

January 26, 2009

Board of Trustees
Village of Cayuga Heights
Marcham Hall
836 Hanshaw Road
Ithaca, New York 14850

Re: Freedom of Information Law Request for Records

Dear Trustees:

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of records or portions thereof pertaining to (or containing) the following:

Any notes, reports, emails, documents, records, or minutes pertaining to: 1) the decision of the Mayor and/or trustees of the Village of Cayuga Heights to form the Cayuga Heights Deer Remediation Committee aka the Deer Remediation Advisory Committee (DRAC), 2) the process used to select members of this committee, including the criteria of selection, 3) the task this committee was charged to carry out, and 4) how that task was to be carried out.

Any notes, reports, emails, documents, records, or minutes pertaining to the appointment of Deputy Mayor David Donner to the position of chair of the Public Safety Committee, including but not limited to 1) discussion of the role of the Public Safety Committee in any deer management efforts and 2) conflict of interest issues related to his close association with the village fire department.

Any notes, reports, emails, documents, records, correspondence or minutes from January 2008 to the present pertaining to legal opinions related in any way to the Cayuga Heights deer issue rendered by attorneys retained by the Village of Cayuga Heights, including the legal opinion pertaining to Mayor Gilmore's comment at the November 20, 2008 DRAC meeting, "We were told by village counsel early on, Chief Boyce -- were we not? -- that actually if we frame this around the safety issue we don't even need the public's vote."

Any notes, reports, emails, documents, records, correspondence or minutes pertaining to the meetings of the Cayuga Heights Deer Remediation Committee, at least four of which are known to have occurred in private, as documented in the minutes from the Sept. 15, 2008 Board of Trustees meeting, which read: "The DRAC has held two meetings prior to the announcement of August 18. Since then, there have been an additional two meetings."

Any notes, reports, emails, documents, records, correspondence or minutes pertaining to the first two public meetings of the Cayuga Heights Deer Remediation Committee on September 30, 2008 and October 23, 2008. It is known that minutes of these two

meetings were at one time posted on the Village web site and were subsequently removed, and also that these two meetings were attended by a quorum of the Village Trustees.

The minutes of the Cayuga Heights Board of Trustees for November 17, 2008 and December 15, 2008 (Note: there is a link on the Village web site that says it goes to the minutes of the November meeting, when in fact, it links to the agenda of that meeting).

The letter "regarding the formation of the deer committee and its proposal," distributed by Deputy Mayor Donner at the August 18, 2008 meeting of the Trustees of Cayuga Heights, as mentioned in the minutes of that meeting.

Any notes, reports, emails, documents, records, correspondence or minutes pertaining to financial estimates, budgets, or expenditures related to the deer issue from January 1, 2008 to the present.

Vehicle accident statistics collected by the Village police department from 1998 to the present. Statistics and reports pertaining to "deer incidents" collected by the Village police department from 1998 to the present.

Any records from 1998 to the present of resident complaints pertaining to deer.

Any notes, reports, emails, documents, records, correspondence or minutes pertaining to deer-issue related communications between the Village Mayor, trustees, chief of police, or other village employees or officials, members of the Deer Remediation Advisory Committee and 1) insurance company representatives, 2) safety consultants, 3) law enforcement officials from other municipalities, 4) employees of the NYS Dept of Environmental Conservation 5) Paul Curtis, Jay Boulanger and other scientists/consultants who do deer-related or wildlife management work 6) Staff members of Cornell University connected with past, present or future efforts to conduct a survey of Cayuga Heights residents 7) public officials in other communities that have implemented deer killing programs (including but not limited to reports documenting the deer kill program in Irondequoit, NY), 8) representatives of companies that perform wildlife management and/or deer killing services, and 9) other municipal or county agencies including but not limited the county health department, cooperative extension, and the county environmental planning board.

Copies of the "NYS election law" and "Pennsylvania deer study" referred to on Cayuga Heights DRAC web site as follows:

"The ecological carrying capacity (ECC) is much lower, with a Pennsylvania study showing a decline in the number of plant and animal species present at 20 deer per square mile."

And

“NYS Electoral Law prohibits holding a referendum or spending public monies to survey on this type of decision.”

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If, for any reason, any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

James LaVeck, on behalf of CayugaDeer.org
PO Box 373
Ithaca, NY 14851
contact@cayugadeer.org