

Press Release: November 11, 2011

**AREA RESIDENTS CLAIM CAYUGA HEIGHTS IS VIOLATING NEW YORK STATE OPEN MEETINGS LAW  
Contend Supron Administration's Privilege of the Floor policy  
discriminates against non-Village residents and infringes on Freedom of Speech**

ITHACA, NY — A half-dozen local residents represented by Attorney Trevor DeSane have submitted a cease and desist letter to the Mayor and Trustees of Cayuga Heights (attached), urging the Village to correct multiple violations of New York State's Open Meetings Law. They say the Supron administration's new Privilege of the Floor rules, adopted in April 2011, discriminate against people who do not reside in Cayuga Heights and infringe on Freedom of Speech. Specifically, these rules state that "Village residents are invited to speak first. Upon arrival, all attendees are requested to sign in, indicating if they wish to speak and whether they reside in Cayuga Heights... Non-residents are invited to speak for the balance of the time remaining after residents have finished," and that "Speakers ... may be asked to terminate remarks at any time by the Mayor or another presiding officer." See: <http://www.cayuga-heights.ny.us/doc/POTF.pdf>

Hazel Brampton, Eric Huang, James LaVeck, Elizabeth Root, Jenny Stein, and Scott Teel are amongst the area residents named in the cease and desist letter, all of whom have attended multiple Village meetings over the last several years due to their opposition to the Cayuga Heights deer killing plan and have been impacted by the discriminatory rules. The Village's controversial meeting policy forces them and other non-Cayuga Heights residents to speak last at public meetings during which only 30 minutes of time is allotted to public comment, making it much more likely that non-residents will be denied the right to speak than residents. The Village policy further requires that those who wish to speak give their place of residence. It also empowers the Village Trustees to arbitrarily silence any person speaking at a meeting.

As pointed out in Attorney DeSane's letter to the Trustees, "the purpose of the Open Meetings Law is to ensure that the people of New York have an equal opportunity to attend all meetings of public bodies and to participate equally in any opportunity that is given to speak. The equal treatment which must be afforded to all members of the public, in both attendance and privileges of speech, forbids the privileging of residents over nonresidents in the order of speaking, the time allotted to speak, the respect given to speech, or any other aspect of participation. A member of the public cannot be required to identify himself or herself by name or by residence in order to attend or speak at a meeting of a public body."

At particular issue is the fact that the Board's policy empowers Village officials to arbitrarily silence members of the public who are speaking at meetings. Attorney DeSane notes, "At the August 8, 2011 meeting of the Board of Trustees, an individual who was critical of the science behind the Board's deer killing plan was abruptly silenced by Trustee Stephen Hamilton, and with no explanation. She was speaking calmly, not raising her voice, and not using foul language, nor was the speaker's comment in any way threatening to anyone. The silencing of this speaker's comment was a violation of the content-neutral requirements for a public forum of this type, as established by the First Amendment of the U.S. Constitution and the Open Meetings Law."

The Village of Cayuga Heights has a history of attempting to suppress public comments, and also of singling out non-residents at meetings. At a July, 2009 meeting, then-Mayor Jim Gilmore and the Village Trustees passed a resolution banning public comment on the deer issue, later rescinding the policy in response to widespread media coverage and public outcry. At an October, 2009 meeting, then-Deputy Mayor David Donner who was chairing the meeting in Mayor Gilmore's absence repeatedly addressed non-residents as "outsiders." And at an October, 2009 public hearing, separate speaker sign-up sheets were used, one labeled "Village residents," the other, "Outsiders."

James LaVeck, a local documentary filmmaker and co-founder of CayugaDeer.org comments, "No other local municipality has a meetings policy that discriminates against community residents because they don't happen to reside in that particular municipality, much less one that gives officials the right to arbitrarily silence people speaking at public meetings. This is a small community, and local officials from other Ithaca municipalities seem to understand that many of their policies affect residents throughout the area, and that discriminating on the basis of a person's home address or opinion on a policy issue is unrealistic and divisive, not to mention clearly illegal. When a local government suppresses the speech and participation of those who disagree with them, it is a serious matter. These discriminatory practices have been going on for more than three years, and it is harmful to our community."

The cease and desist letter indicates that if the Trustees of Cayuga Heights do not amend the meeting policy, a lawsuit may be filed to force them to comply with the law.

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