

**MINUTES**  
**Work Session**  
**Council Chambers**  
**Monday, January 28, 2019 (7:30pm)**

**CALL THE MEETING TO ORDER**

Council President Bromberg called the meeting to order at 7:35 pm in the Council Chambers located at 406 Rivervale Road, River Vale, New Jersey 07675.

**SALUTE TO FLAG**

Council President Bromberg asked all in attendance to rise and join him in a Salute to the Flag.

**SUNSHINE LAW STATEMENT**

Council President Bromberg read the Sunshine Statement into the record, as follows:

*"In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office."*

**ROLL CALL**

Councilman Ben-Yishay, Councilman Donovan, Councilman Criscuolo, Councilwoman Sieg and Council President Bromberg were present.

**Also present:** Mayor Glen Jasionowski, Township Attorney Silvana Raso, Township Engineer Chris Statile, Township Clerk, Karen Campanelli and Police Chief William Giordano.

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**PRESENTATION—Animal Protections League of New Jersey**

Doris Lin introduced herself as the Director of Legal and Government Affairs for the Animal Protection League of New Jersey and the League of Humane Voters of New Jersey. Ms. Lin gave a brief background on herself. She has a degree in Applied Biological Sciences from MIT, she's worked for the USEPA and the Massachusetts Department of Environmental Protection, and she is also an attorney specializing in Animal Law and the author of the Wildlife Protection Chapter in the New Jersey Environmental Law Handbook.

Ms. Lin opened her presentation with some facts about deer. Their maximum life span is 6 to 25 years in captivity and 4 ½ years in the wild. Deer only eat plants and their preferred habitat is the forest edge where the field meets the forest. Their behavior is nervous and shy and they typically mate in the 2<sup>nd</sup> year with the fawns living with their mothers for the first 1 to 2 years. Ms. Lin reported that deer are a keystone herbivore who have evolved with the forest for the past 3.4 to 3.9 million years. The color of their fur is grey in the winter and red in the summer and no two fawns have the same arrangement of spots. The male deer shed and grow new antlers every year, they can jump high, swim well and run up to 30mph. Deer also have 310 degree vision compared to humans who only have 180.

Ms. Lin first addressed the question as to whether the deer are overpopulated in New Jersey. The most recent population estimate from the Division of Fish & Game is 100,000 to 146,000 in hunted areas and they are not certain how many are in unhunted areas. She added that the deer population is going up in hunted areas; which means hunting is not working. Ms. Lin next reviewed biological and cultural carrying capacity with regard to whether the deer are over populated. She explained that the biological carrying capacity is the maximum number of individuals that the ecosystem can support without harming other species. The cultural carrying capacity is the number of individuals humans will tolerate and this number is often lower than the biological carrying capacity. Ms. Lin reported that the Division of Fish & Wildlife has not come out with numbers for either carrying capacity and have not performed any studies or surveys.

Ms. Lin next reviewed how hunting policies are made. She explained that within the New Jersey Department of Environmental Protection there is the Division of Fish & Wildlife and

within this division is the New Jersey Fish & Game Council. Ms. Lin detailed that by statute the Council is an 11 member body and six of those members must be hunters. The Council is appointed by the New Jersey Federation of Sportsmen's Clubs and by statute; the majority of the Council is made up of hunters. Ms. Lin reported that the Division of Fish & Wildlife makes money from the sale of hunting licenses and in the past they were completely supported by these sales. However, the number of hunters has declined and they now receive some State tax dollars and from the Federal Pitney Robertson Fund which is a Federal excise tax from the sale of guns and ammunition. The amount of money they receive from the Pitney Robertson Fund is based on the number of licensed hunter the State has. Ms. Lin added that there is a strong incentive for the State have a high number of hunters both to sell the licenses and to receive the Pitney Robertson Funds.

Ms. Lin next reviewed the various deer myths. The first being car deer accidents which actually increase on the first day of hunting season. The hunters use a practice called "driving" which can cause the deer to run into the road. Next, Ms. Lin reported that Lyme disease is not spread to humans from the deer. She explained that the disease is carried by the black legged tick and the ticks come to humans usually through mice who are capable of gaining access to your house whereas deer are not. Another myth is starvation and that if the deer are not killed they will starve. Ms. Lin explained that the hunters do not hunt sick or week deer they hunt the stronger and healthier deer. Also, hunters do not take the place of natural predators who will go after the weakest members of the herd. Ms. Lin also commented that hunters and hunting accidents endanger the entire community.

Ms. Lin also reported that both the sales of hunting licenses and tax dollars help support the State Wildlife Management areas. She next reviewed the various practices the hunters use to increase the deer population and the doe's fertility rates. One way is through farm leases; which is when the State leases land on State wildlife Management areas to farmers. The contracts with the farmers require them to plant deer preferred crops and require the farmers to leave a certain percentage of the crops standing for the deer. Ms. Lin further reported the practice of clearcutting on State Wildlife Management property and forests to create the edge habitant the deer prefer. There are also prescribed burns which is similar to clearcutting. She also explained the compensatory rebound effect which occurs when hunting a population that is close to carrying capacity you are then increasing their fertility. Ms. Lin reported that hunters are planting food plots for deer and the Division of Fish & Wildlife is also doing this on State Wildlife areas. Additionally, feeding and baiting the deer increase the population.

She next displayed a map that showed the 70 deer management zones in New Jersey. The areas in yellow are being managed for stabilization, the areas in red are being managed for increase and the areas in pink are being managed for decrease. Ms. Lin reported that River Vale is in the pink area and being managed for decrease; but, most of New Jersey is either being managed for stabilization or increase. She also noted that the Division of Fish & Wildlife list deer as a decreasing species in New Jersey.

Ms. Lin stated that hunting is a failed experiment. Hunters killed 49,000 deer during the 2016-2017 hunting season; and depending upon what numbers you use that is 1/2 or 1/3 of the deer in New Jersey and yet there is still a high deer population.

She went on the discuss forest health and reported that in 2016 the greatest forest damage was caused by Gypsy Moth defoliation; the majority being in Northern New Jersey. Ms. Lin further reported that the Southern Pine Beetle is responsible for 4,116 acres. And wildlife mortality which includes deer was found on only 1,427 acres.

Ms. Lin recommends peaceful, non-lethal conflict management to prevent human deer conflict. She suggested using reflectors, signage and wildlife crossings to avoid deer/car collisions and to use caution and commonsense when driving in areas where deer sign are present. Ms. Lin also discussed another common conflict which is Lyme disease; and that there are a variety of hosts for the black legged tick including mice, birds, squirrels, foxes and deer. Ms. Lin reviewed a product that is very effective against Lyme disease that is also not harmful to people. It's called damminix tick tubes which contain a pesticide that only targets and kills the ticks. She also explained that it is helpful to create a tick free zone

around your house by mowing the grass short, removing any brush, acorns, bird feeders and bird baths from your yard. Ms. Lin next addressed the concerns about the deer eating landscaping. She shared that the Rutgers website has a list of deer resistant plants. She also suggested spreading soap shavings in the yard to deter the deer as well as commercial brands of deer and rabbit repellent.

Ms. Lin stressed the important of stopping the practices which increase deer fertility; such as feeding the deer. She next discussed that in limited circumstances they do support birth control methodologies; which include surgical sterilization and PZP. Several Towns have questions her as to whether they should do surgical sterilization or amino contraception. Ms. Lin explained that surgical sterilization has higher upfront cost however the sterilization is permanent. Conversely, the amino contraception has lower upfront costs, the sterilization is temporary and you will have to continue re-dosing the deer every two years. Ms. Lin stated that because of this issue they recommend surgical sterilization. She next reported on a new project in Staten Island where they are performing vasectomies which is unusual because usually sterilization targets the females. She explained that the surgery is less evasive and only takes a few minutes. Staten Island saw an 8% population reduction after performing vasectomies on 87% of the males; the females are still in heat and attract males which increases migration which is not ideal. The estimated cost per vasectomy is \$2,778 and they anticipate the cost going down over time.

She next review the two types of female sterilization the first being tubal ligation; in this case the females still go into heat and attract males which causes the males to migrate into the area. Ms. Lin reported that this technique has been found to not be that effective. The second type of female sterilization is an ovariectomy. She explained that the ovaries are removed, the females don't go into heat or get pregnant and are therefore not attracting males. This is the method they recommend if you chose to address deer fertility this way. She further detailed that an ovariectomy takes 20 minutes, is 100% effective, requires a permit from the State, and the deer must also be approachable and accessible. The cost for an ovariectomy is \$1,000 to \$1,200 per doe. Ms. Lin shared that they have a volunteer veterinarian in New Jersey who is willing to perform ovariectomies therefore the cost should go down significantly. She also reviewed successful sterilization programs using ovariectomies conducted in Cayuga, New York and Ann Arbor, Michigan; White Buffalo is the popular contractor who performs these sterilizations.

Ms. Lin stated that in New Jersey if you want to pursue a non-lethal fertility project you first need to obtain a permit from the Division of Fish & Wildlife. She explained the process to obtain the permit which is to first explain why traditional deer control methods have not worked; the traditional method referenced is hunting. Ms. Lin stated that there is a strong bias for hunting because the application asks you to describe your plans to support traditional hunting were practical. She referenced the Community Based Deer Management Handbook which states the two categories of non-lethal methods for controlling the number deer as being chemical control and trap and transfer. Ms. Lin noted that there is no mention of surgical sterilization which is an effective option.

She next discussed Saddle River's application; who submitted an application for an ovariectomy program with a volunteer veterinarian to perform the surgeries. The State rejected their proposal because the proposal cannot be both a population reduction and an experiment to determine population impacts. And the second reason being that fertility research projects conducted in other States are numerous but with low expectations of successfully reducing the deer population in a timely or cost efficient manner. Mr. Lin disputes the Divisions reasons for rejection as feels their application was doomed from the start. She added that Division provided no back up or facts with regard to their statement that fertility projects in other States have been unsuccessful.

Ms. Lin again discouraged people from feeding the deer. She also explained that if you see deer where you normally don't; the reason might be displacement and not necessarily because the population has increased. She further stated that deer have been targeting by gaming agencies as the number one hunted animal. Ms. Lin concluded that hunting is very controversial and many resident may object to it; whereas non-lethal strategies are a win-win.

Mayor Jasionowski thanked Doris for a very informative presentation; they are going to take the facts presented by Ms. Lin and the State and do their research. The Mayor reported the number of deer/car accidents has going up considerably during the non-rut months; he stressed that in many of the accidents the deer are running into the side of the car. Mayor Jasionowski biggest concern is someone getting killed. He requested a copy of this evening's presentation from Ms. Lin.

The Mayor also expressed his concern over seeing triple births among the deer. The Township does not have a hunt and questioned why this is happening. He added that the Township has also ban feeding of deer. Ms. Lin responded that if you're seeing a lot of triplets you have a well feed deer population even if people are not feeing the deer. She added that another reason might be hunting or poaching in the area.

Councilman Ben-Yishay questioned if Ms. Lin had any statistics regarding hunting accidents with bow hunters in the State of New Jersey. Ms. Lin did not have this information but it should be available from the Division. Councilman Ben-Yishay responded that they were told the rate of bow hunting accidents is unbelievable low. Ms. Lin added that approximately 100 people are killed in hunting accidents in North America every year; however, she did not know how many specifically were from bow hunting.

Councilman Ben-Yishay stated that River Vale being in the pink zone which is deemed to be a decreasing management area. He questioned what the management is right now that is decreasing the population. Ms. Lin explained that the Division's goal is to decrease the deer population. Councilman Criscuolo clarified that this would imply that River Vale is in a higher volume jurisdiction. Ms. Lin agreed and added the population would be higher than the cultural carrying capacity. Mayor Jasionowski and Council President Bromberg agreed that we have reached our cultural capacity both referencing the dramatic increase in deer motor vehicle accidents.

Councilman Ben-Yishay next questioned whether there is any town or city in New Jersey where non-lethal deer management; including ovariectomy, is being performed and is permitted by the State. Ms. Lin responded not at this time but Princeton did have a non-lethal project. She explained that Princeton's project was so successful the State changed their rules for when applying for a non-lethal management plan. Ms. Lin added that since that time none have been approved. Councilman Ben-Yishay commented that if they know the ovariectomy is successful and they decided to go forward with this plan but they know that it's impossible to get the State of New Jersey's approval; then what approach should they take if they have an overpopulation problem. Ms. Lin responded that you need to change the policies at the State level.

Council President Bromberg added that presently we have a severe problem that they would like to deal with now. He questioned Ms. Lin as to her recommendation about how to deal with the State; or do they have to wait until the legislative process changes. Ms. Lin stated that if the issue is cultural carrying capacity and there is human deer conflict then there are non-lethal ways to deal with this conflict. Ms. Lin also suggested that you could try suing the State. Ms. Raso added that to sue the State you would have to allege that they are violating the Constitution of the State of New Jersey.

Councilman Donovan thanked Ms. Lin for the informative presentation. He questioned the size herd or the BCC for our area. Ms. Lin did not have this information. Councilman Donovan questioned why they would want to reverse a policy that encourages healthier deer. Ms. Lin responded that they would like to reverse policies that artificially increase the deer population for hunters. Councilman Donovan questioned what the natural predators are in this area. Mr. Lin suggested coyotes and foxes.

Councilman Donovan next questioned where he could find a collection of the studies that show sterilization is working. Ms. Lin directed Councilman Donovan to the website Deer Friendly.com which has a lot of information about non-lethal deer management.

Councilwoman Sieg thanked Ms. Lin and appreciates all the information provided. Councilwoman Sieg feels the biggest misconception is the deer ticks and the Lyme disease. She added that we need to help educate the residents that isn't not just deer; its mice, birds and other animals.

Councilman Criscuolo thanked Ms. Lin and appreciates the information. Councilman Criscuolo questioned approximately how many Towns in New Jersey have had a controlled hunt. Ms. Lin did not have this information. Councilman Criscuolo questioned if there is not a significant number of controlled hunts in the State; how do we know that the population is still increasing despite the controlled hunts. Ms. Lin responded that when the Division states that the deer population is 100,000 or 146,000 they are referring to huntable land in New Jersey where legal hunting takes place.

Councilman Criscuolo next questioned if there are statistics or data that supports the fact that increasing the deer population will increase the deer licenses. Ms. Lin does not believe there is any data but she referenced the language on the Division's website. There they discuss hunter access being an important issue; therefore they need more land to hunt on and opening up Towns to bow hunting could be a recruitment tool. Ms. Lin also clarified that the number of hunters in New Jersey is decreasing.

Council President Bromberg added that the State stressed that their goal was to stabilize the deer population and not increase. He next questioned at what rate the ovariectomy could be performed being there is only one volunteer veterinarian in the State. Council President Bromberg used the example of having 300 deer and wanting to reduce by 150 and how long would that take. Ms. Lin is not sure but she could look at the Saddle River proposal for some time frames.

Mayor Jasionowski suggested that Ms. Lin forward them any other information or documentation she may for them to review.

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**ADJOURNMENT**

Motion by Councilman Criscuolo; seconded by Councilman Donovan to adjourn the meeting at 8:32pm.

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ATTEST: Karen Campanelli, Township Clerk

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Council President  
Mark Bromberg