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Panel of Towns: Amherst, NY

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Town of Amherst

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Panel of Towns

Presentation of Peggy Santillo,* Amherst, NY

Thank you very much. I want to thank all the law students who put this together today. I think this has been a real interesting experience for me. I'm a council member and a deputy supervisor, and I'm presently chairing the Supervisor's Deer Management Task Force which was created by our Town Supervisor, Susan Grelick, when the majority of the Town Board would not agree to create a town board task force. So that's how that came about. So we do have a task force in Amherst right now, but unfortunately we are not a part of the Town Board process, we're part of the executive process under the Supervisor.

I took office in January of 1992. Prior to my being elected as a council member in the Town of Amherst there was what you might call a concern about deer in the town. I had sat through some Town Board meetings as a citizen and heard discussions from people expressing concerns about deer/car accidents, and in particular about damage to property by deer in the northern sections and eastern sections of our town. But the town board prior to 1992 had rarely ever formally created any kind of committee, done any kind of study, or taken any formal action in regard to trying to address this problem in any kind of citizen committee/task force type of format.

When I became elected, I was made the liaison to the Amherst Conservation Advisory Council, a committee that is made up of citizens appointed by the Town Board, approximately nine members, and advised the Town Board on conservation issues. This issue was brought to that Council, and as part of the Conservation Council's responsibility they created a task force to study the issue. The task

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force was chaired by a member of the Conservation Council which again was appointed by the Town Board, but included a variety of individuals that just responded to some articles in the newspaper about this subcommittee. People just began showing up -- there was no real formal process of selection.

So it's kind of interesting the way it evolved. There were probably between ten and twelve members depending on attendance who shared a variety of opinions. They met quite often under open government rules. The meetings were always up at Town Hall and they were always open to the public. We did have residents on that committee that represented a variety of opinions. That subcommittee went on for about a little over a year and produced a report that is available up at Town Hall if anyone is interested in that.

It was interesting for me to listen to the facilitator from Irondequoit because we didn't have that kind of structure with the facilitator. There was no formal process by which that subcommittee was set up. It was interesting that they could not agree to make recommendations at the end of about fourteen months even though they had worked very hard. So they produced a report which was more like an informational report to the Town Board that basically reviewed all possible options from bait-and-shoot to contraception to all kinds of options that were available to the Town Board. They made a point in that report that they were not going to make any recommendations because there was no consensus reached on any kind of plan or recommendation, and they felt that would have to be the mandate of the Town Board. Here are your options and you make the decision.

So it was interesting for me to hear that perhaps because we didn't have that kind of facilitation process that was definitely a result and they worked very well together as long as they never discussed recommendation. And that's how that process worked. They were successful in that they held a number of public forums, gathered a lot of public input, and did create a report that was well written and at least kept this issue of moving forward, and made some kind of attempt to define options for the Town Board.

Now as everyone knows town boards or municipal boards have changed because of elections. Since I've been on in 1992 we've have four different supervisors and different make up of the Town Board through elections, illness, retirements and all that. So the Town Board that I started with in 1992 is different than the Town Board that we have now. When Susan Grelick became the Supervisor, she clearly stated during her election that she was very much opposed to any kind of bait-and-shoot in the Town of Amherst.

Going back a minute, because we always had this report we didn't have a Town Board that was really willing to create a task force or its own committee. All we had was this report and a lot of opinions flying around it. And what our deer management process seemed to boil down to was whoever could befriend four Town Board members and get them to think a certain way even up to five minutes before a Town Board meeting, that's what resolution would suddenly then be voted on based on that kind of lobby process. There really was no rhyme nor reason in my opinion to the way decisions started to be made. And what was born out of that process then became the time that first report was produced and the time that the Town Board initiated the first bait-and-shoot in cooperation with the DEC. The Town Board vote on the first bait-and-shoot was a last minute vote like that, with that kind of process that I'm describing. In fact it was so last minute, I believe it was based on the fact that two of the Board members, including myself, were not going to be at that Town Board meeting, so it was decided without placing it as a formal agenda item that that would be the board meeting to vote on initiating a bait-and-shoot program. So there really has been a lot of problems with the process because I believe the Town Board has not, I should say, recognized the importance of creating some kind of task force supported by all seven members of the Board with a mandate to really study this process and be the Town Board's advisory board for the process of how do we deal with the deer, so-called problem, in the Town of Amherst.

Since that time, that process produced two Town Board approved bait-and-shoot programs. The second during the winter

time they were generally conducted between about February and April. The second bait-and-shoot program which was two winters ago was curtailed, was cut short by about six weeks because of the private citizen who came forward, Mr. Benderson, from Delta Sonic Car Wash and presented a check for \$20,000 to our Town Board if we would immediately stop the bait-and-shoot program that evening and use the money to explore alternative ways of managing our deer in the Town of Amherst nonviolently in particular. So I would say, who says the Town Board can't be bought? Right? It literally, the check was handed to us that night. It was handed to me in particular and my daughter had to sit there and hold the check during the meeting. What do you do with a check for \$20,000? I'm not used to that kind of thing personally. And I wasn't sure which way the Town Board was going to go because that evening there was a lot of discussion and heart felt comments from all the Town Board members about their concerns about stopping the bait-and-shoot that was in progress at that time. But, you know, this was an opportunity that shouldn't be passed up. So the Town Board did vote that evening by majority to curtail the bait-and-shoot program and use that money for exploring alternative options.

Unfortunately, the Town Board, in accepting that money, there was no formal program to designate someone in charge of how that process could now proceed to create a task force, to hire a facilitator, to do anything. So since I had the check (I turned it over to the Comptroller), and it didn't seem that any other leadership was going to come from any of the other board members, nobody seems to want to deal with it, I suggested that you now go back to the Conservation Council. In particular, the Council discussed it and again wanted a Town Board task force to be created recognizing the political realities of having a divided town board on any issue, but in particular this issue, creating possibly a seven member task force where each Board member got to pick someone. Even going to that basic kind of process so that at least you know another study would begin and something would begin to happen in a formal kind of way.

And that has never happened. The Town Board has never been able to agree on until this point to have that kind of a process.

As a result of that, again, when Susan Grelick became Supervisor a little over a year ago, I asked her to create her own task force exploring town law and working with our legal department under the executive form of government. A supervisor has the power to create a task force. And this is only after several resolutions of trying to play the Town Board to create a task force that I felt strongly about and a lot of citizens in our community felt strongly about. In fact, even Jim Snyder from the DEC, who had recommended a task force, seemed to feel strongly about it and in several meetings he attended we could not convince the Town Board that this would be an important action to take. So Susan Grelick did create a task force. She asked me to chair it. And we decided basically because it was a supervisory task force, that Susan Grelick would determine how we would set up this task force. We decided not to go out and solicit citizens because again we had that problem of so many different opinions. We chose three citizen members from the already existing Amherst Conservation Advisory Council who were all members appointed by the Town Board and we did it that way as an attempt to at least connect this task force to the Town Board whether they wanted that to happen or not. Other members of the task force, and I have the list of those members, and copies of the first, we called it, status report that was put out in January of 1998 out on the table and I have more up here with me, are listed with their titles in this report. But we had department heads from various departments. A number of people that called, I spoke to. We were fortunate to have a town employee who was the wildlife rehabilitator and also was a clerk typist so we asked her to be on. We had Bruce Kohn, who was at that point the liaison to the proposed contraceptive project in the Town of Amherst made possible by the \$20,000 donation, at least as a possibility, we put him on because we felt that was important. But anyway you can see who else was on that task force. We began to have meetings. Even though the task force was not created by the Town Board, the meetings have always been held

up at the municipal building and they are always open to the public. So we have a variety of people always attending those meetings, observing, and at times, even participating in the process. And again I encourage you to get a copy of the status report that has come out.

Where we are at right now in the Town of Amherst is we have the Supervisor's task force still continuing to meet, but unfortunately we really don't have any other kind of management activities taking place at this time. The bait-and-shoot program was stopped through a court case because of a lack of an environmental impact statement, basically and some SEQRA process problems. Then the same process was used to basically curtail an immunization program which began to get off the ground and was stopped recently right before that was supposed to begin by a lawsuit because of concerns that an environmental impact statement also wasn't completed and basically a threatened lawsuit that was later brought by the withdrawal of the permits from the DEC as a result of all of that.

So what we have is a virtual kind of standstill in Amherst as far as deer management techniques in the Town of Amherst. However, the Supervisor's task force continues to meet. The Town Board recently through two resolutions voted first of all to withdraw a waiver of a firearms ordinance that would have made the darting for the contraceptive project possible, and also voted to make the Town Board liaison for the environmental impact statement process. I can't even tell you where that's at because I think that also placed that whole process into very muddy waters. So there's nothing happening.

My understanding is that the Humane Society has recently submitted a proposal and has been working with the DEC to try to answer additional questions that have come up which had forced them to withdraw the permit. But there has been no action in terms of reissuing that permit. So in conversations with the Humane Society program people in Washington yesterday, it really appears at this point that the soonest they could get that program going again would be probably in August of this year if permits were issued and EIS's were completed and the Town Board votes to support this project. So that's kind of where we're at in Amherst.

Trough the task force process, as the Supervisor stated, we have visited Irondequoit and met with them. Again, there's been a lot of work done and in my opinion all we can do is really continue forward in that vein doing research, soliciting volunteers, of which we have hundreds literally in the Town of Amherst that have volunteered in doing deer counts and other activities in preparation for the Humane Society project in the Town of Amherst, and from my standpoint to just keep that kind of process going in recognition that we will again be able to continue with at least various methods of management deer in particular that Humane Society project in the Town of Amherst.

It's my concern that and I'm sure it's the goal of some to not see this project happen. What to me has been real interesting is as a local council member, and I don't know if people in Irondequoit can relate to this and other communities from New Jersey and all over that are dealing with this issue, that international lobby group such as Safari International, I couldn't figure out regardless of how I feel about hunting personally, I think just from a local elected official standpoint, why they would be so involved in not letting us move forward with the contraceptive project. I've listened to many of their concerns in a public forum just recently and I still didn't quite understand it. So I went on the Internet and I searched some of their website pages and started reading some of their literature and I would encourage others to do the same on any kind of issue where a group comes forward that maybe isn't based in your own local community and it became, it was very interesting to me to see the kinds of things they were involved with, in particular polar bear hunting in Canada and winning the right to be able to kill polar bears in Canada and bring body parts back to hang on walls and things like that. In this community that's probably the most recent legal victory, but it became clear to me that this is a big game hunting group and in doing some research and talking to some more people I found out that they had possibly been looking for a local community to challenge the contraceptive project around the country because there were some issues related to big game hunting actually in Africa, which you know

most of us aren't really involved with what they were concerned about.

So that's something that has become really interesting. In a sense this issue in Amherst has gone beyond just the issue of local deer management. It's gotten into another realm, and it deeply concerns me and I will continue to express to the Town Board that if we don't create a Town Board task force and relocalize this issue and bring it back to our own citizens to help us make decisions, possibly maybe with a facilitator that type of process which has been suggested to us as well, that this project is just going to be, the whole deer management process is going to be controlled by a group or groups that have a goal unrelated to Amherst's goal of trying to protect its wildlife, protect its environment, find a solution to the problem in relationship to deer in the Town of Amherst. So that's kind of a summary of where we're at now with some of my own personal concerns as an elected official and again I do have copies of this status report. I think I'll end right here, and I look forward to hearing the other persons on this panel.