

Lebanon Township Environmental & Open Space Commission

Agenda

June 3rd, 2019

CALL TO ORDER

In compliance with the "Open Public Meetings Act", notice has been given that the Lebanon Township Environmental and Open Space Commission conducts its regular business meetings on the first Monday of each month at 7:00 PM in the main meeting room of the municipal building. Notice of this meeting was published in the Hunterdon County Democrat and the monthly agendas are posted on the bulletin board of the municipal building.

AGENDA

Topic	Intent/Materials
Kickoff, Roll Call & Connecting Moment	Call meeting to order and take roll call.
Presentation of Minutes	Review and approval of May Meeting Minutes. All commission members can approve except for Mr. Newman who was not present at the May meeting.
Old Business	a) Lebanon Township Deer Management Ordinance (Duckworth) a. Motion to recommend pursuit of an ordinance – Attachment 1
New Business	a) Well test results (Koch) b) LT EOSC website (Duckworth)
Newsletter	Fall newsletter deadline is August 1 st . Articles on the docket include: <ul style="list-style-type: none">• None at this time
Correspondence	Acknowledge and share any formal correspondence received by EOSC chair or informal correspondence received by EOSC members. All correspondence when possible is scanned and stored digitally in a public access Google Drive folder at https://drive.google.com/open?id=0B14m3wFylheUWjBjNEkwaU4TGc . <ul style="list-style-type: none">• None

Lebanon Township Environmental & Open Space Commission

Minutes

June 3rd, 2019

ROLL CALL

EOSC Member	Role	Attendance
Adam Duckworth	Chairman, Planning Board Liaison	X
Sharon Petzinger	Member	No
Warren Newman	Member	X
Erik Jan Henriksen	Member	X
Nancy Lawler	Member	X
Sharon Hardy	Member	X
(Vacant)	Member	N/A
Kathy Koch	Alternate 1	X
Marty Collett	Alternate 2	No

MEETING MINUTES

Topic	Intent/Materials
Kickoff, Roll Call & Connecting Moment	<p>Call meeting to order and take roll call.</p> <p>Minutes: Mr. Duckworth called the meeting to order at 7:03 pm. In addition to the EOSC members noted above. Mike Chen, Mayor Schmidt and Committeeman Laul were in attendance.</p>
Presentation of Minutes	<p>Review and approval of May Meeting Minutes. All commission members can approve except for Mr. Newman who was not present at the May meeting.</p> <p>Minutes: Mr. Duckworth asked if anyone had any comments on the proposed meeting minutes from May. There were none. A motion was made by Mr. Henriksen, seconded by Ms. Lawler and unanimously approved.</p>
Old Business	<p style="padding-left: 40px;">b) Lebanon Township Deer Management Ordinance (Duckworth)</p> <p style="padding-left: 80px;">a. Motion to recommend pursuit of an ordinance – Attachment 1</p> <p>Minutes: Mr. Duckworth refreshed the team on the discussions from previous meetings regarding a Township deer management ordinance. There is an intent to support the introduction of a deer management (aka. hunting) ordinance on Township-owned open space. He summarized previous feedback on a model ordinance from Tewksbury Township (see Attachment 1) and developed a proposed motion to demonstrate support from the EOSC. The next step would be for Committeeman Laul to discuss this with the police department.</p> <p>Mr. Duckworth asked if there was any feedback on the proposed motion. The team agreed that it reflects previous discussions and input. The motion was made by Ms. Lawler, seconded by Ms. Hardy and unanimously approved with Ms. Koch abstaining.</p> <p>Mr. Chen stated that he has identified additional insurance options that look to be cheaper than the previous group option discussed. This suggests there are multiple options that are reasonably priced, and we can dig into this more deeply when it is time to review the options in detail.</p> <p>Mr. Duckworth stated he did discuss the intent of establishing a deer management ordinance with NJ Water Supply Authority (NJWSA) with whom we co-own much of the Township open space. He displayed an email chain from Nick Zamlachenko, Asssistant Watershed Protection Specialist from NJWSA. Nick is very supportive of implementing the program and some of the</p>

Topic	Intent/Materials
	<p>specific components of the program that we are seeking to implement. A copy has been attached to these Meeting Minutes for future reference.</p>
<p>New Business</p>	<p>c) Well test results (Koch) d) LT EOSC website (Duckworth)</p> <p>Minutes: Mr. Duckworth asked Ms. Koch for a readout on the well testing event. Ms. Koch stated that 65 basic tests were sold along with a lot of ancillary tests. Overall it was a successful event. It was valuable to have Mr. Newman there to answer some of the more scientific questions regarding water quality and well testing. Ms. Koch stated that one of the participants mentioned she was concerned of well water contamination because of a previous situation with the DPW building.</p> <p>Mr. Newman stated that he did remember there was an event that involved the DPW building but was unsure of the current state. He said he thought monitoring wells had been installed at some point. He took the action to follow up on it. Mr. Chen stated that he thought Quest was involved. Committeeman Laul and Mayor Schmidt will ask Clerk Sandorse if there is any information on file.</p> <p>Mr. Newman mentioned that there was feedback from one participant who had very high levels of radon. A discussion on the risk and mechanism of radon exposure ensued. Ms. Koch stated that some participants had a problem with the radon test kit whereas participants were instructed to freeze the freezer pack before sampling, but some froze it after. This feedback has already been passed on to RHA.</p> <p>Mr. Duckworth stated in the interest of time, we would bump the website discussion to a future meeting.</p>
<p>Newsletter</p>	<p>Fall newsletter deadline is August 1st. Articles on the docket include:</p> <ul style="list-style-type: none"> • None at this time
<p>Correspondence</p>	<p>Acknowledge and share any formal correspondence received by EOSC chair or informal correspondence received by EOSC members. All correspondence when possible is scanned and stored digitally in a public access Google Drive folder at https://drive.google.com/open?id=0B14m3wFylheUWjBjNEkwalU4TGc.</p> <ul style="list-style-type: none"> • None <p>Minutes: Mr. Duckworth stated there was no formal correspondence received. He proceeded to ask each team member if they had any additional topics.</p> <p>Mayor Schmidt introduced a preservation opportunity along Little Brook Road near the intersection of Sliker Road. This is a house owned by a religious organization that is not inhabited and is becoming a hazard. There appears to be a wetlands habitat on the property and the house is sinking. There may be additional issues with the property such as illegal improvements and movement of a pond. Mayor Schmidt is concerned about liability issues if we were to take ownership of a property like this.</p> <p>Ms. Lawler suggested to speak with Bill Kibler at RHA, who has legal expertise and might be able to advise on how to understand and limit potential liability. It was also suggested that Mayor Schmidt speak to the Township engineer. After that, it might make sense to pursue a planning grant through the Highlands Council.</p> <p>In regards to the Goracy-Miquin Link, Ms. Hardy stated that Vi is still positive on the transaction and Guy is going to reach out to her to get the paperwork going.</p> <p>Mr. Duckworth asked for a motion to close the meeting at 8:35 pm. The motion was made by Ms. Koch, seconded by Mr. Newman and unanimously approved.</p>

Topic	Intent/Materials

Attachment 1

Draft motion in support of a Township deer management ordinance.

Whereas there is an overpopulation of deer in Lebanon Township and this hinders habitat management and native plant restoration initiatives, and

Whereas deer hunting is a popular passive recreation activity for many residents in the Township, and

Whereas the Township owns approximately 190 acres of open space that is believed to be suitable for a controlled hunting program for 12-20 hunters, and

Whereas the co-owner of a portion of that open space, NJ Water Supply Authority (NJWSA), also supports introduction of a controlled hunting program, and

Whereas neighboring towns have successfully implemented similar programs.

The Lebanon Township Environmental & Open Space Commission (EOSC) makes a motion to support the establishment of a white-tailed deer management ordinance in Lebanon Township modeled on a similar ordinance from Tewksbury Township (attached) with the following modifications:

- *The hunting program will be limited to bow hunting only; no firearms would be permitted.*
- *Insurance coverage is provided as part of the deer hunting permitting process through an agreement established by the Township with a suitable insurance provider.*
- *Two antlerless deer are required prior to harvesting an antlered deer.*
- *Lebanon Township is notified of all deer harvested as part of this program.*

**ORDINANCE NO. 06-2018
TOWNSHIP OF TEWKSBURY
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

AN ORDINANCE AMENDING CHAPTER 12.24, ENTITLED “ PARK REGULATIONS,” OF THE CODE OF THE TOWNSHIP OF TEWKSBURY

BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, and State of New Jersey that Chapter 12.24, entitled “Park Regulations” of the Code of the Township of Tewksbury is hereby amended by adding the following section:

12.24.100 – White Tailed Deer Management on Township Park and Open Space Property

The Hunting, shooting, killing and removal of white-tailed deer shall be allowed solely for the purpose of reducing and managing the Township’s deer population and only in accordance with the following provisions, and shall otherwise be prohibited in any Township park or open space.

- A. *Permit Required.* No person shall hunt, shoot, kill or remove deer from any park or open space, or carry or possess firearms of any description in which loaded or blank cartridges may be used, or air guns, spring guns, slings or any other form of weapon potentially dangerous to wildlife and human safety, unless that person has first obtained a municipal deer management permit for such activity. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management. Permittees shall clearly label their hunting stands with the permittees’ name and permit number.
- B. *Dates and Locations for Hunting.* The number of permits issued each year, the properties for which the permits are issued and the dates on which those properties may be hunted shall be determined annually by resolution of the Township Committee. A press release and/or notice informing the public of said designated dates and locations shall be published on the Township's website and shall be submitted to the official newspaper(s) of Tewksbury Township for publication.
- C. *Application Process.* A permit shall be obtained by application to the Tewksbury Township Police Department, which application shall contain the following:
1. The name and address of the applicant.
 2. The applicant's date of birth. Applicants must be eighteen (18) years of age or older to be eligible for the municipal deer management permit.
 3. The applicant's social security number.
 4. The applicant's license plate number(s).
 5. A photocopy of applicant’s current firearm or bow and arrow hunting license number.
 6. A photocopy of any applicable State permits (fall and winter bow, permit shotgun or muzzleloader rifle).
 7. A signed certification that the applicant is not prohibited by law from possessing a firearm and has not been convicted of any felonies. Any applicant who is prohibited by law from possessing a firearm or who has been convicted of a felony shall not be eligible for a permit.
 8. A release authorizing the Township to conduct a background check for violations of the New Jersey Fish and Game Code, N.J.A.C. 7:25-5 et seq., and for violations of any local regulations

pertaining to parks or to hunting. Any applicant who has violated any provision of the Fish and Game Code or violated any local regulation pertaining to parks or to hunting within ten (10) years of the date of the application shall not be eligible for a permit.

9. A copy of a certificate of insurance confirming general liability insurance with coverage with combined single limits for bodily injury and property damage of at least one million (\$1,000,000.00) dollars per single occurrence and one million (\$1,000,000.00) dollars annual aggregate.

10. The property for which a permit is sought.

Applications shall be available at the Tewksbury Township Police Department. Prior to any permits being issued, all applications will be reviewed by the Tewksbury Township Police Department for accuracy of information supplied and for compliance with the requirements set forth herein. All applications must be submitted in person by the applicant.

D. *Eligibility for Permit.* Permits shall be available to any resident of the State of New Jersey and Tewksbury Township employees who are involved in the administration and/or enforcement of this section. Permits shall be issued on a first-come, first-served basis, subject to the following limitations:

1. Upon receipt of a completed application packet by an established deadline, permits shall be issued in the following order:

(a) Township residents and Township employees.

(b) Residents of Washington Township (Morris County), Chester Township (Morris County), Bedminster Township (Somerset County), Readington Township, Clinton Township, Lebanon Township, and Califon Borough.

(c) Residents of Hunterdon County

(d) Residents of the State of New Jersey

2. Permit holders from the previous season who have complied with all state and municipal hunting regulations will have first opportunity to obtain permits for the current hunting season upon receipt of a completed application packet by an established deadline.

E. *Rules and Regulations.* The following rules and regulations shall apply to any permit issued to an individual:

1. Individuals engaged in deer management shall produce a permit on demand to any law enforcement officer, or Township employee.

2. Only deer may be hunted; the hunting, shooting, killing, pursuit or removal of any other wildlife is strictly prohibited.

3. One antlerless deer must be taken prior to the taking of an antlered deer in each applicable season.

4. The permit shall be displayed on the dashboard of a parked vehicle and a copy carried in the hunting license holder of the individual engaged in deer management.

5. No unauthorized motorized vehicles are permitted beyond the designated parking areas.

6. The use and/or construction of permanent tree stands is prohibited. Hunters found using a permanent tree stand will be subject to prosecution whether they built it or not. Only portable stands that do not harm the trees shall be permitted, but are used and left unattended at the user's risk. Only one stand per hunter is permitted. All stands shall be removed no later than fourteen (14) days following the expiration of the permit, hunters who fail to remove their tree stands during this period may be disqualified from the deer management program for two years. Hunters shall label their hunting

stands with the permittees' permit number, so that it is visible from the ground. Hunting stands not labeled will be confiscated by the Township.

7. Baiting with mechanical feeders is prohibited, any mechanical feeders will be confiscated by the Township.

8. All deer must be checked in as prescribed by the New Jersey Division of Fish and Wildlife. Hunters shall provide on their annual harvest questionnaire their State issued harvest and confirmation number(s). A secluded, secure local site for field-dressing shall be used.

9. All permits shall be site-specific and nontransferable. Except as set forth in subsection 10 below, permittees shall be authorized to hunt only the property for which they have been issued a permit and shall be responsible for knowing where they are at all times.

10. Deer drives shall be allowed, subject to the following limitations:

(a) Only hunters that possess a Tewksbury Township Deer Management Permit for the property and/or those that possess a permit for other Tewksbury Township properties may participate in the drive.

(b) No person shall carry a weapon of any kind while driving deer.

11. Vehicles shall be restricted to public roads and designated parking areas.

12. Hunting may begin one-half hour before sunrise and must end one-half hour after sunset.

13. Target practice is strictly prohibited.

14. Use or possession of alcoholic beverages or illegal substances while on the properties is prohibited.

15. Littering is prohibited.

16. All current New Jersey Division of Fish and Wildlife perimeter rules apply: 450 feet for firearm and 150 feet for bow.

17. Discharging a firearm or a bow and arrow from private property to Township property is prohibited. Discharging a firearm or a bow and arrow from Township property to private property is prohibited.

18. Discharging a firearm or a bow and arrow on or across highways, roads or trails is prohibited.

19. Discharging a firearm or a bow and arrow from a motor vehicle is prohibited.

20. Transporting an uncased firearm or bow in a motor vehicle is prohibited.

21. Possessing a loaded firearm in or upon a motor vehicle is considered proof of pursuing or taking of wildlife, and is prohibited.

22. Applicant agrees to abide by any additional rules, regulations and/or restraints set forth by the Township and applicable county or state government.

23. Any applicant who is prohibited by law from possessing a firearm or bow, who has been convicted of a felony or who within three years of the date of application has violated either the New Jersey Division of Fish and Game Code or any local regulation pertaining to parks or to hunting will not be eligible.

24. Possession of a permit does not give hunters permission to cross private property. Hunters are responsible for knowing the boundaries of Township parklands and open spaces open to hunting, as well as safety zones. When tracking a shot deer hunters must receive permission from private property owners prior to tracking the deer across private property.

25. Hunters in the Deer Management Program who receive a summons for any violation committed on Township parkland or open space, will have their permit revoked for 2 years and will not be able to purchase a permit. Permits will be permanently revoked for a second offense.
26. Hunters must be aware that non-hunting visitors are allowed on park lands and open space open to hunting; non-hunting visitors are encouraged to wear brightly colored clothing. Non-hunting visitors must be treated courteously.
27. The permittee is not allowed to have any non-permitted person with him/her while engaged in active hunting.
28. Hunting is not permitted on Sundays.
29. All season dates and bag limits designated by the State of New Jersey Division of Fish and Wildlife and the Fish and Game Council for deer management zone 8 shall apply.
30. The Township and applicable county and state government have the authority to stop the hunt at any given time.

In addition, any permit issued by the Township to an individual may contain such additional conditions as the Chief of Police of the Township of Tewksbury determines are reasonably required to ensure the safety of Tewksbury's residents, including but not limited to limiting the days and times during which the permittees may hunt thereon and restricting the areas within the parks or open spaces on which the permittees may hunt.

F. *Duration of Permit.* Permits shall be valid only during the applicable State-approved deer hunting seasons, as said dates may be amended from time to time by the New Jersey Division of Fish and Wildlife and the Fish and Game Council.

G. *Permit Fees.* In order to defray increased maintenance, materials, labor and administrative costs incurred by the Township in connection with its deer management program, a permit fee of twenty (\$20.00) dollars is herewith established for Tewksbury residents and Tewksbury employees, and a permit fee of twenty five (\$25.00) dollars is herewith established for all others.

H. *Revocation of Permit.* The Chief of Police of the Township of Tewksbury shall be authorized to revoke a permit issued hereunder at any time if the safety of any persons or the safety of personal property, including that of the Township of Tewksbury, is threatened as a result of the activity authorized by the permit. Violations by any permittee of any applicable State or local rules and regulations pertaining to hunting or use of parkland shall also cause the permit to be revoked. Where such permit has been revoked or where persons or personal property are endangered as set forth above, the Chief of Police is authorized to require that such person or persons leave the park area immediately and take all steps necessary to eliminate the condition which endangers persons or personal property.

I. *Violations and Penalties.* All State and local regulations pertaining to parks and to hunting shall remain in full force and effect and nothing herein shall be construed to abrogate same. Violation of this section, any special condition or any applicable State or local regulation will result in the immediate loss of hunting privileges on the property and will subject the hunter to any applicable penalties.

J. *Enforcement.* The provisions of this section and provisions of any rules and regulations adopted by the Township Committee shall be enforced by the Police Department of the Township of Tewksbury.

K. *Farmland Depredation.* The provisions set forth above shall in no way interfere with nor take the place of Farmland Depredation Permits or Permits to Kill Wild Deer issued and managed by the New Jersey Division of Fish & Wildlife, and/or the U.S. Fish & Wildlife Service for farmers who lease Township parkland or open space.

BE IT FURTHER ORDAINED, that all other sections of Chapter 12.24, entitled "Park Regulations" of the Code of the Township of Tewksbury will remain unchanged:

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

Louis DiMare
Mayor

Attest:

Roberta A. Brassard
Administrator/Municipal Clerk

Subject **RE: Controlled Hunting Program on Jointly-Owned Properties**
From Nicholas Zemplachenko <nickz@raritanbasin.org>
To ltenv@lebtwp.net <ltenv@lebtwp.net>
Cc Julie Shelley <jshelley@njwsa.org>
Date 2019-06-03 13:08

Adam,

Thanks so much for keeping us in the loop on this developing and exciting program. There are a number of things I really like about the program that you are using as your model in Tewksbury Township's Deer Management Plan, such as focusing on the harvest of antlerless deer. I certainly recommend that on top of following the state hunting regulations and seasons already put in place by the NJ Division of Fish & Wildlife, that you require hunters to take an additional antlerless deer before an antlered deer can be taken. In addition, depending on the size of the property that those successful in obtaining a permit to hunt on receive, and possibly through the completion of a deer density survey, an additional number of antlerless deer could become a requirement to harvest over the course of the hunting season to have first right of refusal of getting the permit for subsequent seasons. You ensure these numbers are met by making sure Lebanon Township is the entity to whom all harvest are reported (you have already listed this as a requirement of the proposed program, which is great) and I suggest you also ask for NJ state deer confirmation numbers along with this report. This number is a unique number given to the hunter by the state of NJ that is directly linked to each individual deer harvest when lawfully reported, and can easily be cross referenced with the NJ Division of Fish & Wildlife for confirmation of accuracy of reporting.

I also very much like the fact that hunting has been limited to archery equipment only (for the time being), as this allows deer to be harvested with very minimal resident disturbance. The safety associated with archery hunting-only, as opposed to allowing firearm hunting as well, makes an already overwhelmingly-safe activity in hunting even safer.

Very interested in hearing how your motion to establish the program goes this evening. I would very much like to continue to be involved in the conversation going forward, and assist in making any other decisions on program specifics the committee would request. Please feel free to reach out anytime.

Best,

Nick Zemplachenko

Assistant Watershed Protection Specialist

New Jersey Water Supply Authority

1851 Hwy. 31, P.O. Box 5196

Clinton, NJ 08809

Phone: 908-730-0270 ext. 233

Fax: 908-730-0276

Email: nickz@raritanbasin.org

Web: www.raritanbasin.org

From: ltenv@lebtwp.net [mailto:ltenv@lebtwp.net]

Sent: Monday, June 3, 2019 7:59 AM

To: Nicholas Zemlachenko

Cc: Julie Shelley

Subject: Re: Controlled Hunting Program on Jointly-Owned Properties

Hello Julie, Nick,

Tonight, our EOSC is seeking to make a motion to support the establishment of a deer management ordinance on Township-owned (and co-owned) open space. There will still be much work to do to discuss this further with our Township Committee and work with our lawyer and police department to draft the ordinance, and, of course, we want you to be involved to the extent you wish to. We welcome your expertise and thank you for your support! Here is a link to our agenda for tonight, which includes a draft motion and a copy of a model ordinance from Tewksbury Township we have been using as the basis for our discussions. Let me know if you have any discussions.

[Lebanon Township EOSC June Meeting Agenda](#)

Kind Regards,

Adam Duckworth, Lebanon Township Environmental & Open Space Commission (EOSC)

On 2019-05-09 11:39, LT EOSC Township Mail wrote:

Perfect. One question that came up was if hunting was an approved activity in the EIFP-constrained areas?

Sent from my iPhone

On May 7, 2019, at 10:00 AM, Nicholas Zemlachenko <nickz@raritanbasin.org> wrote:

Hi Adam,

As Julie has said, I would be more than happy to be involved in this discussion and offer any help I can on the topic. Please feel free to reach out anytime, and I would very much appreciate being kept in the loop as planning for this program progresses.

Best,

Nick Zemlachenko

Assistant Watershed Protection Specialist

New Jersey Water Supply Authority

1851 Hwy. 31, P.O. Box 5196

Clinton, NJ 08809

Phone: 908-730-0270 ext. 233

Fax: 908-730-0276

Email: nickz@raritanbasin.org

Web: www.raritanbasin.org

From: Julie Shelley

Sent: Monday, May 6, 2019 8:44 AM

To: 'ltenv@lebtwp.net'

Cc: Nicholas Zemlachenko

Subject: RE: Controlled Hunting Program on Jointly-Owned Properties

Hi Adam,

Yes, we have no concerns with hunting as long as the appropriate licensing and safety rules are followed. Nick from our Watershed office, copied on this, has a lot of expertise with the topic and I'm sure would love to be involved in the discussion.

Best,

Julie

From: ltenv@lebtwp.net [<mailto:ltenv@lebtwp.net>]

Sent: Sunday, May 05, 2019 4:18 PM

To: Julie Shelley

Subject: Controlled Hunting Program on Jointly-Owned Properties

Hi Julie,

Lebanon Township is exploring the possibility of introducing a controlled hunting program on Township-owned properties. Is this an allowed use on our jointly-owned properties (specifically Fisher, Schaaf and the two Nicholson parcels) and could you advise if and how you would want to be engaged in this discussion? Thanks!

Adam Duckworth

Lebanon Township EOSC