. Mayor Fitzgerald stated these are Mayoral appointments, and the Committee is comprised of members from a variety of backgrounds and perspectives. Mayor Fitzgerald stated the first meeting would be scheduled March 14, 7:30 p.m., at Town Hall.

8. **DISCUSSION:** STRATEGIC PLANNING COMMITTEE. Mayor Fitzgerald stated Committeemen Engel and Schatzle will co-chair this committee and he does plan to attend the first meeting. Discussion ensued on the first meeting date to avoid conflict with the school spring break. The members comprising this committee include James Schatzle, Jarrett Engel, Ken Camarco, J.P. Bartemeleo, Nancy Locasio, Carl Accetola, Glen Dalakian, Brendan Dowd, and Marguerite Maggs-Fitzgerald.

9. **ADMINISTRATIVE REPORT:** Mr. Bowden had nothing to add to his report this evening.

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

Animal Control	\$82.81
Capital Fund	\$128,099.93
COAH	\$217.50
Construction Trust	\$12,674.48
Current Fund	\$2,718,857.25
Escrow	\$10,652.52
Grant Fund	\$1,743.26
Trust Fund	<u>\$9,657.38</u>
TOTAL:	\$2,881,985.13

Mayor Fitzgerald stated he takes pride in Colts Neck for the management of costs for storm-related debris removal. Mr. Maenow made a motion to approve, seconded by Mr. Orgo and unanimously carried. Mr. Schatzle abstained from approving Martin Equipment Finance bills\*; Mr. Orgo abstained from approving Tri-County Turf bills.\*\*

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

## 11. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo reported he attended the Architectural Review Committee meeting last evening, noting they need to receive their paperwork on time.

Mr. Schatzle had no report this evening.

Mr. Macnow reported the Cedar Drive School will be hosting a Colts Fest for students in sixth to eighth grades. There will be various instructional courses in topics such as CPR and self defense. This event is focused on improving student self-esteem and is sponsored by the Alliance, Police Department, and School Board.

Mr. Engel had no report this evening.

Mayor Fitzgerald had no report this evening.

## 12. PUBLIC COMMENT

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

Ms. Nina McKittrick, a resident, stated she derives 100% of her income from agriculture and is concerned with Senator Beck's bill pertaining to Farmland qualifications and the impact this bill would have on small farms within New Jersey. Ms. McKittrick stated if this bill is signed, 50 percent of lands with farmland assessments would no longer be qualified. Mr. Orgo commented this bill raises the annual farmland income threshold from \$500 to \$1,000 to qualify as a farm. Mr. Orgo noted the Tax Assessors are receiving extensive training on what constitutes farming. Mayor Fitzgerald commented the \$500 threshold is low in today's world, and this legislation is an attempt to disqualify designated farm properties that are not truly farming. Ms. McKittrick stated this will change the character of the Town.

Mr. Louis Morella, a resident, spoke of the sink holes on his street, stating he would like to pave his driveway, but must have the sinkholes addressed before he can proceed. Mr. Bowden apologized and stated he will speak with Mr. Thompson and Mr. Gerken on this issue and contact Mr. Morella.

Mr. Vince Domidion, a resident and Chair of the Monmouth County Planning Board, stated the deer are a complex problem. He noted there is a separate issue under the Right To Farm ordinance to protect agriculture, and farmers do have the right to be licensed to hunt. Mr. Domidion sees this as an agricultural protection policy and suggested identifying areas with low enough density and to protect agriculture. Mr. Domidion spoke of fencing, noting the site at Flock Road and Route 34 where high fencing is present to stop deer damage and noted an ordinance would be required with specified setbacks.

Ms. Judy Laufer, a resident, stated she would like groundhogs added to the Wildlife Committee's scope of review.

Mr. Chuck Camarata, a resident, requested an update on the Township's COAH obligation. Mr. Macnow responded the COAH sub-committee met and entered into an agreement with Habitat for Humanity. They are now looking at several properties for one or two units. Mr. Camarata questioned a determination of COAH in the Courts. Mr. Macnow stated the Courts overruled Governor Christie's abolishing of COAH. Currently, there is no guidance available to municipalities, as there is no one in COAH in Trenton.

Ms. Susan Wilcox, a resident, questioned the use of fencing as a deer deterrent. Mr. Orgo responded deer can jump fences to find food; however, deer fences can keep the deer out. Mr. Engel suggested Ms. Wilcox attend the Wildlife Committee meetings as a member of the public. Mr. Engel stated the meeting dates would be posted on the website.

Hearing no further comments, Mayor Fitzgerald closed the meeting.

13. **MOTION TO ADJOURN:** Mr. Macnow made a motion to adjourn, seconded by Mr. Engel and unanimously carried by voice vote.

RECORD OF VOTE						
Committeeman	M	S	Yes	No	NV	Ab
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

The meeting adjourned at 8:38 p.m.



Robert Bowden, Administrator/Municipal Clerk

Attachment

Thank you all for coming tonight. It is a great pleasure to see all of you. During the past four plus years as your elected committeeman, I have sat at this table and heard from residents about the ever-growing deer population problem facing our town and asked what are we, as elected officials, going to do about it. Some came to us after being involved in a motor vehicle accident, damage sustained to their property, deer removal in the roadway and all came to us looking for an answer. Growing up in this town, rarely seeing deer as a child, and being a member of our first aid squad since I was 15 years of age having responded to numerous accidents involving our encounters with deer, it was quite obvious to me that the deer population has risen to be dangerous and costly consequence for our citizens, our deer and our ecological system. It is for this reason that I pledged when being sworn in as your Mayor last year that I would force this very emotionally charged issue to the table and soon thereafter created a subcommittee to figure out how to scientifically solve this problem. I asked this subcommittee to not assume that my experiences as a resident were correct and to first ascertain whether or not Colts Neck does in fact have a deer population problem causing these issues and if so, how to solve that problem.

This subcommittee, made up of our Chief of Police, Health Officer, Recreation Director, residents and guests from the state Fish and Wildlife, and others, met since the beginning of last year. I have sat at many of the meetings, and can tell you that I was most impressed with the tough and detailed conversations they had. They discussed what scientists call the Biological Carrying Capacity or the number of deer that Colts Neck's land can support in good physical condition over a long period of time without deforestation resulting in a terrible ecological impact. They discussed the Cultural Carrying Capacity as it relates to the safety of our residents, such as increased motor vehicle accidents, property damage, Lyme disease, agricultural damage to our local farmers, etc; all extremely important and cause for extreme concern. And most important to mention, many of the anecdotes we heard from residents over the past several weeks related to hunting accidents, were discussed in relation to the existing discharge ordinance.

You see, the initial intent of the committee was to make Colts Neck safer, from both a deer population perspective and a hunting perspective. I want to make that very clear. Discussions were had on how to tighten up the existing ordinance, giving us more control over who was hunting by having them checked with our local police, updating the map with the creation of safety zones and existing properties currently in a discharge area. What the subcommittee and myself learned was very important and I don't believe considered in the conversations going on these last few weeks. We learned that the existing map under the existing ordinance was not truly a "No discharge." That there are properties in this map that should be in a designated safety zone and that we thought we could build a system or process in place to further regulate hunting, because as we learned from our Chief, the existing ordinance is too loose to enforce. Quite simply, we needed to do what many in this room have asked us to do, further tighten up the existing ordinance.

However, this path we were going down suddenly came to an abrupt halt after receiving legal review. We learned that not only could we not regulate hunting on our own with our local authorities and our own updated map, but that the state had jurisdiction here and as you are all aware, our existing ordinance was not compliant with state laws. We also learned that although we could not regulate on our own, the state had officers, deer monitoring programs and a process and budget in place to support

our deer population control efforts. Right, wrong or indifferent, we learned that we had the ability to partner with the state to help solve this problem. And with this, the conversation turned and became about discharging firearms and not about solving the problem for which started this discussion.

I am voting no on this ordinance. Simply because this ordinance does not offer, what I believe to be the most effective way to solve the deer over population problem. So what's next? I mentioned this last year when I started down this road and will say it again, it seems so much easier in life to "not rock the boat." To hope that things will change on their own. To avoid emotional discomfort by not doing what is right, but what is popular. Even though the alternative, may offer a better long term solution. I did not take on the position of Township Committeeman to make easy decisions. I think I can speak for all of us at this table when I say that we took on this job to do what is right for our town, to make tough decisions and most importantly, to initiate change when change is so vitally needed. I have come to learn as a lifelong resident of our town that the great majority of our residents who either grew up here or moved here, remain in Colts Neck to enjoy a certain way of living. I have learned as a township committeeman that the formula for keeping this way of living must be flexible and change in order to keep things the same.

It may be a blinding glimpse of the obvious, but if we continue down the path of doing nothing, changing nothing, hoping for the best, the problem we are facing as a community will only get worse. My biggest fear came to fruition last week, when six children were hospitalized after their bus swerved to avoid hitting a deer in Hamilton NJ and I believe this incident and the many others that happen in our own town make this topic worthy of discussion. Albert Einstein said, "We can't solve problems by using the same kind of thinking we used when we created them." I therefore am asking that the deer population problem be reexamined and reviewed in the new Wildlife Committee. I ask that the partnership and resources from the state be considered in those conversations. And then, working with the state on an agreement for a new map and a hunter tracking system by CNPD that they could partner with us on. I also ask that all forms of deer population management be reviewed again. I also call on our residents to step up and help us together find a solution. I have seen first hand what our town can do when faced with a challenge and am confident that we can, together, united, find the best way forward. Thank you.