

**TOWNSHIP OF COLTS NECK
SPECIAL TOWNSHIP COMMITTEE MEETING
NOVEMBER 29, 2012
7:30 P.M. AT COURT HOUSE**

A special meeting of the Colts Neck Township Committee was called to order at 7:30 p.m. by Mayor Engel followed by a salute to the flag. The following statement was read by Township Clerk Mr. Bowden: "The notice requirements of the New Jersey Public Meetings Law has been satisfied by forwarding a News Release to the Asbury Park Press November 21, 2012 stating a special meeting of the Colts Neck Township Committee would be held November 29, 2012 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 Jarrett Engel, Deputy Mayor Michael Fitzgerald, Committeemen Russell Macnow, James Schatzle and Thomas Orgo

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

Absent: None

1. **OPENING REMARKS:** Mayor Engel's opening remarks are appended. After making his opening remarks, Mayor Engel turned the meeting over to Mr. Thomas Orgo, Chair of the Deer Management Sub-Committee.

2. **PRESENTATION:** DEER MANAGEMENT SUB-COMMITTEE REPORT AND RECOMMENDATIONS. Mr. Orgo presented the Deer Management Sub-Committee's Report and Recommendations, which are appended. Mr. Orgo thanked the members of the Deer Sub-Committee, and thanked the members of the Sub-Committee who are residents for their participation in this process.

Mayor Engel thanked Mr. Orgo for his presentation and introduced Ms. Cindy Kuenstner, New Jersey Fish and Wildlife.

3. **PRESENTATION:** NEW JERSEY FISH AND WILDLIFE. Ms. Cindy Kuenstner, Senior Wildlife Biologist, Office of Information and Education, New Jersey Fish and Wildlife, introduced those present this evening from Fish and Wildlife:
 - Ms. Jodi Powers, Senior Wildlife Biologist, Central Region Deer Project Biologist;
 - Lt. Tom O'Rourke, Conservation Officer; and
 - Officer Shannon Martiak, Conservation Officer.

Ms. Kuenstner stated Fish and Wildlife staff met several times with the Sub-Committee. Recently, Fish and Wildlife worked with the Borough of Shrewsbury, which is a smaller, more condensed community, to address their deer management issues successfully.

A power point presentation was made, which highlighted the following:

- The number of deer/vehicle collisions indicate only the reported collisions. Colts Neck includes higher speed roads of Routes 34, 18, 537 and 520, as well as local roads. It is estimated actual deer/vehicle collisions are two to three times the reported number.

- Deer are adversely impacting forest health and causing increased property damage (lollipop trees).
- Monmouth County is ranked No. 3 in the State for the incidence of Lyme disease, and within Monmouth County, Lyme is the most diagnosed disease.
- The existing ordinance has limited hunter access, and deer have no natural predator.
- Feeding deer increases reproductive potential. Deer dependent solely upon natural food sources breed at 1.5 years old and typically give birth to one fawn. Deer with a high level of nutrition produce large litters and breed earlier. Deer in good habitat and/or those artificially fed can breed at six months of age and have one fawn; 1.5 year old does typically have twins. Triplets are not uncommon in older does.

In order to qualify for a hunting license, all applicants must undergo a mandatory hunter education course, which includes home study, field study courses, and they must be proficient with a bow. During the past year, there were only nine hunting accidents; none of which occurred in New Jersey.

To address suburban deer population, several years ago State legislators changed the hunting distance for bow hunting from 450 feet to 150 feet of any structure (occupied or unoccupied) with the property owner's written permission. The 450 foot limitation is still in effect at school property locations, and within the Township, there is no open hunting on all Township property.

Ms. Kuenstner recommended residents allow hunter access, refrain from feeding the deer, and coordinate with their neighbors to allow hunter access.

In conclusion, Ms. Kuenstner summarized:

- Bow hunting by licensed hunters is a safe sport.
- Deer hunting by licensed hunters would follow the State hunting season.
- Hunting is an efficient and effective way to address deer management and it is free to the Township.

4. **COMMENTS FROM THE PUBLIC:** At the conclusion of the Fish and Wildlife presentation, Mayor Engel opened the meeting to public comment.

Mr. Vince Scotti, a resident, questioned if the Township is going forward, would he have to post his property if he doesn't want hunting to occur. Lt. O'Rourke advised that based on Title 23 of Fish and Game regulations, property owners must post signs that include the name of the property owner along the property line to provide hunters with visible property line boundaries. When questioning hunting without permission, Mr. Scotti was advised by Lt. O'Rourke property owners may also give hunters verbal notice that permission is not granted to hunt on one's property.

Ms. Joyce Costa, a resident, questioned the use of deer pellets to make deer infertile. Ms. Powers stated she was not sure of the effectiveness of that product. Ms. Powers spoke of a product authorized for captive herds, not for free ranging deer, which cannot be used in fawns, must be injected, and has a 70% efficiency rate.

Ms. Kathy Gizzo, a resident, questioned what is the impact of not feeding deer? Ms. Kuenstner responded this is not quantifiable and the results are not always obvious. Mr. Macnow stated the Township has codified a ban prohibiting feeding wildlife on public property; however, enforcing feeding on

private property would be difficult to enforce. Mr. Fitzgerald stated all alternatives are being considered.

Ms. Roseann Scotti, a resident and former Mayor, questioned what is the ordinance proposed; is hunting being permitted on one acre properties? Counsel Ackerman stated the existing ordinance is pre-empted by State law. Ms. Kuenstner commented State law permits bow hunting 150 feet from a building, and noted schools have a safety zone of 450 feet. Ms. Scotti stated this sounds dangerous especially with children playing in greenways. Ms. Scotti questioned why there was no acreage restrictions, and she noted Shrewsbury is having problems. Ms. Kuenstner stated six years ago Shrewsbury Borough tried to restrict hunting within its 2.2 square miles, and they now have a deer problem. Licensed hunting is considered to be the most efficient way to deal with deer within their 2.2 square miles, and they have had no hunting accidents.

Mr. Chet Parks, a resident, stated the 150 foot limitation is problematic in that the Township is low density housing, and the little slivers of property between smaller properties may provide hunting locations. Lt. O'Rourke indicated you do not have to post your property; verbal notification can suffice. Lt. O'Rourke stated there is a 150 foot minimum for bow and arrow hunting and a 450 foot minimum for firearms. In a development, a licensed hunter would need permission from all residents to legally be there.

Mr. Robert Carroll, a resident, thanked Fish and Wildlife for their presentation. Mr. Carroll stated Randolph and Watchung Townships have deer management issues now. Mr. Carroll stated hunters are concerned about not violating the laws, and stated Colts Neck residents are not familiar with hunting. Mr. Carroll noted animals are running freely, and hunters rely on game and can handle the deer population problem here.

Mr. Vince Domidion, a resident, stated he is not a hunter; he is a field botanist. Mr. Domidion stated the deer pose an enormous threat to trees and native wildflowers. Mr. Domidion noted hunting within the A-2 Zone within Clover Hill would require residential approval. Hunting within the A-3 (New Street) and A-4 (The Grande) cannot occur. The A-5, Ag, and A-1 Zones are large enough to permit hunting.

Ms. Michele Saleste, a resident, questioned the times of day hunting may occur. She was advised hunting may occur one half hour before sunrise through one half hour after sunset.

A Blackbriar Drive resident questioned the nine accidents that occurred. Ms. Kuenstner advised all accidents were hunter/hunter accidents and no accidents occurred involving non-hunters.

Mrs. McKittrick, a resident, stated the areas with higher deer population experience more frequent deer/vehicle collisions. Mrs. McKittrick spoke of an unlimited bag limit for State Zone 50, since the population within that zone has increased. Mrs. McKittrick questioned if State regulation supersedes Township code. Counsel Ackerman responded in the affirmative.

Mr. Frank Lecesse, Sr., questioned if any surrounding municipalities have succeeded in decreasing deer population and asked the number of bow hunters in Colts Neck. Ms. Kuenstner advised Shrewsbury has successfully decreased its deer population and Ocean Township is trying to open its land to hunting. Ms. Kuenstner advised not every municipality has legislation in place.

Ms. Shelly Lender, a resident, questioned if the greenways were on the "no discharge" map. Ms. Lender was advised there is no hunting on Township property. Ms. Lender questioned when future Deer Sub-Committee meetings will be held? Mayor Engel advised the Committee has not been established yet; however, meetings will be posted on the Township's website calendar.

Ms. Elaine Mann, a resident, advised she moved to Colts Neck in 1989, at which time there were a lot more farms and farmers managed the deer on their properties. Ms. Mann stated since then, deer population has increased, and she now has three authorized hunters on her property, two of which are police officers. Ms. Mann stated they utilize their phones to photograph and report the deer kills and they have recently gotten nine deer.

Mr. Nick Ponzio, a resident, stated he has been a hunter his entire life. Mr. Ponzio stated the New Jersey safety course for hunters is extensive. Mr. Ponzio stated bow management of deer maintains a balance of wildlife and residents. Mr. Ponzio supports bow management of deer rather than seeing deer on the side of the road killed by motor vehicle accidents.

Mr. Herb Smith, a resident, questioned the number of deer within Colts Neck? Ms. Powers responded there are no exact figures, but Colts Neck is overpopulated. Mayor Engel questioned if the State has resources to monitor the deer population situation. Ms. Kuenstner surveys of deer population would be costly, as aerial surveys are performed by a firm from Ohio. Ms. Kuenstner stated residents know there is a problem here; if there were no problem, residents would see fewer deer. Ms. Powers advised spotlight counts can be done, and the State will train the Township on how to do these counts, however this process is labor intensive.

Mr. Byron Langer, a resident, stated Clover Hill is now dangerous with 300+ deer. Mr. Langer stated the Township created its own problem and the deer are not afraid of humans. Mr. Langer noted Big Brook Preserve and stated he wants to address greenways and the Parks System properties within the Township.

Mr. Michael Taeschler, a resident, stated there is deer overpopulation in Colts Neck. The options within New Jersey are chemical castration, which is 30% ineffective; relocation, which is expensive; and having licensed hunters cull the deer population is the only viable option. The New Jersey Conservation Program is a top rated program within the United States and is a safe and effective method to address the deer population.

Mr. Tony Costa, a resident, stated the difference between 150 feet and 450 feet is vast. Deer wounded by arrows are not in humane situations. Ms. Kuenstner stated crossbow hunting is done short range and shooting downhill, and it is considered very safe and accurate. Lt. O'Rourke stated Conservation Officers are dispatched 24/7 to respond to calls notifying of hunter violations. Mr. Orgo stated all hunters have to have written permission signed by the property owner to hunt on private property. If the hunter is not carrying written permission, dispatch should be called and a Conservation Officer will be sent.

Ms. Melinda Martin, a resident, stated hunting on public property seems to be a safer site to be hunting than private property. Mr. Orgo responded right now it is illegal to hunt on public property; however, once the sub-committee is established, it is an option for consideration. Ms. Kuenstner stated the Township can make its code more restrictive, but not more restrictive than State law. Ms. Kuenstner stated the greenways are refuge areas and other municipalities are looking at these.

Mr. Jerry Natale, Long Branch, questioned if there is any data available on the number of non-licensed hunters hunting within New Jersey. Ms. Kuenstner stated there are so few and it has been a number of years since this occurred. Mr. Natale noted the unlimited number of deer that can be harvested from State Zone 50 and questioned what happens to the meat that is excess to the hunter's needs? Mr. Natale was advised deer meat has been donated to the Monmouth/Ocean Counties Food Bank and the Highlands Food Bank, whereas, when deer are road kill, the meat must be discarded and cannot be donated.

Ms. Michele Caputo, a resident, questioned why not include this as part of the election ballot for all to consider? Mr. Fitzgerald responded the Township's ordinance does not comply with State law. To have this placed on the ballot, it would have to be done State-wide.

Mr. David Zellers, questioned the average age of the deer and favors sterilization of the males.

Ms. Joyce Costa questioned if surrounding municipalities deer are going to relocate to the cleared lands within the Township? Ms. Powers responded NWS Earle, Holmdel Township, Marlboro Township, and Monmouth County Parks System all hunt. Ms. Powers stated after the initial hard hunting, the Township would be able to maintain the deer population.

Lt. O'Rourke stated during bad winters, deer die; however, given the mild winters, the weather is not helping to control the deer population.

Ms. Roseann Scotti questioned how safe is hunting on one-acre property with kids playing? Ms. Scotti questioned why can't the Township place acreage restrictions on hunting zones? Counsel Ackerman stated the Township cannot regulate this; the Township ordinance is invalid. This is a State law and the Township must be in compliance with State law. Ms. Kuenstner commented hunters are not interested in one-acre properties since a house occupies most of that one-acre property.

Mr. Carroll stated Princeton did away with deer hunting and recently had to hire sharpshooters at a cost of \$300,000 to manage the deer population.

Hearing no further comments, Mayor Engel closed the meeting.

5. **MOTION TO ADJOURN:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Macnow and unanimously carried by voice vote.

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

Meeting adjourned 9:30 p.m.



Robert Bowden, RMC
Administrator/Municipal Clerk

Attachments 2

MAYOR JARRETT ENGEL'S COMMENTS
DEER MANAGEMENT MEETING - NOV. 29, 2012

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 Mayor 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. Tonight you are going to hear about solutions to deal with the ever growing deer population problem facing our town. You are going to hear about the need to change the formula, if you will, as it relates to the deer in Colts Neck to help keep things the same. And most importantly, you are going to hear that sometimes the solution doesn't have to be complex; that we don't have to figure it out on our own. In our case, I learned as a result of this process that the solution has not only been available to us for years, but it is a solution that seems to utilize the most efficient and effective methods already in place and available through the State of NJ.

Committeeman Orgo has been sitting front and center in the deer conversation for the past 20 years. He was part of a subcommittee created many years ago to discuss the growing deer population. The solution at that time, a no discharge ordinance throughout the town, may have made sense. However, as time went on, the deer population continued to grow and create what has become a 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 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. So it is no wonder why I asked Tommy to chair this committee. This subcommittee, made up of our Chief of Police, Health Officer, Recreation Director, residents and guests from the state Fish and Wildlife, and others, has been meeting since the beginning of the year. I have sat at many of the meetings, and can tell you that I am most impressed with the tough and detailed conversations they have been having. They have 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.

I would now like to take this opportunity to turn the floor to Committeeman Orgo to give you all a summary of what the Deer Subcommittee has found and their recommendations for next steps. 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. Thank you.

I would ask that you hold your comments until we conclude our information session. I will let you know when the public session starts.

DEER MANAGEMENT SUB-COMMITTEE
REPORT AND RECOMMENDATIONS

NOVEMBER 29, 2012

INTRODUCTION

On February 8, 2012, Mayor Jarrett Engel created a Deer Management Sub-Committee. The overall purpose of the Sub-Committee was to review all aspects and alternatives relative to deer management and control within Colts Neck and report their findings and recommendations to the Township Committee by the end of the year.

MEMBERS:

Township Committee

- Thomas Orgo, Chair
- Jarrett Engel, Mayor

Citizens

- Bryan Grant
- Pam Russo

Township Support Professionals

- Kevin Sauter, Chief of Police
- Todd Mayer, Police Department
- Thomas Frank, Health Officer
- Thomas Hennessy, Director of Recreation
- Christopher Ackerman, Esq., Associate Township Attorney

MEETINGS

Meetings of the Sub-Committee were held on April 16, 2012; May 11, 2012, July 26, 2012; August 30, 2012; and October 3, 2012.

Representatives from New Jersey Fish and Wildlife attended two Sub-Committee meetings.

OPTIONS

There are many options available to municipalities for the management and control of deer. These are generally divided into non-lethal and lethal categories, and there are advantages and disadvantages to every option.

Non-lethal options include repellents (taste based applications), fencing, harassment (sound devices), habitat modification, trap and relocation and reproductive controls.

Lethal options include regulated hunting, depredation permits (year-round hunting, usually on large farms); trap and euthanasia, and controlled hunting by a certain number of trained sharpshooters or bow hunters.

The Sub-Committee discussed all available options during their meetings.

FINDINGS

Colts Neck is a 31 square mile community with vast areas of open space, farms, large residential lots, protected stream corridors, wooded areas and Swimming River Reservoir. There is also some 1700 acres of Township property including parks, greenways and preserves. This combination of factors has made Colts Neck the perfect community for deer to live and reproduce. This proliferation of the deer population have made the Township's streets unsafe, increased the chances for lymes disease, ruined acres of cropland and trampled the landscaping of most residential properties.

Statistics fully support these findings. Over the past three years (2009-2011) there have been 238 deer/vehicle collisions, 37 confirmed lymes disease cases and 184 deer carcass removals from local roads, which does not include State and County roads. The Sub-Committee believes many more in each of these categories go unreported.

The Sub-Committee is also concerned that deer overpopulation and browsing may cause ecological damage that over time will have a negative impact on native ground cover, plants, birds and animals.

It is also important to note that according to New Jersey Fish and Wildlife officials, in 2011 there were 9 hunting accidents throughout New Jersey and zero (0) in Monmouth County.

The Deer Management Sub-Committee firmly believes that an overabundant deer population has created a serious traffic safety, health, ecological, agricultural and residential property problem within Colts Neck and action by Colts Neck Mayor and Township Committee is recommended.

RECOMMENDATIONS

1. According to New Jersey Fish and Wildlife Officials, the current Colts Neck discharge ordinance is pre-empted by State regulations. Local municipalities are not permitted to limit areas for hunting on private property. Hunting should be permitted according to State law, not regulated by local ordinance. As such, the Sub-Committee recommends the repeal of appropriate sections of Chapter 120 of the Colts Neck Code to eliminate restrictions to private property and rely on State regulations for this purpose.
2. The Township can regulate hunting on all Township property. The Sub-Committee recommends that hunting remain prohibited on all Township property.
3. The Sub-Committee believes that the continued review of all deer management and control issues within Colts Neck is very important. To this end, the Sub-Committee recommends the formal creation of a Deer Management and Control Committee comprised of some five to seven residents that would meet no less than four times per year and forward information and recommendations to the Mayor and Township Committee.