

# Daniel J. Ward

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(Not for service of process)

September 29, 2014

Erie County Legislature  
Erie County Hall  
92 Franklin Street – 4<sup>th</sup> Floor  
Buffalo, New York 14202

Honorable Members:

I am reporting a disturbing incident that bears noting an investigation. On September 12, 2014, I was at the last-of-the-season Larkenville concert series with Lance Diamond performing. This has been Howard Zemsky's gift to Buffalo, and, in a few short years, developed into a popular entertainment venue on Wednesday nights, 5:30 to 8 p.m. Being the last date of the season, the band played to 9:00 p.m.

About 8:00 pm, a drone appeared in the sky over the Larkinville Square area, and continued to zoom, buzz and swoop over the audience for about an hour, before disappearing.

It had two (2) red lights, and two (2) green lights on its underside, although it is not known whether it had any photographic, communications, radar or other technology on board. Still its presence caused curiosity at least, and small alarm among some in the audience, as the spectators of this invasion technology being used to conduct domestic surveillance is inconsistent with the right to privacy in a democracy. No one likes to be spied on, and, unless there was a search warrant or other good cause shown, this kind of activity should not occur.

Another friend witnessed similar behavior at the baseball stadium watching a Buffalo Bisons baseball game on July 3rd. A drone hovered over the stadium audience in a stationary mode for quite some time before disappearing.

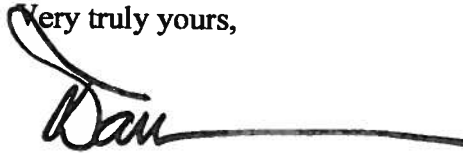
Left unanswered is who owns these drones and what are they doing. By what legal right are they allowed to cruise over the public and presumably survey it? Who is responsible in the case of accident or crash? Are they insured? What kind of load are they carrying on board? What are the legal rights of the drone, and its owners/pilots, balanced against both the collective public right, as well as individual rights, to privacy, safety, quality of life, and freedom from noise, pollution, surveillance and aerial clutter, to name a few.

I know some will be quick to claim Federal preemption of jurisdiction. However, not only is the Federal government (FAA) doing nothing, there has to be an inherent police power of

local municipal, county and state governments to protect the general health, safety and welfare of the general public, and the individuals within, given the current regulatory vacuum. Otherwise we will end up like some of communities out west, where there are hunting licenses being issued and hunting seasons being set, as citizens are beginning to demand the right of self-help.

Your consideration of this matter is appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dan", followed by a long horizontal line extending to the right.

DANIEL J. WARD

DJW/mec