

## **TWO URGENT REQUESTS:**

- 1. Attend the public hearing Wednesday, Dec. 21st at 9:00 AM on use of firearms in the Village, to be held at Marcham Hall, 836 Hanshaw Road.**
  - 2. Refuse Village request to allow shooting within 500 feet of your home.**
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December 15, 2011

Dear friends and neighbors,

We would like to call your attention to two urgent matters impacting the safety and well being of our community.

### **No. 1: Firearms soon to be discharged in Cayuga Heights**

A new law is about to be passed in the village that would, for the first time, allow the discharge of firearms in our neighborhoods and near our homes by someone other than a police officer acting in the line of duty.

**“Local Law J”**, just announced on December 12th, will allow one or more out-of-town deer killing contractors to move throughout the village with loaded weapons and discharge them at times and locations that will not even be disclosed to the public. This new law, which has the potential to significantly impact the safety and quality of life of everyone in the village, is being rushed. The public has not been given enough information or time to develop an informed position. There has not even been any public debate on this law amongst the trustees themselves, much less a forum in which residents’ questions can be answered about the law and its implications.

State regulations require that there be at least **one public hearing** before a new law can be passed. Unfortunately, the trustees have chosen a date and time when most people will be at work, traveling, or distracted by holiday preparations—**Wed., Dec. 21, at 9 in the morning.** The extremely short notice, along with the day and time the trustees have chosen, seem to ensure that there will be a minimum of public participation.

**It is important that as many of us as possible attend this important hearing** and demand a more thorough and inclusive process that would allow for a safer, more realistic alternative to bringing guns into our peaceful neighborhoods. (If you are unable to attend, please write to the mayor and trustees before Wednesday). If we do not take prompt action, the trustees have made it clear that they intend to pass Local Law J, authorize the sterilization of 20 deer, and then *immediately* begin carrying out the killing program, with a goal of baiting and shooting up to 85 deer over the coming weeks. **This is no longer a distant possibility, but a rapidly unfolding reality.** The Village Board is busy finalizing a contract with White Buffalo, Inc., the wildlife killing outfit being paid for with our tax dollars.

Because of the rushed time frame and the lack of adequate information coming from village government, we have put together some material to give you a quick summary of the issues involved and how this new law may affect our individual lives and families. It is important that all of us

understand that no New York municipality has ever attempted to carry out the mass shooting of animals in such a small, densely settled community as ours. There are common-sense reasons why others have chosen not to go down this road, and why nearly two thirds of village residents indicated they were against the use of lethal weapons when last surveyed on the deer issue in 1999.

Yet, if this law is passed, **it will pave the way for guns to be fired near our homes in the weeks to come** — and not just this year, but year after year for at least a decade, as outlined in the plan approved by the Village Board.

## **No. 2: Shooting deer within 500 feet of residences**

Even if Local Law J is passed by the trustees, there is another way we can keep our community safe. Mayor Supron and the trustees are about to send out a mailing inviting you to sign a legal waiver that will allow White Buffalo to trap and/or shoot deer within 500 feet of your home. New York State law forbids guns or long bows to be discharged within 500 feet of dwellings unless such a waiver is in place, so if enough of us refuse to sign these waivers, we can keep the discharge of firearms out of most, or even all, of the village. When you read over what the trustees have to say, we hope you will keep in mind the points we are sharing with you on the attached page, which have already convinced many of us that passage of Local Law J is going to do lasting damage to our community and to our way of life. When the possibility of a deer killing program was raised in 2000, the late Mayor Walter Lynn and his board of trustees, realizing that shooting deer in village backyards was not only dangerous but also inherently divisive, roundly rejected it, and they made the right decision for our community.

We all have the right to feel safe in our own homes and neighborhoods. So, please take the time to attend the public hearing at the Village Hall (836 Hanshaw Road) on Wednesday, December 21st at 9 AM, and we hope you will also join us in refusing to give permission for your property to be used for baiting and shooting.

All the best,  
Concerned citizens of Cayuga Heights

Diane Ackerman	Douglas Fowler	William Patchen	Mary Tabacchi
Kora Bättig von Wittelsbach	Adelaide Gomer	Dana Paul	Caleb James Thomas
Eleanor Benisch	Ann S. Gray	Jane Pedersen	Judith Meyers Thomas
Mabel Berezin	Nancy Green	Joseph Petrillose	William H. Thomas
Laura Brown	Carol Inge Hockett	Peggy Petrillose	Sandip Tiwari
Susan Buck-Morss	Robert Hockett	Victoria Pifalo	Stephen Wagner
Cathy Caruth	Gail Holst-Warhaft	Danilee Poppensiek	Zellman Warhaft
Karen Chimento	Jonathan Hubbell	Michelle Poppensiek	Carol Warshawsky
Walter Cohen	Kent Hubbell	David Powers	Paul West
Christi Cox	Thor Hubbell	Joe Romano	Andrea Wetherbee
Pam Crosby	Karen Kaufmann	Alice Saltonstall	Peter Wetherbee
Jonathan Culler	Dominick LaCapra	Dolores Saltzman	Winthrop Wetherbee
Rebecca Davidson	Elisabeth Lyon	Neelam Sethi	Alicia Wittink
Thom deLara	Victor Nee	Sheryl Sinkow	Mark Wittink
Kieran Donaghy	Diane Newton	Catherine Stein	Dr. Frederick Alexander Wood
Ann Druyan	Emily Newton	Divya Subramanian	Courtney Work
Suzann Eshleman	Jeffrey Newton	Richard Swedberg	

*This mailing was paid for by Cayuga Heights residents listed above*

# Concerns About Local Law J

The proposed law is on the Village web site: [www.cayuga-heights.ny.us/doc/PLLFirearms.pdf](http://www.cayuga-heights.ny.us/doc/PLLFirearms.pdf)

## Unresolved Safety Issues

- 1. Safety cannot be guaranteed by police:** On the subject of bringing in outside contractors to shoot deer, Police Chief Tom Boyce said: "Making things safe for the community is, to a large part, making the decision to shoot or not shoot and if CHPD [the Cayuga Heights Police Dept] is not shooting, I cannot guarantee that safety." (2/10/09 memo to Deer Committee Members)
- 2. Risks have not been independently assessed:** During the state-required environmental review process, there was no assessment conducted by a qualified 3rd-party safety expert free of conflict of interest. Instead, White Buffalo, the same firm that is now being contracted to perform the shooting, made representations about the safety of their own practices. Local Law J, which permits contractors associated with the deer management program to carry loaded guns and discharge them within the village, likewise does not require a 3rd-party safety assessment or offer any specifics about procedures that will be used to maintain public safety. It also does not require any public notification about when and where shooting is going to be taking place.
- 3. NY's 500 foot rule does not eliminate all risks:** For the killing program to be undertaken, many residents will have to sign off on having firearms discharged within 500 feet of their homes. Even if you don't give this permission, your home could still easily be within bullet range. Children playing outdoors, bikers, drivers, walkers, and companion animals in yards are all potentially at risk from any nearby bait-and-shoot sites. There is no unpopulated area in the Village large enough to make this shooting risk-free. Other much larger municipalities that have carried out bait-and-shoot programs have done so in parks and wooded areas far away from residences. It is unprecedented in NY State to attempt a bait-and-shoot program so close to so many homes.
- 4. Misfired bullets can travel more than 500 feet:** A recent study by the US Army showed the range of a typical rifle bullet to be up to 2.6 miles (US Army Picatinny Arsenal study, March, 2007). Cayuga Heights is only 1.7 square miles, which means a bullet misfired anywhere within the Village can be potentially dangerous not just to villagers, but also to people in Ithaca or Lansing. In 2008, a retired professor in Vermont, sitting at his kitchen table eating dinner with his wife, was killed by a stray bullet fired from 700 feet away. And in 2004, a pregnant teenager in Pennsylvania was shot in the head while sitting in a parked car by a hunter over half a mile away. Accidents of this nature occur in communities all over the US every year.
- 5. Even expert marksmen cannot control every variable that would ensure safety:** Detective Alex Bakos, a trained police sniper and SWAT team member, said this of the bait-and-shoot program carried out by White Buffalo in Solon, Ohio: "This is insane. No expert could ever say shooting in a residential area is safe. There is little control. And once that bullet leaves the rifle there's no way to get it back." (Cleveland Plain Dealer, 3/17/05). Indeed, in 2005, a bullet fired by a trained police marksman taking part in Amherst, NY's bait-and-shoot program passed through a deer, struck an unknown object, and ricocheted into a nearby home, blowing a baseball-sized hole in the second story window. A young father was inside with his son at the time, but fortunately they were on the first floor and neither was harmed.
- 6. Any bullet that can kill a large mammal can kill a human:** Even "frangible" bullets, designed to reduce the chance of ricochets, are extremely dangerous. If misfired, they can maim or kill bystanders. According to the manufacturer that produces the frangible bullets recommended by Police Chief Boyce for the deer-killing program, these bullets can penetrate glass and plaster walls, creating a debris cloud of fragments that "are capable of significant penetration...Collateral damage is a serious threat." (Hornady Law Enforcement)

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**7. Deer panicked by gunshots present a risk to motorists:** The potential danger of an injured or frightened deer running into roads and causing collisions is very real. A 10-year study by Erie Insurance Company showed that, in some Pennsylvania communities, deer-vehicle collisions spiked 300-400% on the first weekend of hunting season. This could explain why deer-vehicle collisions sometimes increase after bait-and-shoot programs are implemented.

## Unanswered Liability Questions

**1. What will my personal liability be if I participate in the program?** The Village Board has just authorized the purchase of several million dollars of additional liability coverage connected with the deer program. It is unclear if there are personal liability issues for homeowners who permit baiting and shooting to take place on their property or sign a waiver allowing shooting within 500 feet of their homes. It is also unclear how this may impact home owners' insurance policies, not to mention property values, or the impact on neighbors' property values. For example, if you sign a waiver that allows shooting within 500 feet of your home, and a misfired bullet were to end up doing damage to your home, or injuring someone on your property, would you be covered? If you allow shots to be fired from your property, can you be sued if a bullet hits your neighbor's house, or if something else goes wrong? Basic questions like these have never been publicly discussed by the trustees, so village residents must take it upon themselves to be sure they are protected if they sign a waiver.

**2. How responsible will the village be for the actions of its deer-killing contractor?** According to media reports, White Buffalo, the contractor chosen by the trustees, settled two lawsuits in communities where the firm performed similar services. One lawsuit awarded \$25,000 to a woman who claimed, "the city and White Buffalo conspired unlawfully to silence her and deprive her of her right to free speech" (Solon Herald Sun, 12/18/08). In another community, White Buffalo's employees were documented with hidden cameras suffocating wounded deer with plastic bags over their heads long after the animals had been shot. Several veterinarians who viewed the video called the killing procedure "inhumane." ([www.sharkonline.org/?P=0000000431](http://www.sharkonline.org/?P=0000000431))

## Uncertain Impacts on Quality of Life

**1. Disturbance of the peace:** The trustees have acknowledged that the discharge of guns will be audible to residents. When the killing commences, there will be multiple shots fired in succession. Children may be disturbed from their sleep, and those who have PTSD or who startle easily are likely to feel increased anxiety while the shooting is going on. Wounded deer may wander onto the properties of residents who have not agreed to participate in the program, as has happened many times in other communities where bait-and-kill programs have been undertaken.

**2. Annual, long-term disruption of village life:** The deer killing program will not be a one-time event. It will go on for several weeks every year for each of the next 10 years, or more. So we can expect a decade or more of winters where we will hear bullets fired, where we will have to worry about our family's safety, and where we will have to curb our outdoor activities.

**3. Tension between neighbors:** The proposed shooting program has already created conflict and ill feelings between neighbors, which will only intensify when some residents allow shooting in their yards while others are vehemently opposed to it. The Village recently passed a new fencing ordinance which will offer much-needed relief to gardeners frustrated by the browsing of deer, so why not see how these new fencing options play out before taking such drastic and dangerous action?