

Village of Lansing

MINUTES of a joint meeting of the Board of Trustees and Planning Board of the Village of Lansing held on Monday, September 21, 2015, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Gerry Monaghan, John O'Neill, Patricia O'Rourke, Planning Board Chair Mario Tomei; Planning Board members Deborah Dawson, Maria Stycos, Lisa Schleelein, John Gillott; Attorney David Dubow; Clerk/Treasurer Jodi Dake; Code & Zoning Officer Marty Moseley.

Mayor Hartill called the Board of Trustees meeting to order and Mario Tomei called the Planning Board meeting to order at 7:34pm.

Public Comment Period

Mayor Hartill opened the public comment period for the Board of Trustees and Tomei opened the public comment period for the Planning Board.

Carolyn Kenyon and Kathleen Yen were present to request that the Village of Lansing join with Tompkins County and other municipalities in support of the NY Health Act. The NY Health bill would create a universal single payer health plan to provide comprehensive health coverage for all New Yorkers.

Leopold stated that she would publically like to thank Jim Orcutt t for building new flower boxes. Orcutt volunteered his time. The Village will send him a letter of thanks.

Motion - To Close the Public Comment Period

Trustee O'Neill made a motion to close the public comment period.
Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye

Trustee John O'Neill-Aye

Trustee Patricia O'Rourke-Aye

Trustee Gerry Monaghan-Aye

Trustee Ronny Hardaway- Aye

Hearing no comments Stycos moved to close the public comment period for the Planning Board. Seconded by Gillott; Ayes by Tomei, Dawson, Gillott, Schleelein, and Stycos.

The first item on the agenda for the Board of Trustees was approval of minutes from August 10, 2015.

Motion- To Approve the Minutes of August 10, 2015

Trustee Monaghan moved to approve the minutes. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill –Aye
Trustee Gerry Monaghan-Aye

Trustee Patricia O'Rourke-Aye
Trustee Ronny Hardaway-Aye

It was asked if the Board wanted to vote on supporting the NY Health Act. There was no further discussion on this issue. Hartill entertained the following motion:

Resolution#6197-To Favor the New York State Health Care Act

Trustee Hardaway moved to approve this resolution. Trustee Monaghan seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee John O'Neill –Nay
Trustee Gerry Monaghan-Aye

Trustee Patricia O'Rourke-Aye
Trustee Ronny Hardaway-Aye

Deer Management

The next item on the agenda was to consider proposed deer management activities using NYSDEC Deer Depredation Permits. The following is a copy of the email previously sent to the Board of Trustees by Bernd Blossey for tonight's discussion:

Proposed Deer Management Activities Using Deer Depredation Permits

The proposed activity period is October 1, 2015 to March 31, 2016.

Prepared by:
Bernd Blossey
January 14, 2015

Background on Board of Trustees authorization for deer management activities

For the past 8 years, the Village of Lansing Board of Trustees has approved a coordinated hunting program on select properties within municipal boundaries. While these efforts have been successful in reducing the deer populations, some ecological damage and deer vehicle collisions, further population reductions are needed to achieve management goals. After review of the Village Firearm and Bow Safety Law (Village Code Chapter 67, attached as Appendix) particularly provisions under Section 67-6, specifically subsection A.(5) thereof, Village attorney David Dubow advised the Board that this subsection should sufficiently allow the Board to use its discretion to apply certain identified NYSDEC Deer Management Program provisions and thereby override certain of the provisions in subsections A.(1), (2), (3) and (4). That eliminates the need for a Local Law amendment.

Given the above determination, the Board applied for use of New York DEC approved Deer Depredation Permits (DDP; often referred to as nuisance permits) for a short period

in March/April 2015. Participants harvested 28 deer on 4 properties with the vast majority (25) taken on only 2 properties. The average time investment to take a deer was 2.5 hours, a very efficient use of time and resources on behalf of the participants.

The sections below outline the operational procedures that would again be applied and enforced that would govern conduct by participants while conducting the DEC approved nuisance deer management within the municipal boundaries of the Village of Lansing (VOL).

Proposed activities during nuisance deer management program in VOL

1. Activities (if approved by NY DEC) are anticipated to occur from 1 October 2015 (or as soon as an application is submitted and approved thereafter) to 31 March 2016. DDP's are usually issued for periods outside regular hunting seasons, but discussions with the DEC, Region 7, indicated that they consider VOL hunting not an open hunting program but highly regulated due to the procedures the board implemented over the past seasons. They indicated that they would give permission to use DDP's throughout the proposed period. Both antlerless and antlered deer can be taken if similar procedures are used as in the Village of Trumansburg, but participants will need to surrender antlers to the DEC within 10 days after taking a buck.
2. Activities will only occur at locations where landowners have given their approval to this approach. The attached map shows potential locations, many of which are currently participating in the hunting program. The board should consider each location and approve it. The locations are strategically placed throughout the village to capture deer activity and sub herds. We will not consider using all locations at the same time but activities will be determined by participant availability, use of areas by deer and strategic considerations (resting periods at locations within close proximity)
3. Participants will be recruited from the current group of approx. 20 active hunters within the village program. A meeting of active hunters in late August (attended by Lynn Leopold) found unanimous support for nuisance activities and willingness to participate. Many of these individuals have participated in the Cornell nuisance deer management program; others will receive supplemental training to assure safe procedures (see below). We will likely limit access at stand locations to a single individual or small group of users. Equipment is limited to compound bows (no long bows, recurve bows, crossbows or guns). All shooting will occur from elevated positions (tree stands).
4. Each individual participant or participant group will be responsible for stand placement (as approved by landowners), baiting and scheduling of other activities (see below). Baiting will need to be continued on a daily basis to condition deer to food availability, even if no shooting is planned. We will use corn (and

- potentially apples, if they become available at no cost) at each location. Bait will be placed about 20 yards away from tree stands to attract deer to these locations. At most locations we will also install trail monitoring cameras to capture deer use. If needed, locations may need to be shifted slightly or will be abandoned for extended periods if no deer use occurs. Each landowner will be informed about any activities on their properties, as indicated by landowner preferences and local laws (See Appendix). After we have determined deer use at properties, shooting may begin (it usually takes deer 3-10 days to locate and persistently come to bait).
5. Activities, as permitted by DEC for DDP activities, can occur from sunrise to 11PM. Experience in the Cornell and Trumansburg nuisance programs shows that the most successful periods are evenings and early night hours. Use of supplemental red/green lights after dark is highly effective as deer will not see the red light, remain entirely relaxed at close range and are generally less “spooky” after dark. This allows safe, highly accurate shots at close range. All participants will either have experience using this approach or will be trained before being allowed to venture afield at night. Deer reporting will continue through our secure website with additional features (we will keep track of every arrow shot).
 6. All participants are required to follow all village and state laws, as well as expressed landowner preferences. It is the right of each landowner to restrict the number of individuals on their property, the times or dates participants are allowed on properties, stand location, parking locations or access routes. The agreement to use properties can be terminated at any time by notifying the village clerk.
 7. We cannot predict which days and stands will be used in advance, as this will depend on individual time schedules, wind direction, weather and previous use of stand locations. To prevent overuse, we will restrict stand use to max. twice per week and we will establish resting periods of sometimes 2-3 weeks (with baiting continuing) allowing deer to fall back into their usual patterns without disturbance. This has worked extremely well in other programs. We expect 80% or more of activities to occur in the evening hours.
 8. Participants will be in trees using camouflage. After taking a shot, a lethally hit deer will usually travel very short distances (often <60 yards; mean distance in the Village of Trumansburg was 50yards, range 0-150 yards for 90 shot deer). Participants will remain in tree stands after the shot. They either wait for another opportunity (multiple shots are often possible at baited locations), or wait a minimum of 30 minutes before retrieving a deer. Participants will use flashlights to locate the deer or to walk out of the woods; therefore landowners may notice a slow moving flashlight. If deer can't be readily retrieved due to poor blood trails, we have approved tracking dogs available that will help in locating wounded deer. In very rare circumstances we will follow up in the morning with better light.

Landowners will be alerted to any of these possibilities and will have access to cell phone numbers of participants.

9. As in regular hunting situations, occasionally a mortally wounded deer may run beyond property boundaries. All participants will have information about property boundaries when afield. This information will include phone numbers of landowners and neighbors who need to be notified if a search extends beyond the approved properties. If necessary, hunters will call and ask permission to retrieve a deer unless we have pre-authorization to retrieve deer from a property. All immediate neighbors should also be informed of the activities, regardless of whether a deer ever leaves an approved property.
10. Hunters will need to keep track and report of all arrows shot. Arrows usually pass through deer and fall close to the spot where a deer was hit, but occasionally will remain in the deer. We will make every effort to retrieve arrows (they are expensive), where needed with the help of a metal detector.
11. All shot deer will be removed discretely and not be field dressed on properties. We will submit samples for various research projects conducted at Cornell University.
12. All harvested deer will be consumed by participants or donated. We have an approved processor (Country Harvest, Peruville Road, Groton), who will be able to process deer and deliver the venison to the Food Bank of the Southern Tier at no cost to The Village or our participants. All participants will make decisions about use of their deer but we hope to provide a significant number of animals to the Food Bank.
13. In most instances, landowners and neighbors will not even notice activities or the killing of a deer because it happens quietly and fast. However, despite all precautions and skills, deer may be wounded, may not expire immediately, collapse on neighboring properties or may not be found. We will make every attempt possible (including the use of a trained dog) to recover all animals or assure that they will be fine (superficial arrow wounds heal quickly). Over the past 8 years, we had very few problems and none in the past years. Wounding rates in the Cornell and Trumansburg nuisance programs are 5 and 15%, respectively.

Hartill stated that for the last few years we have had a deer hunting program during bow season. Over the years the yield has decreased. In the beginning we took approximately 40 deer by bow and 40 deer by car. The peak which was around 60 by bow and car is now down to 20 or so. The number taken by car has remained around 20 and the population has increased slightly. In late January and February we did a nuisance hunt which doubled our take.

This year we are considering enlarging that nuisance take. The nuisance hunt would be under the same Village and NYSDEC rules as in the past using the same locations and possibly more Cornell University properties. Dubow explained that we looked at our current law last year and determined that we did not need to change our hunting law to proceed with the nuisance permit.

Leopold will be helping with the management of the hunt. The hunters will still report to Bernd. Bernd would like the population to be reduced. A nuisance permit is more effective. It reduces the time spent hunting to 2-3 hours. It has been extremely successful in Trumansburg and on Cornell University properties. There is a map of proposed locations and strategic places where our hunters can get to herds. Bernd has started to ask property owner if they are interested and approving each location. The big change is the ownership model where a group has access to a property to prevent running to areas where deer have been seen. Until this year, our costs have been neutral except for the FOIL Request. This season there may be some cost to the Village for automated feeders and bait. The rest of the cost will be borne by participants. We may get some surplus corn and apples which will reduce the cost to the Village. Processing of the deer is done at a place on Peruville Road and is paid for and used by the Food Bank.

O'Neill stated that last year we said the property by the garage should not be used. Hartill expects that again. The issue is with it being so close to the Montessori School even though hunting doesn't take place until evenings, weekends and after school hours. Bernd suggested that the Wakefield /Churchill Drive trail could be an alternative. The sites will be determined by the Board.

Hardaway asked how much a feeder would cost. The feeders that they find work best cost about \$120 for each feeder. The Board is willing to spend funds for the deer program but was trying to estimate what the cost would be. Bernd stated that he can't predict what the actual cost will be at this time. We can't estimate what our deer population is now. To do that we would need to get an assessment by doing a fly over. Bernd feels that what they do to the vegetation is the most important part. We are making a difference, but it is not enough. Schleelein asked how a land owner goes about getting a feeder if they wanted to purchase the feeder for their property. Bernd will send out an email to the individual land owners on how to do this. Feeders last for several years. Occasionally they need their \$6 battery replaced. The guess was that 10 feeders would be needed for the nuisance operation and 2-3 tons of corn for the \$5-600 for corn.

O'Rourke asked who is responsible for baiting, feeding, tree stands and reporting. Bernd stated that the hunters would be responsible unless the land owner was willing to do the feeding. To create a predictable feeding site, about ½ of a five gallon pail of corn is placed in the same spot every day. The automatic feeders have timers on them.

The approved fly over to do deer estimating fell by the way side last year due to circumstances out of our control. Bernd stated that an aerial fly over was done with drones but they were lost in Seneca Lake. The Village of Cayuga Heights Mayor, Kate

Supron, told Mayor Hartill that they have some flyover information from a drone that was flown over Cayuga Heights. The Board would be interested to see what information is available. The best way to get a count of the number of deer in the Village is to do a fly over with plane or drone.

Resolution#6198-The Board of Trustees is in Favor of Having a Nuisance Hunt Program and is Willing to Contribute Funding Not to Exceed \$6,000 for Feeders, Supplies and Population Assessment

Trustee Monaghan moved to approve this resolution. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee Patricia O'Rourke-Aye
Trustee John O'Neill -Nay	Trustee Ronny Hardaway-Aye
Trustee Gerry Monaghan-Aye	

Mayor Hartill signed the permit application that Bernd will send to NYSDEC. Hartill asked Leopold if she would chair a Deer Advisory Committee. Leopold will recruit some members for the committee and bring this to the Board on October 5th for approval. O'Neill volunteered to serve on the committee. Leopold stated that we still have standing agreements for hunting, but she still will contact neighbors.

Bernd stated that Dick Costello is all in but may not use baiting. He has organized the hunt in the Millcroft area in the past. We will use only nuisance permits. Distribution of these permits will be worked out with the Clerk's office. Dubow stated that our local law has 10 requirements and it was confirmed that they will continue to be complied with.

Comprehensive Plan

The next item on the agenda was to continue discussions on finalization of the Comprehensive Plan (CP) update. Hartill stated that this is a follow up to the initial discussion of the entire current draft of the proposed CP. The changes that were suggested at the August 10th joint meeting have been incorporated. Both Boards have received this revised document including the maps and tables.

Tomei handed out a change he would like to see made to the historical perspective issue. He feels the current words are very negative. He indicated that ever since he moved here there has been a Town against Village environment. He feels we need to get away from the negative terminology. Both Boards agreed with the change.

Schleelein asked where we are with the CMT. Dubow stated that he is currently working on this. Hartill reminded the Boards that the CP is guidance, not law.

Schleelein stated that she thought the introduction should be expanded. She thought it would be more of the Mayor's legacy. She feels the current introduction just repeats the next history section. She would like to see it be more of a hook that makes people want to

read. Dawson agreed that the plan is a big part of the Mayor's legacy. This plan will commit the Village to future planning. Mayor Hartill has been involved with the Village since the beginning and has lots of history to share. It was suggested that this section may even be called the Mayor's Message. Hartill stated that he has been very busy traveling and dealing with his day time job, and now has time to work on this. Hartill stated that his focus has been on getting infrastructure in good shape. This is one of the things that may be important to include in this section. The introduction should stress important issues because it provides guidance. Hartill will rewrite this section for the October meeting.

Hardaway suggested that the sentence that states the CP has no legal force be reworded. Dawson suggested we say it provides guidance without legal force. Dubow stated that this document does not have legal enforcement. Schleelein stated that there is case law where the CP didn't support a decision. Indirectly, it can have legal implications. If we act inconsistent with the CP then it could have an effect. Dubow stated that if actions are not consistent then someone will have to defend why. It has legal significates, but not legal force.

O'Neill stated that Tomei had a suggestion for cross referencing goals of the CP with sections at the last meeting. Schleelein stated that headers were added relating to something specific instead of just saying "Goal". Footnotes were discussed, but decided against since the document isn't that long. The CP is a simple document with chapters and goals in back. The goals will be broken down more in the index with page numbers identifying where each goal is.

Resolution#6199-The Planning Board Recommended the Draft
Comprehensive Plan with Amendments to the Trustees

Schleelein moved the resolution for the Planning Board. Seconded by Stycos;
Ayes by Tomei, Dawson, Gillott, Schleelein, and Stycos.

Dake, Schleelein and Dawson will meet to incorporate today's changes and will also incorporate the Mayor's Message. After the Board reviews it again in October it will be sent to Tompkins County for the required General Municipal Law 239 review and placed on our webpage for the residents to review and comment on. The County has 30 days to review the document.

Leopold stated that the Cayuga Watershed Intermunicipal Organization has gotten a Department of State Grant to update their Restoration Protection Plan. Many things have changed since it was first written. They will be adding such things as climate change and Hydrilla. A survey will go out to public asking residents what issues are important with the lake and its quality.

Hartill stated that we lost Johnsons Boat Yard which is a major setback for recreation at the southern end of the lake. No tax abatement and not having dredged the channel are issues. Leopold stated that they don't expect to do any dredging until 2017 because of the Hydrilla.

Monaghan stated that residents who are frustrated with the pedestrian crossing on the Cayuga Heights Bridge set-up are sending him emails. Hartill explained that the final step in that project is painting and restriping of the walkways which will look just like the rest of Cayuga Heights Rd. He thinks residents will be happy once that is completed. There is also a concern with the temporary signals there. Hartill stated that the alternative was to shut down the bridge for whole summer. Hartill feels they've done an excellent job on the bridge.

Adjournment

Dawson moved to adjourn for the Planning Board. Seconded by Schleelein;
Ayes by Tomei, Dawson, Gillott, Schleelein, and Stycos.

O'Rourke moved to adjourn for the Trustees. Seconded by Hardaway;
Ayes by Hardaway, Hartill, Monaghan, O'Neill and O'Rourke.

The meeting adjourned at 9:08pm.

Jodi Dake
Clerk/Treasurer