

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 29, 2013

Enclosed with this memorandum are the following items:

- 3-23 Information from Full Spectrum Deer Management Services regarding deer management services.
- 3-24 Notice from Westchester County regarding a Free Rabies Clinic for cats, dogs, and ferrets to be held on Sunday, April 7, 2013 from 10 a.m. to 2 p.m. at the Stamen Animal Hospital in New Rochelle.
- 3-25 Legal Department Update from the Corporation Counsel dated March 29, 2013.
- 3-26 Notices from Verizon regarding upcoming programming related changes to Verizon's FiOS TV channel line up.
- 3-27 Meeting notice for the week of April 1, 2013 is available on the City website www.ryeny.gov under Calendar.



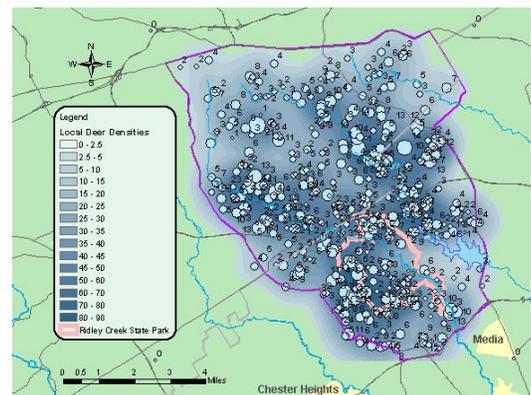
Full Spectrum Deer Management Services

Wildlife Specialists, LLC, offers full spectrum custom deer management services designed to meet the specific project goals of our clients from individual landowners to entire communities. We help select and conduct the appropriate surveys, generate GIS maps, hold public meetings, design habitat enhancements, assess management options, and develop site-specific plans. All of our recommendations are based on the principles of Quality Deer Management.

Our experts have coordinated some of the largest-scale surveys in the history of deer and habitat management. Specifically, we have designed and implemented aerial FLIR surveys and habitat browsing surveys. To date, our experts have developed the protocols considered state-of-the-art in deer density estimation by the pellet group technique and in habitat browsing and regeneration surveys. In addition, we have co-authored numerous reports and publications on deer management.

Deer Management Services Include:

- **Facilitated Private and Public Meetings** to discuss deer management options and develop consensus within the community
- **Develop and use educational and informational products**
 - Reports
 - Fact Sheets and Brochures
 - Presentations
 - Web page content
 - Deer exclosures and interpretive signage
- **Deer Density Surveys** to obtain baseline local deer population information
 - Distance Sampling (Spotlight or Daylight)
 - Pellet Group Surveys

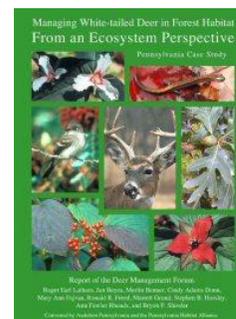


- Browsing and Habitat Surveys – Impact Analysis
 - Baited Camera Surveys
 - Aerial Surveys for deer using daytime or infrared technologies
 - Deer Condition Assessments from Check Stations
 - Deer Aging
 - Combinations of the above techniques designed to specifically suit the client’s needs and goals
- 
- **Deer Browsing/Forest Regeneration Vegetation Monitoring Survey**
 - **Deer Damage Assessment**
 - Public Opinion Surveys
 - Tracking of Statistics on deer-vehicle collisions, incidence of Lyme disease, agricultural and landscape damage, and others variables
 - **Generate GIS maps** of properties to aid in planning and display results
 - **Develop Localized Deer Management Plans** incorporating deer population parameters, goals and objectives, ecosystem characteristics, damage management, and other issues
 - **Design Habitat Enhancements** to meet management objectives
 - **Deer Deterrent Fencing**
 - **Deer Tick Reduction Programs**
 - **Training of Local Groups of “Qualified Hunters”**
 - **Obtaining Special Deer Management Permits**
 - Deer Management Assistance Program (DMAP)
 - Nuisance Deer Control Permits
 - **Deer Population Control**
 - Expert Sharpshooting (conducted February 1-September 30 in Pennsylvania)
 - Controlled Hunting
 - Trap and Euthanasia
 - (meat from deer is processed and donated to food banks or needy families)
 - **Radio-telemetry studies** to assess deer movements and habitat use
- 

Staff Deer Research, Survey, and Management Experience:

Merlin Benner:

- Deer Research in Maine on wintering areas, use of trees for rubbing, and density estimation
- Deer Research on proximate mortality factors
- Conducted Deer Research on contaminant uptake by deer in South Carolina, including the use of Deer Sharpshooting
- Assisted with Deer Sharpshooting in Tennessee State Parks
- Developed a [Deer Management Plan](#) for the PA DCNR's State Forests
- Deer Aerial Surveys for PA DCNR – multi-year, hundreds of thousands of acres
- Deer Density and Browsing Surveys for PA DCNR – multi-year, largest in history to date, covering 2.1 million acres of state forests
- Coordinated Deer Management activities for PA DCNR, including public communications, survey and monitoring activities, research, and implementation of Deer Management Assistance Program
- Aged Deer and Collected Biological Data at Deer Check Stations in several state parks
- Coordinated the Quality Hunting Ecology program for PA DCNR in Cooperation with the Sand County Foundation
- Served on Deer, Forests, and Farms Committee
- Conducted landowner workshops on the use of the Pellet Group Technique for Deer Density Estimation
- Represented PA DCNR testifying numerous times before the PA Game Commission and the PA Legislature
- Worked with managed deer hunting in PA State Parks
- Presented numerous informational talks to the public for organizations and seminars
- Working on Deer Management Planning for several private landowners and commercial forest management companies in Pennsylvania, Maine, and Quebec
- Participated in the [Deer Management Forum of the PA Audubon](#)



Chris Voorhees:

- Conducted Human Dimensions in Wildlife research on Deer Hunting Participation
- Conducted Human Dimensions in Wildlife research on Landowner Attitudes related to Deer
- Conducted Human Dimensions in Wildlife research on The Future of Hunting in PA

Jon Felton:

- Managing three properties of 125 (IN), 210 (NY), and 500 (PA) acres using Quality Deer Management principles
- Obtained certification as a Deer Steward I & II through the Quality Deer Management Association
- Presented findings on QDM strategies to the public in several meetings
- President of the local chapter of the Quality Deer Management Association
- Conducted Deer Density and Population Surveys using Baited Infrared Surveys
- Collected Deer Age and Weight Data from harvested deer
- Collected Deer Visual Observations

Tom Swimley:

- Working on Deer Management Planning for several private landowners and commercial forest management companies in Pennsylvania, Maine, and Quebec
- Conducted Deer Density Surveys using Pellet Group Technique, Browsing Surveys, and Baited Cameras
- Collected Deer Age, Reproductive Condition, and Weight Data from Harvested Deer
- Treasurer/Executive Board Member of local Quality Deer Management Association chapter

Cumulative total of greater than 120 years of experience in Quality Deer Management on local properties (Individual projects sizes of 125, 210, 500, 750, 14,000, 35,000, and 55,000 acres).

Brian Benner:

- Wildlife Pest Control Operator
- Nuisance Deer Control Operator

Robert Schwarz:

- Wildlife Pest Control Operator
- Nuisance Deer Control Operator
- GIS Manager
- U.S.M.C. Awarded Expert Rifleman



Special Qualifications:

2 Certified Wildlife Biologists ® - The Wildlife Society
1 Associate Wildlife Biologist – The Wildlife Society
2 Nuisance Deer Control Operator - Pennsylvania Game Commission
Deer Steward I & II – Quality Deer Management Association
4 Members of Quality Deer Management Association

Deer Publications and Citations:

Latham, R. E., J. Beyea, M. Benner, C. A. Dunn, M. A. Fajvan, R. R. Freed, M. Grund, S. B. Horsley, A. F. Rhoads, and B. P. Shissler. 2005. *Managing deer from an ecosystem perspective: Pennsylvania case study*. Report by the Deer Management Forum for Audubon Pennsylvania and Pennsylvania Habitat Alliance, Harrisburg, Pennsylvania.

Benner, J. M., and R. T. Bowyer. 1988. Selection of trees for rubs by white-tailed deer in Maine. *J. Mammal.* 69(3):624-627.

Voorhees, C. S. (2007). *A Mixed-Method Examination of Factors Related to Hunting Participation*. Dissertation, The Pennsylvania State University, University Park PA.

Voorhees, C. S. (2002). *An Assessment of Landowner Attitudes Toward Deer in Milford, Pennsylvania*. Unpublished master's thesis. The Pennsylvania State University, University Park PA.

Wickham, T., Mueller, T. Karnash, P., Zinn, H., and Voorhees, C. 2005. *The Future of Hunting in Pennsylvania: Final Report*. Center for Rural Pennsylvania.

Zinn, H.C., Voorhees, C.S., & Shen, S.X. *Social assessment for the Allegheny National Forest*. USDA Forest Service Project Report, Allegheny National Forest. University Park, PA: The Pennsylvania State University, Department of Recreation, Park & Tourism Management.

Professional Deer Presentations:

Deer and Pennsylvania's forests - a historical perspective. Pennsylvania Recreation and Parks Society Conference, State College, PA. March 1996.

Proximate mortality in non-hunted white-tailed deer populations. 68th Annual Meeting of the American Society of Mammalogists, Clemson University. June 1988. (With W. P. Smith).

White-tailed deer use of forest openings in Maine. 12th Maine Biological and Medical Sciences Symposium, Westbrook College. 1986. (With R. T. Bowyer and D. R. Shoemaker).

The Future of Hunting in Pennsylvania: Analysis of Participation. The Wildlife Society, September 2005.

The Future of Hunting in Pennsylvania: A Preliminary Analysis of Hunting Participation. Northeast Fish and Wildlife Conference, April 2005.

An Assessment of Landowner Attitudes Toward White-tailed Deer in Milford, Pennsylvania. International Symposium for Society and Natural Resources, June 2004.

Presentations to the Pennsylvania Game Commission at the Seasons and Bag Limits Hearings several years.

Presentations to the House Game and Fisheries Committee, the Pennsylvania Federation of Sportsman's Clubs, the Pennsylvania State Forest Leased Camp Owners Association, the Pennsylvania Recreation and Parks Society, local Audubon Chapters and hunting clubs, and the Governor's Sportsman's Advisory Council on the results of the Deer Density and Browsing Surveys of the State Forests and the Aerial Deer Surveys of the State Forests.



Robert P. Astorino, Westchester County Executive

FREE Rabies Clinic for Cats, Dogs and Ferrets

of Westchester County residents



Sunday, April 7, 2013



10 a.m. to 2 p.m.

Stamen Animal Hospital
61 Quaker Ridge Road
New Rochelle, New York



Advanced appointments necessary, call 914-632-1269

All Westchester county residents can bring their dogs, cats and ferrets in for rabies vaccinations or booster shots free of charge (no examination is given). Cats and ferrets must be brought in carriers and dogs must be on a leash. Dogs that are aggressive towards people or other dogs are NOT ALLOWED. All pets must be supervised by an adult.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 29, 2013

SETTLEMENT

Earlier this month I informed you that a claim had been filed by GEICO as subrogee of Garrick Gelinas for damages to their insured's automobile when it was hit by a branch from a City tree. Our insurance carrier has denied the claim stating that the City is neither legally liable nor negligent in connection with the accident.

**TAX CERTIORARI
CARROLL v. CITY OF RYE**

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and
Board of Assessment Review of the CITY OF RYE**

A settlement conference has been scheduled in this matter for April 4th in Supreme Court, Westchester County.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Appeal has been perfected and we are waiting for notice of oral argument.

CASPI v. CITY OF RYE

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

DELLI PAOLI V. ZONING BOARD OF APPEALS

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

PANETTA v. PLANNING COMMISSION (appeal)

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

Discovery is complete and the Note of Issue has been filed.

RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Important FiOS TV Programming Information

Dear Valued Verizon Customer,

At Verizon, we strive to provide you with the best TV viewing experience possible by keeping you informed of programming and content-related changes that periodically occur on our network.

On or after May 6, 2013, the following channels will be removed from your FiOS TV Extreme HD package. This change is being made to consolidate FiOS TV programming.

Channel Name (s)	Channel Number (s)
ESPN Classic	71
ESPN Goal Line/Buzzer Beater HD	571

We understand these channels may be important to you. To explore other programming options you may enjoy, log in to your account at myverizon.com. And remember, you can always access the most current channel lineup at verizon.com/fiostvchannels.

We truly appreciate your business and value your patronage. Thank you for choosing Verizon as your entertainment provider.

Sincerely,

Your Verizon Team



Important FiOS TV Programming Information

Dear Valued Verizon Customer,

At Verizon, we strive to provide you with the best TV viewing experience possible by keeping you informed of programming and content-related changes that periodically occur on our network.

On or after May 6, 2013, the following channels will be removed from your FiOS TV Extreme HD package. This change is being made to consolidate FiOS TV programming.

Channel Name (s)	Channel Number (s)
ESPN Classic	71
Tennis Channel	303/592
GOL TV	313
TVG (Horse Racing)	315
HRTV (Horse Racing)	316
Outdoor Channel	307/591

We understand these channels may be important to. To explore other programming options you may enjoy, log in to your account at myverizon.com. And remember, you can always access the most current channel lineup at verizon.com/fiostvchannels.

We truly appreciate your business and value your patronage.
Thank you for choosing Verizon as your entertainment provider.

Sincerely,

Your Verizon Team



Important FiOS TV Programming Information

Dear Valued Verizon Customer,

At Verizon, we strive to provide you with the best TV viewing experience possible by keeping you informed of programming and content-related changes that periodically occur on our network.

On or after April 16, 2012, *beIN Sport HD* (channel 598) will be added to your Ultimate FiOS® TV package. This exciting channel offers a wide variety of sports programming including International Soccer.

On or after May 6, 2013, *GOL TV* (channel 313) will be removed from your package. We understand that *GOL TV* may be important to you. To explore other programming options you may enjoy, log in to your account at myverizon.com. And remember, you can always access the most current channel lineup at verizon.com/fiostvchannels.

We truly appreciate your business and value your patronage. Thank you for choosing Verizon as your entertainment provider.

Sincerely,

Your Verizon Team