

**TOWNSHIP OF COLTS NECK
TOWNSHIP COMMITTEE MEETING
AUGUST 13, 2014
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 Macnow followed by the Pledge of Allegiance. 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, 2013 stating a regular meeting of the Colts Neck Township Committee would be held August 13, 2014, 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 Russell Macnow; Deputy Mayor James Schatzle; Committeemen Thomas Orgo Jarrett Engel and Michael Fitzgerald

Also Present: Administrator/Municipal Clerk Robert Bowden; Deputy Municipal Clerk Beth Kara; and Township Counsel John O. Bennett, III, Esq.

Absent: None

1. APPROVAL OF MEETING MINUTES: Approval for Township Committee meeting minutes were as follows:

- **Meeting of June 11, 2014:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and carried by Messrs. Macnow, Schatzle, Orgo and Fitzgerald; Mr. Engel abstained.

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

- **Meeting of June 25, 2014:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and carried by Messrs. Schatzle, Orgo, Engel and Fitzgerald; Mayor Macnow abstained.

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

- **Meeting of July 9, 2014:** Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

2. **MAYOR'S PROCLAMATION: SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2014 STATEWIDE CRACKDOWN** was read in full by Mayor Macnow. This proclamation supports the State of New Jersey, Division of Highway Traffic Safety initiative to increase impaired driving enforcement for the period August 15 through September 1, 2014. By this proclamation, Colts Neck supports the State-wide goal of increasing awareness of the dangers of drinking and driving and reducing impaired driving to save lives on roadways during the summer holiday season.
3. **ORDINANCE 2014-15: AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE I OF TITLE 39 PURSUANT TO N.J.S.A. 39:5A-1 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE HUDDY'S INN RESTAURANT (BLOCK 48, LOT 19)** was read by title at second reading by Mayor Macnow. Mayor Macnow stated this ordinance makes the motor vehicle code enforceable in the new Huddy's parking lot. Mr. Fitzgerald stated the adoption of this ordinance is a condition of the Planning Board. Hearing no further comments, Mayor Macnow opened the public hearing. Hearing no comments, Mayor Macnow closed the public hearing. Mr. Schatzle made a motion to approve, seconded by Mr. Engel and unanimously carried.

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

4. **ORDINANCE 2014-16: AN ORDINANCE AMENDING AND REVISING CHAPTER 120, FIREARMS, OF THE CODE OF THE TOWNSHIP OF COLTS NECK** was read by title at second reading by Mayor Macnow. Mayor Macnow read a prepared statement which provided a detailed chronology and the procedural guidelines for this evening's public hearing, a copy of which is appended. Mayor Macnow then asked the Governing Body for comment.

Mr. Orgo stated the Wildlife Committee spent many nights meeting and exploring various options for deer control. Mr. Orgo noted even the State agrees hunting is the most cost effective way to manage the deer population without placing an increased tax burden on residents.

Mr. Fitzgerald encouraged residents to read the actual ordinance under consideration this evening, as it is not a statement about hunting nor an agreement about hunting or firearms possession. Mr. Fitzgerald stated if residents are unsure, they should read the ordinance themselves and draw their own conclusions.

Mayor Macnow opened the public hearing.

Ms. Virginia Amend, resident and Editor of the Colts Neck Calendar, commented those in the foyer cannot hear tonight's meeting. Mayor Macnow then urged all those in the foyer to enter the meeting room.

Mr. Richard Orriss, a resident, spoke about the change in safety zone characteristics of reducing the radius of 450' to 150' of an occupied building, and expressed concern about persons that might be outdoors on their property in close proximity to a hunting location that could be affected. Mr. Orriss spoke about the speed of bows. Mr. Orriss noted the Township Committee is seeking to pass a resolution rather than have a referendum, and he is

concerned about the Township's liability by increasing properties eligible for hunting within the Township.

Mr. Pat Caputo, a resident, spoke about the petition he circulated in the Rimwood section of Town. Mr. Caputo brought two arrows found in this area of Town, noting both were shot from Green Acres property. Mr. Caputo reported two illegal tree stands located behind 28 Rimwood. Mr. Caputo stated this ordinance is not reasonable. He noted the property owner of a large parcel near his home wants to opt out of hunting the property. Mr. Caputo expressed his concern for an increase in various crimes if more property is made available for hunting.

Mr. Daniel Cristofano, a resident, stated the majority of people here do not want the ordinance adopted.

Ms. Robin Weaver, a resident, commented \$1,200 was the estimated cost per deer for sharpshooters. Ms. Weaver contacted White Buffalo, the professional hunting company used in Princeton, and was told their price is \$375 per deer in 2014, and they were able to reduce deer automobile collisions without breaking the bank.

Mayor Macnow requested speakers concern themselves with the ordinance before them tonight, and if they would like to speak about Township wildlife issues, he would be more than happy to discuss with them off-line.

Mr. Peter Berman, a resident, stated he had not attended any Wildlife Subcommittee meetings. Mr. Berman is concerned about the 150' given the large lot zoning in Colts Neck.

Ms. Joann Gualberti, a resident, stated this is her first meeting attended. Ms. Gualberti stated one of the arrows tonight was found in her yard and she has young children playing outside. She is concerned the children could be hurt by finding arrows and touching them without knowing. Mayor Macnow stated hunting on Township property or Greenways is illegal, and residents should call the Police immediately if hunters are observed at these locations. Mayor Macnow stated we must seek enforcement if illegal activity is observed, be it hunting or any other illegal activity; and urged please call the Police.

Janine Unger, a resident, stated her property backs up to a farm and she is concerned that persons could be in her back yard while hunting is occurring on the other side of the fence. Ms. Unger stated 150' is absurd.

Mr. David Barclay, a resident and owner of Eastmont Orchards, stated they are intensive farmers and the deer have cleared off 20% of his growth after this cold winter and snowfalls. Mr. Barclay noted his dad recalled as a boy there were no deer in Colts Neck and hunters had to travel to the Pine Barrens for deer hunting. Mr. Barclay stated it is imperative that the Township Committee vote in favor of this ordinance.

Mr. Vince Domidion, a resident and Chair of the Monmouth County Planning Board, stated he has not attended any Wildlife Committee meetings, but he has followed the issue. Mr. Domidion stated this ordinance is actually making a modest increment expanding hunting to 5+ acre properties and in no way does it compromise the ability of the property owners of 5+ acres to say no to hunting and have that decision enforced. Hunters cannot come onto a property and hunt without permission and are subject to enforcement of the law. Mr. Domidion states he supports the passage of this ordinance given the damage done by the deer population.

Mr. Ken Rogers, Sr., a resident, stated the petition discussed earlier was signed by a handful of people and he also signed it. Mr. Rogers stated he has lived here 40 years and is now finding groups of deer sleeping in his front yard and he does not like it. Mr. Rogers stated he supports of the passage of this ordinance.

Mr. Tony Costa, a resident, expressed concern over the change to 150'. Mr. Costa stated the one independent member of the Wildlife Committee resigned. Mr. Costa stated a change to 5+ acres is not hunting on a small parcel when considering occupied buildings. Mr. Costa suggested changes of 10+ acres and 300'. Mr. Costa stated most animals are injured by bow hunters, which is a slow death.

Mr. George Schlidge, a resident, suggested posting and patrolling Green Acres property, especially between Rimwood and Woodhollow. Mayor Macnow stated he will discuss this off-line with Mr. Schlidge.

Ms. Sara Devine, a resident, stated there are herds of deer in her yard, both her cars have been involved in deer collisions, and she is concerned about her children at night. Ms. Devine welcomes the opportunity to have permitted hunters on her 11+ acres as there are many deer in the area and this would improve the community, make children's lives safer, and for ecological reasons. Ms. Devine stated she supports this ordinance.

Ms. Susan Fitzpatrick, a resident, commented that deer and cars collide and she is more concerned about the safety of children. Ms. Fitzpatrick stated one cannot just enter a property and hunt; written permission must be given by the property owner of 5+ acres. For the safety of her children, Ms. Fitzpatrick is in support of the ordinance.

Mr. Fulton Wilcox, a resident, stated there are no starting numbers for the deer population. He stated this ordinance is moving too fast.

Mr. Philip Walch, a resident, stated he is not a hunter and previously lived in the mid-West. He stated there was no deer problem there because deer herds were not allowed to run through neighborhoods. Mr. Walch urged the Township Committee to vote in this ordinance stating it is not perfect, but it is a start.

Mr. Anthony Abbatiello, a resident of 60+ years, stated within the last ten years, the deer population has tripled in Colts Neck. Mr. Abbatiello commented he hears with increasing frequency of near accidents with deer (one person missed hitting a tree on Five Point Road, while another almost had a head-on collision on Route 34). Mr. Abbatiello stated there are going to be people killed on roads, and he has heard of many people in the last few months with lymes disease. Mr. Abbatiello stated in his 67 years living in Colts Neck, he has never heard of anyone shot by a bow and arrow or shotgun. Mr. Abbatiello stated while illegal hunting may occur, residents should be educated on what to do when they observe illegal hunting and should call the Police Department and Fish and Game Control Officers for enforcement. Mr. Abbatiello stated something must be done to lower the herds before a fatal accident occurs.

Ms. Elaine Mann, a resident, stated she has hunters on her property that have been vetted and must be registered by the State. Ms. Mann recounted her experience with a charging buck on her property, and stated she supports passage of this ordinance.

Mr. Michael Viola, a resident and member of the Wildlife Committee, stated he has never hunted, and the Wildlife Committee is comprised of both hunters and non-hunters tasked to address the deer population issue. Mr. Viola stated deer are also a public safety issue, giving examples of responding emergency vehicles (Police, Fire, First Aid) involved in deer collisions. In addition, this is a public health issue with the increase in the number of lymes disease cases. Also, deer carcasses are resulting in an increase of animal scavenger activity. Mr. Viola noted the adverse ecological effects as well as the economic effects, as noted by the farmer speaking earlier (Mr. Barclay). Mr. Viola stated he just moved to Colts Neck 1.5 years ago from Bernards Township in Somerset County, where there was a tremendous deer problem prior to enacting a deer management program. Mr. Viola stated he spoke with Township officials and the former triple digit road kill has been reduced to lower double digits without any bow or gun hunting accidents. Mr. Viola stated he supports passage of the ordinance.

Mr. Kyle Rowe, a resident, stated there is a problem with illegal hunting on Green Acres property and suggests posting the Green Acres property. Mr. Rowe stated he is a deer hunter and the 150' is away from an occupied structure and down from a tree. Mr. Rowe stated the illegal hunters should be outlawed.

Ms. Carol Donahue, a resident, questioned if property owners are going to have to notify adjacent property owners that hunting will be occurring. Ms. Donahue questioned the liability to damaged buildings outside the hunting area. Ms. Donahue requested a copy of the comprehensive plan.

Ms. Joyce Costa, a resident, stated she is more in favor of professional hunters to control the deer population.

Ms. Denise Horneck, a resident, stated two deer carcasses were left on her property line, which is on the reservoir, and now she is seeing vultures swarming around.

Ms. Roseann Scotti, a resident and former Mayor, stated she agrees there is a deer problem. Ms. Scotti stated it is the Township Committee's job to notify the public of issues when they do not attend meetings. Ms. Scotti stated she offered constructive suggestions and read the materials given to her. Ms. Scotti stated she favors the use of a facilitator to guide and evaluate the process. Ms. Scotti stated there is no plan in place, and the Township should know how many deer are in town.

Mr. Vince Scotti, a resident, stated all agree there is a deer problem and noted this is at least a regional problem. Mr. Scotti spoke of a risk (safety)/reward (reduce deer population). Mr. Scotti spoke of the farmers licensed exemption and is concerned that hunting on properties 5+ acres could result in bounce back where you end up with an increase in the deer population.

Mr. Jason Autovino, a resident, stated he has two children, and while he is not opposed to hunting, he is very close to the 150' and stated 150' is too close for this type of town.

Mr. Michael Bodnar, a resident, stated he sees a lot of deer. He occupies one acre that backs up to a farm, and he is concerned that these laws can be enforced and questioned if the hunters are going to abide by them.

Mr. Bryan Grant, a resident and member of the Wildlife Committee, stated he is a bow hunter and feeds his family with what he harvests. Mr. Grant stated there is rigorous testing done prior to issuing a hunting license, and if he violates State law, he will lose his hunting privilege. Mr. Grant stated he hunts from up in the trees from 15' to 25' from his target, which is the size of a tennis ball. Bow hunters are up in the trees and the arrows are shooting down. Mr. Grant stated he has three children that run in the woods, and commented they would never be harmed by a hunter. Mr. Grant stated his youngest is 6 and has lymes disease. Mr. Grant stated if he observed illegal hunting, he would report it.

Mr. Carl Simone, a resident, has a nursery of about 10-12 acres. He has hunters on his property with his permission to control the deer, and he is sensitive to his neighbors in that he restricts deer slaying by his hunters. He indicated the deer have eaten his shrubs and he has experienced lymes disease four times. While noting bow hunters don't shoot in a horizontal direction, the shoot downward, he did state an unauthorized hunter wandered in to his property several years ago and shot an arrow horizontally across his property, which landed in his tractor. Mr. Simone stated he is in favor of the ordinance, as the deer are a pervasive problem. Mr. Simone reported the only accident he is aware of is his hunter having a deer collision while driving here to hunt. Mr. Simone is in favor of having a procedure for safely hunting.

Ms. Angeliki Morfogen, a resident, stated she is concerned that the ordinance will bring more hunters to Town for unauthorized hunting.

Ms. Yvette Krupa, a resident, does not agree with the 150' hunting limitation.

Ms. Lilliann Paras, a resident, questioned if studies will continue as time passes to see if this ordinance is effective. Mayor Macnow stated the Wildlife Committee will continue to meet and discuss these issues.

Mr. Joseph Mayrose, a resident, stated there is a deer problem. There is a lot of land and a lot of deer and there would be more hunters on limited space.

Mr. George Duncan, a Hazlet resident, commented the State held up the 150' rule for bow hunting.

Ms. Cindy Kuenstner, Sr. Wildlife Biologist, NJ Division of Fish and Wildlife, commented the 150' bow hunting was put into place in 2010. Ms. Kuenstner advised that State-wide, only 6 hunting accidents occurred, and those involved hunters. The Township has worked with Fish and Wildlife and they would like to continue working together. Ms. Kuenstner indicated while the State supports the Township's goals, she is requesting the ordinance be tabled to re-work it to be consistent with State law. Ms. Kuenstner suggested having informational sessions to educate Township residents on hunting.

Bob, a Hazlet resident stated he is a hunter. If he were to observe a hunter exhibiting dangerous behavior, he would call the Police. He indicated he has relationships with three property owners within the Township and has written permission to hunt and he respects that privilege.

Ms. Mary Boggio, a resident, suggested using a microphone at these meetings. Ms. Boggio questioned why the Township is not hiring professional hunters. Ms. Boggio questioned if all bow hunters hunt up in a tree, and indicated this was not known until this meeting was underway.

Mayor Macnow stated this is the not first meeting where the deer issue has been discussed at length, including a lengthy presentation by the State. Mayor Macnow noted that this ordinance deviates from the State statute and

recognizes that the State may take umbrage with the Township for deviating from the State statute with a more conservative approach. Mayor Macnow stated the only thing he is trying to do is to resolve this problem with the least financial impact, and the effect of this ordinance will be reviewed. Mayor Macnow stated the goal is to start to turn the tide on an out of control deer population that presents a real and imminent public health risk.

Mayor Macnow closed the public hearing and called for a motion on this ordinance. Mr. Fitzgerald made a motion to approve, which was seconded by Mr. Orgo.

Mr. Schatzle thanked everyone for coming tonight. He noted this has been an on-going discussion for four years, and this public safety issue has been discussed by the Board of Health for 12 to 14 years. Mr. Schatzle stated he struggled with changing the ordinance, however, the information he has read and the number of deer-related motor vehicle crashes he heard of and responded to makes him truly feel something must be done. Safety is utmost in his mind, and he is concerned for the safety of his children being severely injured in a deer-related motor vehicle crash. Mr. Schatzle stated this issue will continue to be reviewed. Mr. Schatzle votes yes to adopt the ordinance.

Mr. Engel stated there is no perfect solution to this issue. He requested the public have faith in the Township Committee as they have during other times of public safety needs. Mr. Engel stated he will support the Mayor and vote yes to adopt the ordinance.

Mr. Orgo stated this has been a long time coming and we have to do something about the deer issue. The Township Committee is trying to do the best for Colts Neck. Mr. Orgo stated the Wildlife Committee will continue to review the results and make revisions where needed. Mr. Orgo stated he is voting yes to adopt the ordinance.

Mr. Fitzgerald stated every person on the Township Committee has children and is involved in either the First Aid Squad, Fire Department or both. Mr. Fitzgerald stated as a member of the Township Committee, hard decisions must be made that affect people in the community. Mr. Fitzgerald thanked everyone for coming out and voicing their opinions this evening; however there are residents that support or oppose the passage of this ordinance but are afraid of publicly voicing their opinion. Mr. Fitzgerald commented on the number of observations made of illegal activities occurring and suggested residents share that information to stop it. Mr. Fitzgerald requested the arrows be turned over to local law enforcement to see if a determination on their origin can be made. Mr. Fitzgerald commented the two illegal tree stands reported this evening on Green Acres behind 28 Rimwood will be removed, and he urged all residents to call the Township to report tree stands or forts on Green Acres or Township property, and hunting on the reservoir. Mr. Fitzgerald noted this is a step in the right direction, even though the ordinance does not include everything the State wants it to, but it meets the needs of this Town. Mr. Fitzgerald voted yes to adopt the ordinance.

Mayor Macnow thanked everyone for coming out tonight. Mayor Macnow had hoped for discourse at the Wildlife Subcommittee meetings before tonight. Mayor Macnow stated that he hopes those who are passionate about this issue on both sides will come to Wildlife Subcommittee meetings to discuss methods of deer management. Mayor Macnow stated this is a step in the right direction and is hoping the Township Committee is able to report the tide is turning on this public safety and health issue in the spring. Mayor Macnow voted yes to adopt the ordinance.

Mr. Bowden stated the vote was unanimous to adopt the ordinance.

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

Mayor Macnow called at five minute recess at 8:56 p.m.

Mayor Macnow called the meeting to order at 9:05 p.m.

5. **ORDINANCE 2014-17:** AN ORDINANCE AMENDING AN ORDINANCE ENTITLED THE 2014 SALARY ORDINANCE FOR THE TOWNSHIP OF COLTS NECK (SUMMER RECREATION COUNSELORS) was read by title at first reading by Mayor Macnow. Mayor Macnow stated this year the hours and camp fees for the Recreation summer camp program were increased, and the salary increases correspond with the increase of camp hours. Hearing no comment from the Governing Body, Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried. Mayor Macnow set the public hearing September 10, 2014.

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

6. **RESOLUTION 2014-88:** RESOLUTION APPOINTING ERIC L. WAGNER, AIA, OF THE FIRM KELLENYI, JOHNSON, WAGNER, FOR ARCHITECTURAL SERVICES RELATING TO THE REPAIR OF THE TOWN HALL ROOF AND CUPOLA (NOT TO EXCEED \$3,200) was read by title by Mayor Macnow. The original architectural firm for this building was contacted and asked to assess the internal structure of the Town Hall cupola and provide repair recommendations at a cost not to exceed \$3,200. Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried.

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

7. **RESOLUTION 2014-89:** RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AMENDMENT TO THE 2014-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT was read by title by Mayor Macnow. Mr. Bowden stated that while Colts Neck is not eligible for Federal funding under this program, the County benefits from including the Township's population. Mr.

Fitzgerald noted Long Branch received Community Development Block Grant funding. Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

8. **MOTION TO ADOPT CONSENT AGENDA:**

***RESOLUTION 2014-90:** RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES AND ACCEPTANCE OF MAINTENANCE GUARANTEE, ZONING BOARD APPLICATION NO. 804 (200 COLTS NECK 34, LLC)

***RESOLUTION 2014-91:** RESOLUTION AUTHORIZING CANCELLATION OF 2014 AND 2015 TAXES PER THE TAX ASSESSOR

***RESOLUTION 2014-92:** RESOLUTION AUTHORIZING RECREATION PROGRAM REFUNDS

***RESOLUTION 2014-93:** RESOLUTION APPROVING CHANGE ORDER NO. 1, TOWN HALL SLATE ROOF (+\$782.00)

***RESOLUTION 2014-94:** RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES, PLANNING BOARD APPLICATION NO. 714 (3 COMSTOCK LANE)

Mr. Fitzgerald made a motion to approve, seconded by Mr. Schatzle and unanimously carried.

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

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

10. **MOTION TO APPROVE VOUCHERS:** Mr. Fitzgerald stated he reviewed 234 vouchers for this evening's meeting. Mr. Fitzgerald asked that Public Works be reminded to include the vehicle as part of the description when parts are replaced; in this case two bearings were replaced. Mr. Fitzgerald questioned the purchase of computers and was advised that old computers running on XP operating systems were replaced as planned and approved in the 2014 budget. Mr. Fitzgerald noted tax payments to the County and School Boards are included tonight.

Mr. Fitzgerald recommended approval of the following vouchers:

Animal Control	\$184.97
Capital Fund	\$305,624.84
COAH	108.75
Construction Trust	\$30,432.84
Current Fund	\$7,406,725.42
Escrow	17,892.54
Grant Fund	\$2,699.34
Trust Fund	<u>\$22,501.54</u>
TOTAL:	\$7,786,170.24

Mr. Engel made a motion to approve, seconded by Mr. Fitzgerald and unanimously carried. Mayor Macnow abstained from approving payment to Sakoutis Bros. Disposal Inc.*; Mr. Schatzle abstained from approving payment to T&M Associates **

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

11. TOWNSHIP COMMITTEE REPORTS

Mr. Orgo stated Wildlife Committee meetings are posted on the Township's website, and he urged residents to attend and participate.

Mr. Orgo reported the Colts Neck Business Association is having their annual pig roast in Bucks Mill Park on September 9th.

Mr. Fitzgerald reported the Planning Board has one application before it, which will be included in the next meeting as Planning Board did not meet this month

Mr. Fitzgerald urged the Township Committee to be aware of the issue of the Ayers property (behind the golf course). Mr. Fitzgerald noted Mayor Macnow brought the issue to Long Range Planning, and Mr. Fitzgerald recommends the Township Committee review this before it comes before the Planning Board. Mr. Orgo commented Mr. Anfuso needs to provide the Township Committee with detailed information regarding the prior subdivision, deed restriction and application.

Mr. Engel reported the Township experienced power outages resulting from two back-to-back storms, and power was restored relatively quickly. Mr. Engel noted JCP&L equipment was stationed in Becker's parking lot ready to restore power where needed. Mr. Engel advised tree cutting around power lines is currently being done within the Township. Mr. Ricciardi of JCP&L will be at the September 10th Township Committee meeting to discuss JCP&L reporting and service improvements.

Mr. Schatzle reported the Recreation Summer Camp was exceptionally well run this year.

Mr. Schatzle reported the Colts Neck Fair was a great success with great volunteers this year.

Mayor Macnow reported Jacquie Lee, Matthew Schuler and the RockNRoll Chorus are scheduled to perform in concert at Brookdale Community College August 23, 2014. Mayor Macnow noted Operation Provide Comfort will donate all proceeds to support restoring Union Beach.

Mayor Macnow reported the upcoming events scheduled in Bucks Mill Park:

- August 30-31: Dog agility and dog diving, medieval jousting and food vendors sponsored by the Colts Neck Lions Club;
- September 9: Pig roast sponsored by the Colts Neck Business Association;
- September 20: Rockfest, a day- long event hosting local musicians;
- September 27-28: Annual Craft Fair of Juried Artists.

Mr. Fitzgerald noted the Energy Aggregation Bid for electric service in the Township will close on September 10th and the results will be discussed during that evening's meeting.

12. PUBLIC COMMENT

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

Ms. Virginia Amend questioned the status of the Montrose Road School House. Mr. Schatzle responded noting during the last Township Committee meeting, there was discussion about moving the School House to the Town Hall Core Site. Based on further discussion of the Historic Preservation Committee, that move is not going to happen, and repairs to the building and perimeter fence are being scheduled. Ms. Amend questioned the cost to the Township of the perimeter fence. Mr. Schatzle suggested Ms. Amend speak with the Administrator during the workday. Ms. Amend questioned the repairs to the Town Hall cupola. Mayor Macnow responded while replacing the roof, the contractor uncovered latent issues in the cupola. The design professional is being brought into the process to determine the steps to be taken to address the issues. Ms. Amend questioned the clearing of Township property adjacent to the Axelrod property on Cedar Drive. Mr. Bowden responded Ms. Axelrod is a volunteer member of the Shade Tree Commission, with whom she worked closely, and planted \$500 of approved trees on the site at her own expense.

Mr. Vince Domidion noted the electric rate on his current bill is adjusted seasonally and the JCP&L rate varies month to month. Mr. Domidion questioned how this would work under the proposed Aggregation Program. Mr. Fitzgerald responded noting Colts Neck is the first municipality with the clause that the rate billed must be below the JCP&L set rate every month or residents can pull out of the contract. Discussion ensued regarding spikes in JCP&L rates relating to natural gas and the use of coal and nuclear power as sources of energy. Mr. Domidion reported the Monmouth County Planning Board has provided comments to COAH regulations.

Ms. Diana Piotrowski, Operation Provide Comfort Public Relations and a resident, thanked Mayor Macnow for mentioning the upcoming Jacquie Lee concert. Ms. Piotrowski questioned if property owners on rural roads can band together to allow hunting on their properties? Mayor Macnow responded, no, you cannot aggregate property to permit hunting.

Ms. Susan Wilcox questioned when the cupola problem was detected. Mr. Bowden advised there is a sill problem, which is part of the infrastructure to hold up the cupola and the problem was detected during the roof replacement.

Mr. Jeffrey Sauter, a resident, thanked Tony Senk of the Colts Neck Journal for his article on Chief Kevin Sauter's recent appointment. Mr. Sauter stated the appointment is good for the Chief, good for Colts Neck and good for the County.

Ms. Amend stated she supports the comment made earlier to post ("no hunting" signs) on green acres property. Ms. Amend stated hers was the publication that published tonight's Firearms ordinance.

Ms. Elaine Mann, a resident, questioned the timeframe for installing the windmill. Mr. Orgo responded it would be finished soon.

Hearing no further comments, Mayor Macnow closed the meeting to public comment.

13. **RESOLUTION 2014-95:** EXECUTIVE SESSION was read by title by Mayor Macnow. Mr. Fitzgerald made a motion to approve, seconded by Mr. Engel and unanimously carried by voice vote. Mayor Macnow stated the Township Committee is not expected to return to Open Session this evening.

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

The meeting adjourned at 9:53 p.m.

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

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

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

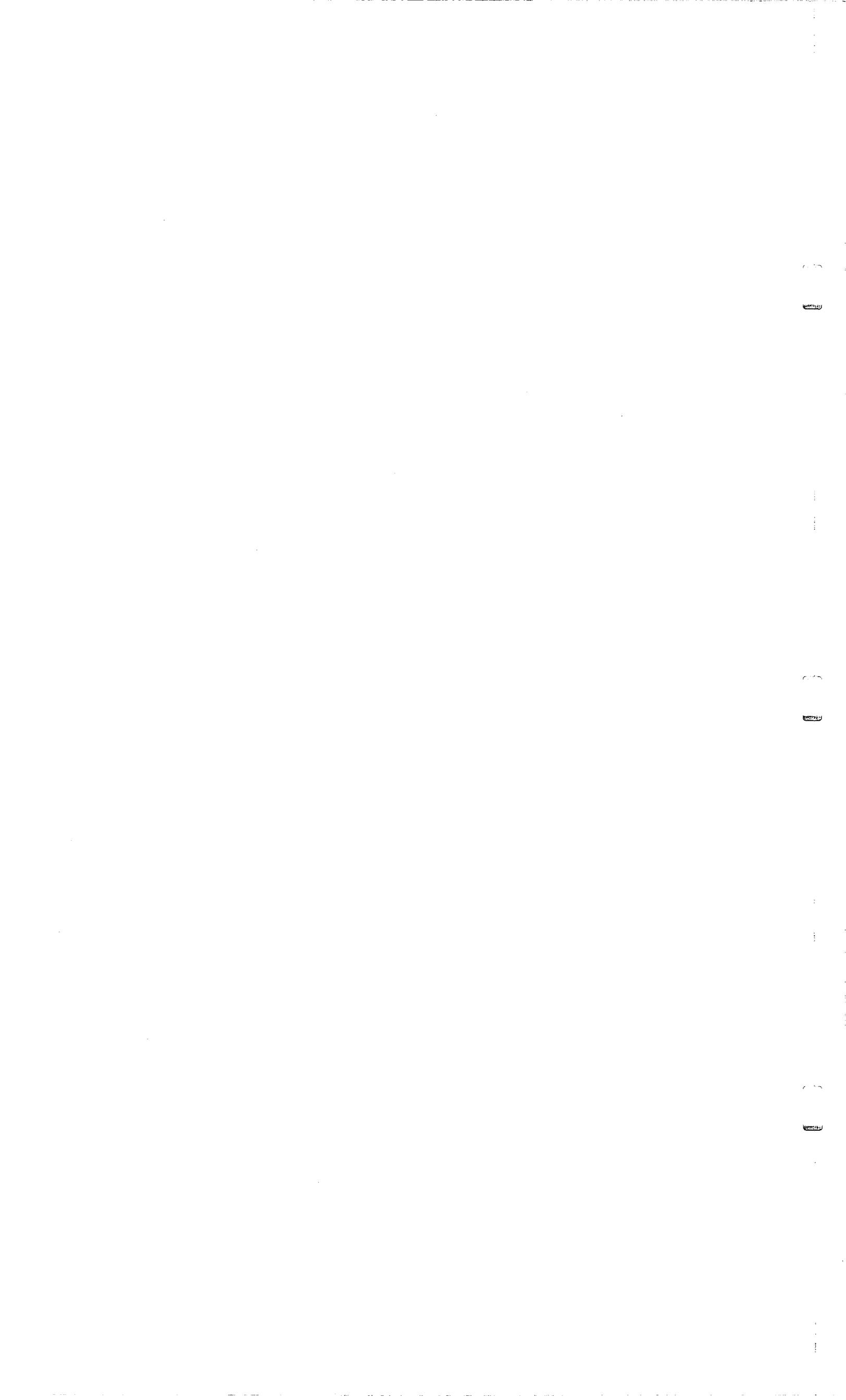
RECORD OF VOTE					
Committeeman	M S	Yes	No	NV	Ab
Mayor Macnow		X			
Deputy Mayor Schatzle	M	X			
Orgo		X			
Engel	S	X			
Fitzgerald		X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					

Meeting adjourned at 10:25 p.m.

A handwritten signature in black ink, appearing to read 'R. Bowden', written over a horizontal line.

Robert Bowden, Administrator/Municipal Clerk

Attachment



MAYOR'S PRELIMINARY STATEMENT

ORDINANCE 2014-16

The Colts Neck Township Committee has been attempting for at least two years to address the deer problem in the Township which has resulted in numerous motor vehicle accidents, cases of Lyme disease, ecologic and economic harm. In 2012, then Mayor Engel formed the "Deer Management Sub-Committee" in an effort to delineate the scope of the problem.

At a special meeting on November 29, 2012, that Sub-Committee presented a report to the Township Committee which was accompanied by a presentation from representatives from New Jersey Fish and Wildlife. The Sub-Committee recommended that hunting be permitted in accordance with State law. The State concluded that bow hunting by licensed hunters is a safe sport; deer hunting by licensed hunters would follow the state hunting season; and hunting is an efficient and effective way to address deer management and would be free to the Township. Numerous residents spoke publicly both for and against the recommendation.

On January 5, 2013, Mayor Michael Fitzgerald was sworn in. He stated that he would be forming a Wildlife Committee to address deer, geese and other wildlife. On January 9, 2013 at a regular Township Committee meeting, Mayor Fitzgerald announced the formation of that Committee and stated his intent to continue the discussion which began at the November 29, 2012 meeting. The Committee was comprised of residents on both sides of the issue including vocal opponents who subsequently resigned. A survey was designed to gauge Township residents' assessment of the deer problem and possible solutions.

Members of the public were encouraged to attend the Wildlife Committee meetings although few did. Meetings were held in 2013 on March 14; April 11; April 30; June 10; July 8; September 12; and October 23.

On October 30, 2013, the Wildlife Committee made a presentation to the Township Committee in which it summarized the results of a Township survey and the various alternatives for deer management. It was again recommended that hunting be permitted in accordance with State law with certain zones excepted. Members of the public on both sides of the issue commented publicly. After considering the sentiments of some residents, the Committee opted not to vote on the proposed amendment to the no-discharge ordinance instead

choosing to have the Wildlife Subcommittee hold additional meetings in an effort to address residents' concerns.

I was sworn in as mayor on January 14, 2014. In my remarks, I set forth two goals for this year one of which included addressing the deer problem in the Township. My remarks were well reported in local periodicals including a lengthy article in The News Transcript. I strongly encouraged members of the public to participate in order that residents' concerns could be addressed in forthcoming action to be taken by the Township Committee.

Meetings of the Wildlife Subcommittee were held on January 15; February 10; March 4; May 20; and June 16, 2014. I attended each of the meetings. Not a single resident opposed to expanding hunting in the Township attended the first three meetings. I stated in published remarks that I was extremely disappointed that residents were not attending the meetings to offer their input on how to reach a compromise solution to addressing the deer problem.

The Wildlife Subcommittee recommended to me without anticipated input from members of the community that hunting is permitted on parcels of three acres or more in accordance with state law with owners consent. I rejected that proposal. Instead, I felt that a more appropriate starting point would be to allow

hunting on parcels of five acres or more in accordance with state law and that hunting be limited to white tail deer only. I publicly stated that my sole goal was to attempt to control the white tail deer population. I further stated that I wanted to start with larger parcels of property in an effort to compromise with those residents opposed to hunting. Further, I believed that the Township would be in a position to measure the efficacy of increased hunting with the hope of an increase in deer taken by at least 20% without adverse impact on the community. The intent was to reevaluate the amended ordinance in the spring 2015 under the guidance of Mayor Shatzle to determine whether it was effective without any such adverse impact.

A few members of the community including former Mayor Scotti attended the May 20 Wildlife Subcommittee. Mayor Scotti and other attendees were provided with a copy of the proposed ordinance amendment which would permit hunting on parcels of five acres or larger with owners consent in accordance with state law. I invited Mayor Scotti and the other attendees to comment on the proposal, offer ways to improve it and otherwise make it more palatable to those opposed to hunting, if not acceptable. Neither Mayor Scotti nor any other members of the public offered any comments on the proposed ordinance amendment. Rather, she focused on her belief that members of the public were

unaware of what was transpiring at the Wildlife Subcommittee meetings. She encouraged the Subcommittee to hold another well publicized meeting in June to allow members of the public to comment on the proposed ordinance amendment.

It was my intent to offer the proposed ordinance amendment for introduction at the June 11, 2014 Township Committee meeting. However, at the behest of Mayor Scotti, I agreed to have another Wildlife Subcommittee meeting on June 16. I beseeched Mayor Scotti and others to encourage members of the public especially those passionate on the subject to attend that meeting with the continued hope of having a thorough discourse on the subject and ultimately a proposed ordinance amendment reasonably acceptable to most of those opposed. I sincerely hoped to have everybody's voice heard and avoid a repeat of the lengthy Committee meeting on October 30, 2013 which ultimately did not result in any affirmative action being taken by the Committee. Unfortunately, two people attended the June 16 meeting. One individual spoke in favor of the proposal. The other was concerned about hunting in greenways. Former Mayor Scotti did not attend the meeting which lasted no more than fifteen minutes.

I fully expected former Mayor Scotti to encourage members of the public to attend that meeting in the spirit of reaching a compromise on the issue. It appears that former Mayor Scotti had no interest in reaching a compromise or offering any constructive input into improving upon the ordinance amendment. Rather, she waited until this meeting in which the ordinance amendment is set to be adopted to disseminate misleading information in an apparent effort to have the ordinance defeated.

I find it most unfortunate that a former community leader felt the need to resort to political gamesmanship in effort to further her agenda rather than engage in discussions on the subject and ultimately a compromise solution. I have been and continue to be willing to discuss this issue with members of the public. However, it is difficult to have discussions when almost nobody attended any of subcommittee meetings which were dedicated to the discussion of the subject. For example, I understand from recent emails that some people are concerned about the 150 foot distance for notched arrows. Although there is some dispute of the legality of deviating from that distance which is specified in the state statute, I was willing and continue to be willing to discuss a deviation. However, that is not going to occur tonight.

The only way to judge the efficacy of this ordinance amendment is to have it in effect for the beginning of deer hunting season in September. Accordingly, the ordinance amendment will be voted on tonight in its present form. I continue to encourage residents to attend Wildlife Subcommittee meetings at which I will be receptive to further efforts to address the concerns of residents and entertaining proposed improvements to the ordinance so long as they further the goal of the controlling the white tail deer population in the Township of Colts Neck.

There have been at least fourteen Township Committee and Subcommittee meetings at which the public has had an opportunity to be heard on the issue of deer control in the Township. For this reason and to afford all members of the public the opportunity to comment, I am going to impose ground rules for comment concerning this Ordinance. They are as follows:

1. Be sure to state your name and address and state how many Deer or Wildlife Subcommittee meetings you attended;
2. Limit your comments to the proposed Ordinance. I am not going to entertain comments on the broader issues including whether there is a deer problem and the various possible means of the controlling the population;

3. You will only be allowed to speak once and your comments will be limited to 2 minutes;
4. Questions will not be entertained and there will be no discourse or conversations with other members of the public. This is an opportunity to **comment** publicly;
5. These rules will be strictly enforced.

Regardless of the disposition of tonight's vote on this ordinance, there will be continued efforts by the Colts Neck Township Committee to address the deer problem in the Township. We will continue to hold Wildlife Subcommittee meetings the dates of which can be found on the Township website. The number of deer taken this year versus those taken last year will be evaluated next year to determine the impact of these changes and whether any further action needs to be taken. I continue to strongly encourage the residents of the Township of Colts Neck to involve themselves in this ongoing process. I thank the members of the Wildlife Subcommittee for their hard work. I hope that the State of New Jersey will soon find the wisdom to recognize that deer over population is a public health problem that warrants action at the state level. In the absence of any such action,

Colts Neck will make every effort to address the problem. Doing nothing is simply not an option.

