

RESOLUTIONS
REVISED 4/5/21- Item #7- Updated Text

(1)

RESOLVED: That upon the request of the Finance Director, the issuance of refunding bonds in an amount not in excess of \$13,000,000 to be issued in calendar year 2021 for the purpose of refunding all or any portion of the general obligation bonds issued by the Town in year 2012 and in year 2013 is hereby authorized.

RESOLUTION AUTHORIZING GENERAL OBLIGATION REFUNDING BONDS

RESOLVED, that General Obligation Refunding Bonds of the Town (the "Refunding Bonds"), in an amount not in excess of Thirteen Million and 00/100 Dollars (\$13,000,000) are hereby authorized to be issued in calendar year 2021 for the purpose of refunding all or any portion of any issue of the Town's General Obligation Bonds including, but not limited to the Town's General Obligation Refunding Bonds issued in 2012 and the Town's General Obligation Bonds issued in 2013 (collectively, the "Refunded Bonds"); provided that the Committee appointed below determines that the refunding of the Refunded Bonds generates present value savings.

BE IT FURTHER RESOLVED, that the First Selectman, the Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said Refunding Bonds to be sold, issued and delivered, to determine their form and the aggregate principal amount thereof within the amount hereby authorized; to fix the time of issuance of such bonds, the rate or rates of interest thereon as herein provided, and to determine the maturity thereof all in accordance with the General Statutes of Connecticut, Revision of 1958, as amended; to select the maturities of the Refunded Bonds to be refunded, to establish and maintain a reserve, escrow or similar fund for the payment of the Refunded Bonds, and to pay all issuance costs incurred in connection with the authorization, issuance, and sale of the Refunding Bonds including, but not limited to, financial advisory, legal, trustee, escrow, verification fees, printing and administrative expenses and underwriters' discount. The Committee is authorized to sell the Refunding Bonds by a negotiated or competitive sale. The net proceeds of the sale of the Refunding Bonds, after payment of costs of issuance, shall, if needed, be deposited in an irrevocable escrow or similar account and invested in investments authorized by statute and approved by the Committee in an amount sufficient to pay all amounts that are or may become due on the Refunded Bonds from the date of issuance of the Refunding Bonds including interest thereon, the principal of, interest and redemption premium, if any, on the Refunded Bonds at maturity, or to redeem at the redemption price prior to maturity, pursuant to any plan of refunding. The Committee is further authorized to appoint an escrow agent or trustee and to appoint a firm of certified public accountants or arbitrage experts to verify the sufficiency of the escrow investments, and to execute and deliver any and all escrow, and other agreements necessary to provide for the payment when due of the principal of and interest and redemption premium, if any, on the Refunded Bonds; and

BE IT FURTHER RESOLVED, that the Committee shall have all appropriate powers to provide for the issuance of the Refunding Bonds as tax exempt bonds, and comply with the state and federal tax and securities laws and the Committee shall have all appropriate powers to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interest of the Town by the Committee to issue, sell and deliver the Refunding Bonds.

(2)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Finance Director, the sum of \$380,000.00 from the General Fund Balance to the COVID Accounts 10101980 – Project 10004 is hereby appropriated.

The prior appropriation of \$400,000.00 that was approved on July 8, 2020 has been exhausted. The additional funds will cover costs for protective devices, sanitizing, legal fees, signage, and employee testing.

(3)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Finance Director, the sum of \$780,000.00 into Hurricane Isaias Accounts 10101980– Project 10005, to cover storm expenses incurred is hereby appropriated.

(4)

~~**RESOLVED:** That upon the request of the Finance Director and the Personnel/Human Resources Director, the Retirement Plan for Non Union Supervisory Employees of the Town of Westport is hereby revised to include current management of the Police and Fire Departments. **Item Withdrawn**~~

(5)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Public Safety Departments, the sum of \$508,470.00 adding to the March 2017 appropriation of \$1,420,000.00 for a total of \$1,928,470.00 for the replacement of the existing Dispatch Centers and the cost associated with the establishment and operation of a Fairfield-Westport Multi-town Emergency Communications Center to be Located at Sacred Heart University in Fairfield Connecticut, with bond and note authorization to the Municipal Improvement Fund Account is hereby appropriated.

Town of Westport, Connecticut

A RESOLUTION AMENDING AND RESTATING A RESOLUTION APPROPRIATING \$1,420,000 FOR THE COSTS ASSOCIATED WITH ESTABLISHMENT AND OPERATION OF A NEW CENTRALIZED DISPATCH CENTER AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION

WHEREAS, on March 7, 2017, the Representative Town Meeting of the Town of Westport (the "Town") adopted a resolution appropriating \$1,420,000 for the costs associated with a new centralized dispatch center in the Police Station and authorizing the issuance of bonds in an amount not to exceed \$1,420,000 to finance such appropriation (the "2017 Resolution"); and

WHEREAS, in early 2019, the Town entered into negotiations with the Town of Fairfield (together with the Town, the "Towns") for the establishment and operation of the Fairfield-Westport Multi-town Emergency Communications Center (the "Center"). Effective as of August 6, 2020, the Towns entered into an Interlocal Agreement which governs the terms of the construction and funding of the Center and operation of the regional dispatch services (the "Agreement"); and

WHEREAS, the Center was originally planned to be located on Sacred Heart University's ("SHU") GE campus, but was later relocated to the SHU campus at 5151 Park Avenue, Fairfield, Connecticut (the "Premises"); and

WHEREAS, on May 20, 2020, the Towns and SHU entered into a lease agreement to operate the Center at the Premises; and

WHEREAS, under the Agreement, the Town of Fairfield is obligated to contract for and supervise the construction and information technology for the Center and the Town is obligated to contribute one-half of such costs to the Town of Fairfield with each town responsible for the costs of upgrading its own CAD system; and

WHEREAS, since the time the 2017 Resolution was approved and due to changes in the location and scope of the project, the Town now estimates that the costs associated with the Center to be a total of \$1,928,470; and

WHEREAS, in November of 2020, the Towns submitted the Transition Grant Application to the State and are now expecting \$300,000 in grant funds per town given the costs of the Center; and

WHEREAS, the Town of Fairfield intends to seek authorization to fund the increased amount of its one-half share of the costs for the Center; and

WHEREAS, it is necessary for the Town to amend and restate the 2017 Resolution to reflect the increased appropriation and financing amount.

NOW, THEREFORE, BE IT RESOLVED, that the 2017 Resolution is hereby amended and restated to provide as follows:

RESOLVED: That upon the recommendation of the Board of Finance, the Town hereby appropriates the sum of One Million Nine Hundred Twenty-Eight Thousand Four Hundred Seventy and 00/100 Dollars (\$1,928,470.00) to fund the Municipal Improvement Fund to pay costs associated with the establishment and operation of the Center located at the Premises (the "Project").

Section 1. As recommended by the Board of Finance, and for the purpose of financing the foregoing appropriation of One Million Nine Hundred Twenty-Eight Thousand Four Hundred Seventy and 00/100 Dollars (\$1,928,470.00), the Town shall borrow a sum not to exceed One Million Nine Hundred Twenty-Eight Thousand Four Hundred Seventy and 00/100 Dollars (\$1,928,470.00) and issue general obligation bonds for such indebtedness under its corporate name and seal and upon the full faith and credit of the Town in an amount not to exceed said sum.

Section 2. The First Selectman, Selectmen and Finance Director are hereby appointed a committee (the "Committee") with full power and authority to cause said bonds to be sold, issued and delivered; to determine their form, including provision for redemption prior to maturity; to determine the aggregate principal amount thereof within the amount hereby authorized and the denominations and maturities thereof; to fix the time of issue of each series thereof and the rate or rates of interest thereon as herein provided; to designate the bank or trust company to certify the issuance thereof and to act as transfer agent, paying agent and as registrar for the bonds, and to designate bond counsel. The Committee shall have all appropriate powers under the Connecticut General Statutes including Chapter 748 (Registered Public Obligations Act) to issue the bonds and, further, shall have full power and authority to do all that is required under the Internal Revenue Code of 1986, as amended, and other applicable laws and regulations of the United States and the State of Connecticut, to provide for issuance of the bonds in tax exempt form, including the execution of tax compliance and other agreements for the benefit of bondholders, and to meet all requirements which are or may become necessary at and subsequent to the issuance and delivery of the bonds in order that the interest on the bonds be and remain exempt from federal income taxes, including, without limitation, to covenant and agree to restriction on investment yield of bond proceeds, rebate of arbitrage earnings, expenditure of proceeds within required time limitations and the filing of information reports as and when required and to execute Continuing Disclosure Agreements for the benefit of holders of bonds and notes.

Section 3. The Bonds may be designated "Public Improvement Bonds" series of the year of their issuance and may be issued in one or more series, and may be consolidated as part of the same issue with other bonds of the Town; shall be in serial form maturing in not more than twenty (20) annual installments of principal, the first installment to mature not later than three (3) years from the date of issue and the last installment to mature not later than twenty (20) years therefrom, or as otherwise provided by statute. The bonds may be sold at not less than par and accrued interest at public sale upon invitation for bids to the responsible bidder submitting the bid resulting in the lowest true interest cost to the Town, provided that nothing herein shall prevent the Town from rejecting all bids submitted in response to any one invitation for bids and the right to so reject all bids is hereby reserved, and further provided that the Committee may sell the bonds, or notes, on a negotiated basis, as provided by statute. Interest on the bonds shall be payable semiannually or annually. The bonds shall be signed on behalf of the Town by the First Selectman and the Finance Director, and shall bear the seal of the Town. The signing, sealing and certification of said bonds may be by facsimile as provided by statute. The Finance Director shall maintain a record of bonds issued pursuant to this resolution and of the face amount thereof outstanding from time to time, and shall certify to the destruction of said bonds after they have been paid and cancelled, and such certification shall be kept on file with the Town Clerk.

Section 4. The Committee is further authorized to make temporary borrowings as permitted by the General Statutes and to issue a temporary note or notes of the Town in anticipation of the receipt of proceeds from the sale of the bonds to be issued pursuant to this resolution. Such notes shall be issued and renewed at such times and with such maturities, requirements and limitations as provided by statute. Notes evidencing such borrowings shall be signed by the First Selectman and the Finance Director, have the seal of the Town affixed, which signing and sealing may be by facsimile as provided by statute, be certified by and payable at a bank or trust company incorporated under the laws of this or any other state, or of the United States, be approved as to their legality by bond counsel, and may be consolidated with the issuance of other Town bond anticipation notes. The Committee shall determine the date, maturity, interest rates, form and manner of sale, including negotiated sale, and other details of said notes consistent with the provisions of this resolution and the General Statutes and shall have all powers and authority as set forth above in connection with the issuance of bonds and especially with respect to compliance

with the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder in order to obtain and maintain issuance of the notes in tax exempt form.

Section 5. Upon the sale and issuance of the bonds authorized by this resolution, the proceeds thereof, including any premium received upon the sale thereof, accrued interest received at delivery and interest earned on the temporary investment of such proceeds, shall be applied forthwith to the payment of the principal and interest of all notes issued in anticipation thereof or shall be deposited in trust for such purposes with a bank or trust company, or shall be applied or rebated as may be required under the provision of law. The remainder of the proceeds, if any, after the payment of said notes and of the expense of issuing said notes and bonds shall be applied to further finance the appropriation enacted herein.

Section 6. In each fiscal year in which the principal or any installment of interest shall fall due upon any of the bonds or notes herein authorized there shall be included in the appropriation for such fiscal year a sum equivalent to the amount of such principal and interest so falling due, and to the extent that provision is not made for the payment thereof from other revenues, the amount thereof shall be included in the taxes assessed upon the Grand List for such fiscal year and shall not be subject to any limitations of expenditures or taxes that may be imposed by any other Town ordinance or resolution.

Section 7. Pursuant to Section 1.150-2 (as amended) of the federal income tax regulations the Town hereby expresses its official intent to reimburse expenditures paid from the General Fund, or any capital fund for the Project with the proceeds of the bonds or notes to be issued under the provisions hereof. The allocation of such reimbursement bond proceeds to an expenditure shall be made in accordance with the time limitations and other requirements of such regulations. The Finance Director is authorized to pay Project expenses in accordance herewith pending the issuance of the reimbursement bonds or notes.

Section 8. The Town, or other proper authority of the Town, is authorized to take all necessary action to apply to the State of Connecticut, and accept from the State or other parties, grants, gifts and contributions in aid of further funding the Project. Once the appropriation becomes effective, the First Selectman, or other appropriate official of the town, is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the Project and is specifically authorized to make, execute and deliver any contracts or other documents necessary or convenient to complete the Project and the financing thereof.

Section 9. The Committee is hereby authorized to take all action necessary and proper for the sale, issuance and delivery of the bonds (and notes) in accordance with the provisions of the Town Charter, the Connecticut General Statutes, and the laws of the United States.

(6)

RESOLVED: That upon the recommendation of the Board of Finance and a request by the Deputy Chief of Police, the sum of \$32,970.00 to the accounts listed below for mandatory drug testing for POSTC certification and hiring costs associated with replacing four vacancies at the Police Department is hereby appropriated.

- a. Employee Medical Account \$ 9,920.00
- b. Uniform Allowance Account \$10,650.00
- c. Promotional Testing Account \$12,400.00

(7)

RESOLVED: That upon the request of 3 RTM members, an ordinance restricting the use of gas-powered leaf blowers in Westport is hereby adopted. (First reading. Full text is as follows).

DRAFT LEAF BLOWER ORDINANCE

CHAPTER 67

67-1. Purpose.

Consistent with the municipal powers granted under sections 7-148(c)(7) and (10) of the Connecticut General Statutes, including the protection of the health and safety of residents and abatement of nuisances, it is the intent of this ordinance to set specific controls on the use of Leaf Blowers, in particular Gas-Powered Leaf Blowers.

The Town of Westport finds and declares that:

(1) Leaf Blowers represent a significant and increasing threat to the public peace and to the health, safety, and welfare of the residents of Westport and visitors due to the noise and carbon and noncarbon emissions generated by such machines and due to the dissemination and displacement of ground source matter caused by such machines.

(2) Noise generated by Leaf Blowers—and especially by Gas-Powered Leaf Blowers—travels great distances and has the effect of interfering with the psychological and physical well-being of persons, as they generate noise at high decibel levels, exposure to which is recognized to have severe adverse health effects, including hearing loss, tinnitus, reduced cognitive performance and concentration, heart disease, and hypertension.

(3) Leaf Blowers displace significant amounts of ground source matter, spreading dust, pollen, mold, pesticides, herbicides, and other particulates.

(4) Leaf Blowers can cause landscape debris to be deposited onto public roadways, town rights-of-way, storm drains, and adjoining properties.

(5) Gas-Powered Leaf Blowers are recognized as hyper-polluters, emitting significant carbon and noncarbon emissions, including fine particulate matter which is a known carcinogen and hazard to human health.

(6) The noise from Gas-Powered Leaf Blowers is especially problematic since it has the ability to penetrate structures due to the strong low frequency component of the sound waves they produce.

(7) Although Electric-Powered Leaf Blowers are generally quieter than Gas-Powered Leaf Blowers, they can still present a danger to the public in terms of noise and the distribution of ground source matter, including dust, pollen, mold, pesticides, herbicides, and other particulates.

(8) Accordingly, it is the policy of the Town to regulate the use of all Leaf Blowers, and especially Gas-Powered Leaf Blowers, to minimize their use and mitigate the harmful impacts of such machines.

67-2. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

"Leaf Blower" shall mean any device which is used or designed to move leaves, grass clippings, dust, dirt, or other matter by blowing them with air emitted by such device.

"Gas-Powered Leaf Blower" shall mean any Leaf Blower that is powered by an internal combustion engine utilizing gasoline, diesel, or any other similar fuel.

"Electric-Powered Leaf Blower" shall mean any Leaf Blower that is powered by electricity utilizing a plug-in cord or battery power.

67-3. Restrictions on Leaf Blower Activity.

(a) Except as provided in Sections 67-3(b) through (d),

(i) the use of Electric-Powered Leaf Blowers is permitted during the period from January 1 through December 31 on all properties within the Town; and

(ii) the use of Gas-Powered Leaf Blowers is permitted only during the periods from April 1 through May 15 and October 15 through November 1. No person shall operate or cause or permit to be operated any Gas-Powered Leaf Blower on any public or private property in the Town other than during such periods.

(b) No Leaf Blowers (whether Gas-Powered or Electric-Powered) may be used before 9:00 a.m. or after 5:00 p.m.

(c) No more than one (1) Gas-Powered Leaf Blower may be used simultaneously at any site in Westport that is less than three (3) acres in size. No more than two (2) Leaf Blowers (regardless of power source) may be used simultaneously at any site in Westport; however, for any site that exceeds twenty (20) acres, up to four (4) Leaf Blowers may be used simultaneously so long as no more than two (2) of such Leaf Blowers are Gas-Powered Leaf Blowers.

(d) No Gas-Powered Leaf Blower may be used on any state or federal holiday.

(e) Notwithstanding the provisions of Sections 67-3 (a) through (d), the use of Gas-Powered Leaf Blowers and/or Electric-Powered Leaf Blowers shall be permitted if a Town, state, or federal authority determines that an emergency situation exists in the Town.

(f) Nothing contained in the Chapter 67 shall prevent or limit the right of any resident to bring a suit against a third party for damages or equitable relief in connection with the use of a Leaf Blower, including without limitation, a suit based on nuisance.

67-4. Enforcement.

(a) Authority. The Police Department is hereby authorized to enforce violations of this article as provided in this section.

(b) Complaints. If, in the reasonable judgment of a person, there is a violation of the provisions of this article, the following procedures shall be followed: Such person may give

written or email notice to the Police Department, with a copy (by certified mail, return receipt requested, or any other method of delivery providing proof of delivery) to the owner of the property upon which the alleged violation occurred. Such notice shall describe the particulars of the alleged violation and shall include photographic, audio, or other evidence of the violation, if available. In the case of a property subject to the provisions of the Connecticut Common Interest Ownership Act, the property owner shall be deemed to be the Board for the purpose of this ordinance.

(c) Investigation. The Police Department shall be required to investigate all such complaints and shall notify all parties of its conclusions within fourteen (14) days of receipt of the complaint.

(d) Notice of Violation and Penalties.

i. If the Police Department determines that a violation occurred, it shall notify the offending property owner in writing. The notice of violation shall state whether this is a warning or a first or a subsequent violation.

ii. Warning for Initial Violations. The notice of violation for the first violation shall be a written warning. Such notice of violation shall also notify the offending property owner that any subsequent violations shall be subject to the issuance of a citation and the penalties set forth below.

iii. Penalties for Subsequent Violations. After issuing a warning as provided above, the Police Department shall issue a citation for subsequent violations and impose a fine on the property owner of \$100 for the first citation, \$200 for the second citation, and \$250 for the third and any subsequent citation. The penalties shall be payable to the Town. The penalties shall be in addition to any other remedies available at law or in equity, including without limitation, injunctive relief. Repeat offenders shall be issued additional citations without first receiving a new notice of violation.

(e) Issuance of Citation.

i. Any citation issued by the Police Department shall state:

A. A description of the violation.

B. The amount of the fine plus such other penalties, costs and/or fees due for each violation.

C. That the uncontested payment of such fine(s), penalties, costs and/or fees shall be made within ten (10) days of the date of the citation.

D. That such person may contest the liability before a citation hearing officer by delivering in person or by mail within ten (10) days of the date of the citation a written demand for a hearing.

E. That if such a hearing is not demanded, it shall be deemed an admission of liability and an assessment and judgment shall be entered against the person, and that such judgment may issue without further notice.

ii. Any notice of violation or citation issued hereunder shall be sent to the person named in the citation by certified mail, return receipt requested and simultaneously by First Class United States Postal Service mail.

iii. Once a written demand for a hearing has been received by the Police Department, no additional citations shall be issued for the violation, until after the conclusion of the hearing procedure as set forth in subsection 67-4(e)i hereof.

(f) Hearing Procedure for Citations.

i. This hearing procedure for citations under this article is hereby established in accordance with C.G.S. § 7-152c.

ii. The First Selectman shall appoint one or more hearing officers, other than any employee of the town, to conduct the hearings resulting from violations of this article. Any assessment by a hearing officer shall be entered as a judgment against the violator.

iii. All procedures for notices, payment, hearings, assessments, judgments, and appeals shall be conducted in accordance with the provisions of C.G.S. § 7-152c(c) through (g).

SUMMARY OF PROPOSED ORDINANCE

Summer May 16 - October 14	Fall Cleanups Oct. 15 – Nov. 30	Spring Cleanups Apr. 1 – May 15	Winter Dec. 1 – Mar. 31
<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers permitted • Electric/Battery-Powered Leaf Blowers permitted 	<ul style="list-style-type: none"> • Gas-Powered Leaf Blowers NOT permitted— • Electric/Battery-Powered Leaf Blowers permitted
<p>Additional Restrictions:</p> <ul style="list-style-type: none"> - No Leaf Blower (regardless of power source) may be used before 9:00 am or after 5:00 pm - No more than one (1) Gas-Powered Leaf Blower may be used simultaneously at any site in Westport that is less than three acres in size. No more than two (2) Leaf Blowers (regardless of power source) may be used simultaneously at any site in Westport (with certain exceptions for sites over twenty (20) acres.) - No GLB shall be used on any state or federal holiday. <p>Exceptions:</p> <ul style="list-style-type: none"> - if a town, state, or federal authority declares an emergency, then Gas-Powered Leaf Blowers and/or Electric/Battery-Powered Leaf Blowers may be used as necessary <p>Fines:</p> <ul style="list-style-type: none"> - no fine for first warning (Note: property owner is responsible) - \$100 for first offense (after a warning) - \$200 for a second offense - \$250 for a third or subsequent offense 			

Plachi, Tatiana

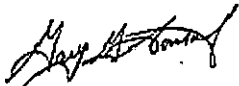
From: Conrad, Gary G.
Sent: Monday, March 8, 2021 3:50 PM
To: Heller, Velma E.; Dunkerton, Jeffrey; Plachi, Tatiana
Subject: April 6 RTM Meeting
Attachments: 2021-03-09 BOF Special Meeting Packet.pdf; Westport - Resolution Authorizing \$13,000,000 Refunding Bonds (March 2021).DOCX

Velma:

We would like to add two items to the RTM agenda with your approval. The first is an appropriation with Bond and Note for additional funding of \$508,470 for the buildout of the joint Fairfield/Westport Dispatch Center at Sacred Heart University. (PowerPoint is attached). The additional funds were needed as the University needed to relocate the dispatch center since they received the approval to build a hockey arena and knocked the building down where the dispatch center was to be located. The new location requires additional buildout, wiring, communication lines, generator and additional computer systems. The BOF is holding a Special Meeting tomorrow, Tuesday March 9th following the BOF Budget Hearings.

The second is the authorization to refund \$13.0 million in bonds for a savings of approximately \$600k. (Resolution is attached.)

Please let me know if you have any questions. We will verify Wednesday morning of the BOF approval of the Dispatch appropriation.



Gary G. Conrad
Town of Westport
110 Myrtle Avenue
Westport, CT 06880
Ph. 203-341-1095

RESOLUTION AUTHORIZING GENERAL OBLIGATION REFUNDING BONDS

RESOLVED, that General Obligation Refunding Bonds of the Town (the “Refunding Bonds”), in an amount not in excess of Thirteen Million and 00/100 Dollars (\$13,000,000) are hereby authorized to be issued in calendar year 2021 for the purpose of refunding all or any portion of any issue of the Town’s General Obligation Bonds including, but not limited to the Town’s General Obligation Refunding Bonds issued in 2012 and the Town’s General Obligation Bonds issued in 2013 (collectively, the “Refunded Bonds”); provided that the Committee appointed below determines that the refunding of the Refunded Bonds generates present value savings.

BE IT FURTHER RESOLVED, that the First Selectman, the Selectmen and Finance Director are hereby appointed a committee (the “Committee”) with full power and authority to cause said Refunding Bonds to be sold, issued and delivered, to determine their form and the aggregate principal amount thereof within the amount hereby authorized; to fix the time of issuance of such bonds, the rate or rates of interest thereon as herein provided, and to determine the maturity thereof all in accordance with the General Statutes of Connecticut, Revision of 1958, as amended; to select the maturities of the Refunded Bonds to be refunded, to establish and maintain a reserve, escrow or similar fund for the payment of the Refunded Bonds, and to pay all issuance costs incurred in connection with the authorization, issuance, and sale of the Refunding Bonds including, but not limited to, financial advisory, legal, trustee, escrow, verification fees, printing and administrative expenses and underwriters’ discount. The Committee is authorized to sell the Refunding Bonds by a negotiated or competitive sale. The net proceeds of the sale of the Refunding Bonds, after payment of costs of issuance, shall, if needed, be deposited in an irrevocable escrow or similar account and invested in investments authorized by statute and approved by the Committee in an amount sufficient to pay all amounts that are or may become due on the Refunded Bonds from the date of issuance of the Refunding Bonds including interest thereon, the principal of, interest and redemption premium, if any, on the Refunded Bonds at maturity, or to redeem at the redemption price prior to maturity, pursuant to any plan of refunding. The Committee is further authorized to appoint an escrow agent or trustee and to appoint a firm of certified public accountants or arbitrage experts to verify the sufficiency of the escrow investments, and to execute and deliver any and all escrow, and other agreements necessary to provide for the payment when due of the principal of and interest and redemption premium, if any, on the Refunded Bonds; and

BE IT FURTHER RESOLVED, that the Committee shall have all appropriate powers to provide for the issuance of the Refunding Bonds as tax exempt bonds, and comply with the state and federal tax and securities laws and the Committee shall have all appropriate powers to take such actions and to execute such documents, as deemed to be necessary or advisable and in the best interest of the Town by the Committee to issue, sell and deliver the Refunding Bonds.

**RTM Finance Committee Meeting
March 23, 2021
Bond Refunding Request**

Finance Committee Members Present (seven of nine): Jeff Wieser, Chair; Jessica Bram; Seth Braunstein; Rick Jaffe; Christine Meiers Schatz; Lauren Soloff; Cathy Talmadge

Other Town Officials Present: Gary Conrad, Finance Director; Sal Liccione, RTM.

The RTM Finance Committee met to consider the following:

“Upon the request of the Finance Director, to recommend to the full RTM authorization of the issuance of refunding bonds in an amount not in excess of \$13,000,000 to be issued in calendar year 2021 for the purpose of refunding all or any portion of the general obligation bonds issued by the Town in year 2012 and in year 2013.”

Finance Director Conrad explained that the town is moving to refinance a number of outstanding bonds in anticipation of rising interest rates. This is being done in order to reduce the interest expenses of the town. As interest rates begin to move up, we want to make sure we can lock in low rates while they are still available and as a town have been doing this whenever possible. We will not be extending the duration of the bonds, simply lowering the rate on the remaining outstanding principal amount.

The bonds that are going to be refinanced were 20 year bonds which are restricted by the bond indenture (the terms of the bond) to be refunded until July. We are able to lock in the new rate up to 90 days ahead of the point that they can be refunded in July. The current net rate is 2.28% and the new rate will be substantially below 2%. The anticipated savings on the issuances to be refunded is ~\$500,000, net of expenses. The approximate cost to complete this refinancing is ~\$75,000 which includes the Moody’s rating agency review, legal expenses, banking fees and printing coast.

Action: A motion in favor of supporting the requested appropriation was made and seconded (Seth Braunstein / Lauren Soloff), and **passed unanimously, 7-0.**

Respectfully submitted,

Seth Braunstein
Finance Committee and RTM District 6



WESTPORT CONNECTICUT

FINANCE DEPARTMENT

110 MYRTLE AVENUE - ROOM 313
WESTPORT, CONNECTICUT 06880

BACK UP MATERIAL
RTM ITEM # 2

February 17, 2021

Mr. James Marpe
First Selectman
Town Hall
Westport, CT 06880

Re: COVID-19 Appropriation #2

REVISED 02-17-2021

I am requesting your approval for an appropriation for an additional \$380,000 from the General Fund Balance for COVID-19 related expenses. The prior appropriation of \$400,000 that was approved on July 8, 2020 has been exhausted. The additional funds will cover protective devices, sanitizing, legal fees, signage and most importantly testing for all employees. We are currently testing 10% of the employees on a weekly basis as recommended by our Safety Officer Kevin Doherty, Mark Cooper from the Health District and the Command and General Staff group. So far, we have recovered \$325,329 from the State under the CORONA Virus Relief Fund (CRF) and awaiting final audit results from FEMA for the federal portion which effective February 3, 2021 qualifies for 100% funding for eligible expenses, up from the previous 75%.

Since this was an emergency such as we have never encountered, the request for an appropriation is after much of the expenses have been incurred.

The request to the Board of Finance will read:

A request by the Finance Director for an appropriation totaling \$380,000, from the General Fund Balance to Special Accounts setup under COVID-19 Account (10101980-511000).

Regards,

Gary G. Conrad
Finance Director

Approved for submission
To Board of Finance (2/19/21)

James S. Marpe
First Selectman

COVID-19								
<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Description</u>	<u>2021 Actual</u>	<u>2021 Encumbrances/ Requisitions</u>	<u>2020 Actual</u>	<u>2021 Actual</u>	<u>Total Spent</u>
10101980	511000	10004	Salaries-COVID	3,930	0	-	3,930	3,930
10101980	513000	10004	Extra Help & Overtime-COVID19	48,731	0	106,259	48,731	154,989
10101980	528900	10004	Transportation/Meal Allowances	37	0	18,933	37	18,971
10101980	561000	10004	Supplies-COVID	95,726	106,263	157,144	201,988	359,132
10101980	589000	10004	Miscellaneous Expenses-COVID	56,448	7,128	89,656	63,577	153,233
				204,872	113,391	371,992	318,263	690,255
			February to June:		Testing			
			COVID Testing Progressive	Town	38 people*22 weeks* \$100			66,000
				Fire/Police	Test as needed			4,000
				P&R Seasonal 67 tests per Jen Fava email 02-12-21				6,700
				Other PPE				13,045
				Prior Appropriation				400,000
				Appropriation Request				380,000



WESTPORT CONNECTICUT

FINANCE DEPARTMENT

110 MYRTLE AVENUE - ROOM 313
WESTPORT, CONNECTICUT 06880

BACK UP MATERIAL
RTM ITEM # 3

February 17, 2021

Mr. James Marpe
First Selectman
Town Hall
Westport, CT 06880

Re: Appropriation of Funds – Hurricane Isaias

Dear Mr. Marpe:

This office hereby requests an appropriation of \$780,000.00 into Account Number 10101980 – Project 10005 to provide for expenses incurred during Hurricane Isaias. The unprecedented storm caused extensive damage throughout Town with downed trees and wires. The funds will be used to cover expenses incurred for Extra Help and Overtime, Fuel, Rental Equipment, Supplies, Contract Services and Miscellaneous Repairs.

These storm related expenses are eligible for 100% reimbursement by FEMA.

If you have any further questions, please do not hesitate to contact me.

Regards,

Gary G. Conrad
Finance Director

Approved for submission
To Board of Finance (2/19/21)

James S. Marpe
First Selectman

<u>Org</u>	<u>Object</u>	<u>Project</u>	<u>Description</u>	<u>2021 Actual</u>	<u>2021 Encumbrances/ Requisitions</u>	<u>2020 Actual</u>	<u>2021 Actual</u>	<u>Total Spent</u>
			ISAIAS					
10101980	513000	10005	Extra Help & Overtime-ISAIAS	161,263	0	-	161,263	161,263
10101980	532000	10005	Contract Services-STORM ISAIAS	552,715	2,610	-	555,325	555,325
10101980	544001	10005	Fuel-STORM ISAIAS	9	0	-	9	9
10101980	549000	10005	Rental Equipment-STORM ISAIAS	5,760	0	-	5,760	5,760
10101980	561000	10005	Supplies-STORM ISAIAS	2,759	0	-	2,759	2,759
10101980	589000	10005	Miscellaneous Exp-STORM ISAIAS	34,928	12,569	-	47,497	47,497
				757,435	15,179	-	772,614	772,614
					FEMA Request @ 100%			772,614
					Appropriation Request			780,000

RTM Finance Committee Meeting
March 23, 2021
Hurricane Isaias - to cover storm expenses incurred

Finance Committee Members Present (seven of nine): Jeff Wieser, Chair; Jessica Bram; Seth Braunstein; Rick Jaffe; Christine Meiers Schatz; Lauren Soloff; Cathy Talmadge

Other Town Officials Present: Gary Conrad, Finance Director; Harris Falk, RTM; Sal Liccione, RTM.

The RTM Finance Committee met to consider the following:

“Upon the request of the Finance Director, to recommend to the full RTM approval of an appropriation in the amount of \$780,000.00 into Hurricane Isaias Accounts 10101980 – Project 10005, to cover storm expenses incurred.”

In his presentation in support of the funding request Finance Director Gary Conrad gave detail of the expenses incurred by the Town as a result of Hurricane Isaias, an unprecedented storm that caused extensive damage throughout Town. The requested \$780,000 will be used to cover expenses incurred in the accounts Extra Help & Overtime, Fuel, Rental Equipment, Supplies, Contract Services, and Miscellaneous Repairs. The entirety of the \$780,000 expended by the Town is expected to be reimbursed at 100% by FEMA, the Federal Emergency Management Agency of the US government.

Mr. Conrad told the Committee about reimbursement expected from FEMA in addition to the \$780,000 in tonight’s funding request. For example, it is expected that FEMA will reimburse the Town for the storm related use of our equipment, e.g., trucks, the usage of which is tracked carefully by Town personnel, an additional \$200,000 to \$250,000.

Our Town’s detailed documentation of expenses incurred makes the reimbursement process a straightforward one, so the reimbursement is expected to be received in a timely manner.

Action: A motion in favor of supporting the requested appropriation was made and seconded (Seth Braunstein / Christine Meiers Schatz), and **passed unanimously, 7-0.**

Respectfully submitted,

Rick Jaffe
Finance Committee and RTM District 1



WESTPORT CONNECTICUT

FINANCE DEPARTMENT

110 MYRTLE AVENUE - ROOM 313
WESTPORT, CONNECTICUT 06880

BACK UP MATERIAL
RTM ITEM # 5

March 9, 2021

RECEIVED

MAR 10 2021

TOWN OF WESTPORT
SELECTMAN'S OFFICE

Mr. James S. Marpe
First Selectman
Town Hall
Westport, CT 06880

Dear Mr. Marpe,

Upon a request by the Public Safety Departments, to approve an appropriation in the amount of \$508,470 adding to the previous appropriation of \$1,420,000 for a total of \$1,928,470 for the replacement of the existing Dispatch Centers and the cost associated with the establishment and operation of a Fairfield-Westport Multi-town Emergency Communications Center to be Located at Sacred Heart University in Fairfield Connecticut with bond and note authorization to the Municipal Improvement Fund Account 30502210-500295.

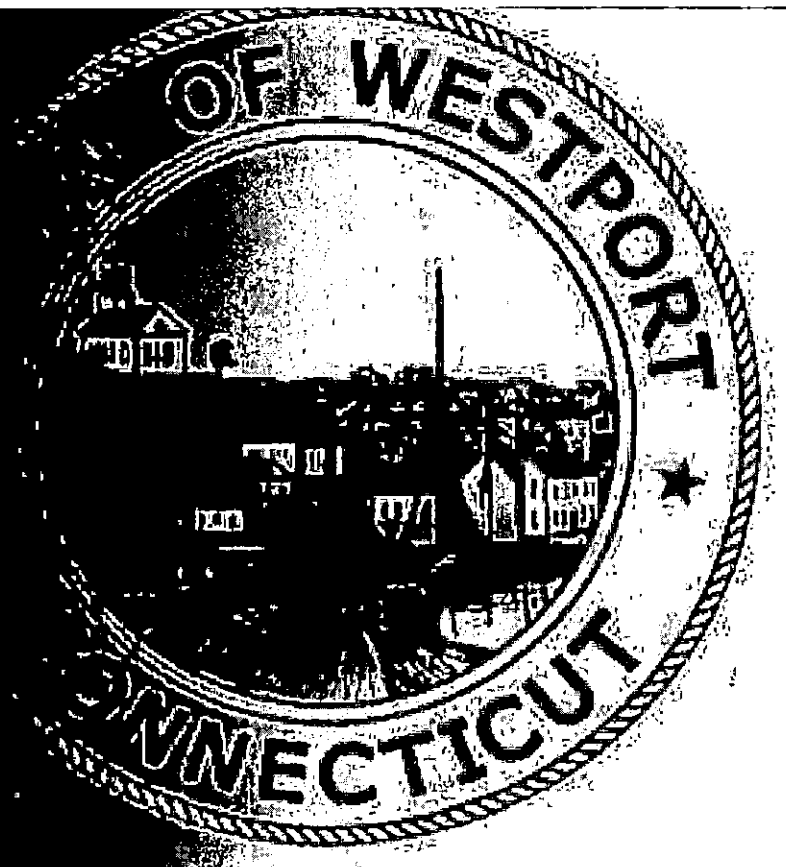
Regards,

Gary G. Conrad
Finance Director

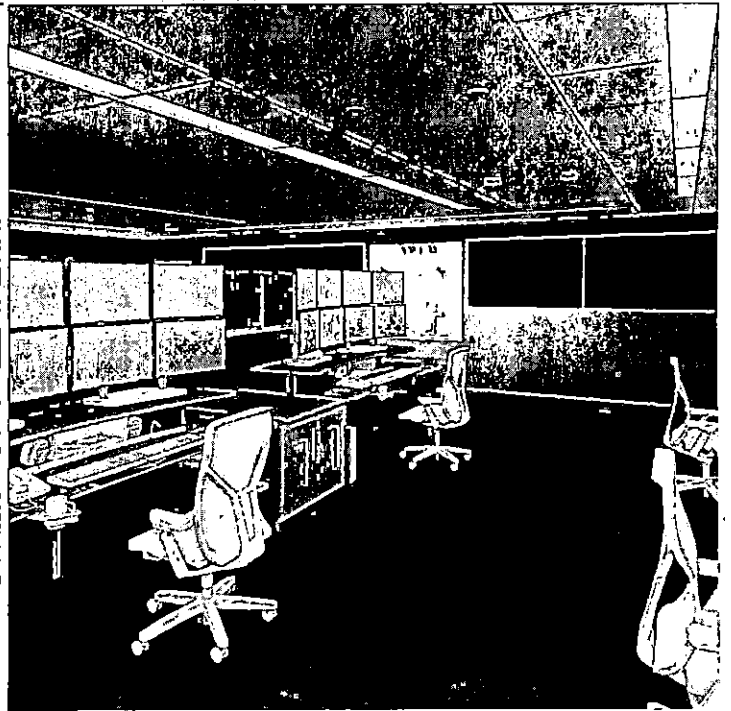
Approved for submission
To Board of Finance (3,192,1)

James S. Marpe
First Selectman

Westport/Fairfield
Combined
Dispatch Budget
Update



CENTER RENDERINGS



KEY TAKEAWAYS

Despite budget increases, Westport's allocation of net costs in FY 22-23 is still lower than FY 20-21 costs.

The partnership with Fairfield remains strong: the Control Board formally met and unanimously approved the Center.

Increased capital costs add to the stability, security, and reliability of the Center.

CHALLENGES SINCE APPROVAL OF ECC

In addition to general challenges created by Coronavirus, the location for the ECC was changed.

The new location requires additional investment in the building and its infrastructure.

These are short-term challenges that we are actively overcoming.

PARTNERSHIPS REMAIN STRONG

Sacred Heart University continues to be a great partner - hosting the Center on their campus at \$1/year cost to the two towns.

Fairfield Police and Fire remain committed to the Center, as well as New Canaan Fire.

State financial support is increased to offset Build and Operational Budgets

Still financially viable with the promise of savings in the near term

NO CHANGES TO
THE INTER-LOCAL
AGREEMENT WITH
FAIRFIELD

ECC Control Board: Police and Fire Chiefs from both towns, as well as the Chief Elected Officials from both towns.

Capital Expenditures split evenly between Fairfield and Westport

Net Operating Expenditures split as follows: Fairfield pays 67%; Westport pays 33%

Allows additional towns ("Ratifying Towns") to become part of the Center

State grants related to E-911 services go into the Center

CAPITAL BUDGET COMPARISON

	Approved Plan	Revised Plan	Difference
Information Technology Costs	\$ 1,596,622	\$ 1,944,937	\$ 348,315
Renovation Costs	\$ 686,920	\$ 1,421,585	\$ 734,665
Outfitting Costs	\$ 283,600	\$ 226,765	\$ (56,835)
Other Costs	\$ 65,800	\$ 56,000	\$ (9,800)
Contingency	\$ 264,334	\$ 364,929	\$ 100,595
Total Cost	\$ 2,897,276	\$ 4,014,216	\$ 1,116,940

- Computer & network hardware/software, and communications backup driving costs higher
- Renovation costs based on RFP response. Selected bidder recently extended bid.
- **Additional capital costs to each town = \$508,470**

CAPITAL BUDGET COST ALLOCATION

FAIRFIELD		Approved Plan	Revised Plan
50% Total Cost	\$	1,448,638	\$ 2,007,108
State Grant	\$	(250,000)	\$ (300,000)
	\$	1,198,638	\$ 1,707,108
WESTPORT		Approved Plan	Revised Plan
50% Total Cost	\$	1,448,638	\$ 2,007,108
State Grant	\$	(250,000)	\$ (300,000)
	\$	1,198,638	\$ 1,707,108

- Increased state grant amount saves each town \$50,000
- Additional capital costs to each town = \$508,470

ECC OPERATING BUDGET ALLOCATION

	Westport FY 20-21 Est.	FY 21-22 Original	FY 22-23 Requested
TOTAL BUDGET - ALL ACCOUNTS	\$ 1,400,000	\$ 2,799,931	\$ 2,885,967
REVENUES OF THE CENTER			
NEW CANAAN SERVICE FEE	\$ 78,000	\$ 78,000	\$ 78,000
STATE GRANT	\$ -	\$ 252,885	\$ 275,278
TOTAL REVENUE	\$ 78,000	\$ 330,885	\$ 353,278
NET COST	\$ 1,322,000	\$ 2,469,046	\$ 2,532,689
COST ALLOCATION			
	Net Cost x Use Formula (in FY 21 and 22)		
FAIRFIELD (67%)	\$ 1,648,917	\$ 1,654,260	\$ 1,696,901
WESTPORT (33%)	\$ 1,322,000	\$ 814,785	\$ 835,787

MORE ABOUT THE OPERATING BUDGET ALLOCATION

Westport's allocation of Net Costs in the FY 22-23 budget is \$29,471 higher than FY 21-22, but it is \$486,213 lower than FY 20-21.

Caveats:

Salary increases will need to be added in FY 22-23 when the ECC bargaining unit contract is finalized.

Information Technology maintenance costs are on 3-year contract. We will see an increase in the IT maintenance costs FY 23-24 of \$90,000.

NEXT STEPS

Approval from Town Boards to authorize additional appropriation.

Begin construction as soon as possible.

Once operational for Westport and Fairfield, develop a fee structure that balances the need to:

- 1) Offer a lower-cost dispatch center option to other towns and
- 2) Offset Westport's Operational costs by actively pursuing other towns.



Memorandum

Approved for submission
To Board of Finance (2.16.21)


James S. Marpe
First Selectman

To: Jim Marpe, First Selectman

CC: Gary Conrad, Finance Director

From: Deputy Chief Sam Arciola

Date: February 16th, 2021

Re: Appropriation request for New Hires, Promotional Testing, and Mandated Drug Testing

We are currently in the process of replacing three vacancies at the Westport Police Department. The vacancies were unexpected, and the cost associated with the hiring and testing process were not included in the 2020-2021 budget.

To replace the openings, we actively used the standard practices in place for recruitment for both lateral officers and new recruits. Currently in the hiring process, we have narrowed down the list to 4 lateral candidates for police officer. A lateral candidate is a certified officer from another police department. With the possibility of future openings, the department will continue to look at filling those positions with new hires.

The cost associated with the hiring process and start-up employment for filling these positions will be \$16,650. Required pre employment and equipment cost per officer are broken down into two separate categories. This equipment cost is \$3550 per officer. The pre employment testing cost are \$1500 per candidate. The cost breakdown for this process is on page 3.

In addition to filling officer vacancies, a detective vacancy will need to be filled. In accordance to the Collective Bargaining Agreement set forth between the Town of Westport and the Westport Police Local #2080, competitive examinations are to be held by an independent agency. The testing will be done with the purpose of creating an eligibility list for the position of Detective. Captain Farrell completed an assessment of 4

February 16, 2021

testing agencies and selected Badge Quest. The company provides a complete testing package, providing all phases of the testing process. The price for the Detective testing will be **\$12,400**. I have attached the Captain Farrell's report with this request.

Another unexpected cost incurred this year is the mandatory drug testing (for steroids) for our officer's POSTC recertification. Effective January 1, 2021 Connecticut HB 6004 (An Act Concerning Police Accountability) mandates drug screening for officers completing their POSTC recertification. Connecticut POSTC recertification for police officers occurs every three years. The Westport Police Department recertifies approximately one third of the department annually. The additional cost for drug testing 16 officers for recertification in this fiscal year will be **\$3920**. The cost breakdown for drug testing is on page 3.

Based upon these unexpected costs this year, the Westport Police Department respectfully requests an appropriation of **\$32,970** for the new hiring process (\$16,650), Detective testing (\$12,400), and mandatory drug testing (\$3920).

February 16, 2021

Financial Breakdown for Appropriation

The following costs are associated with the background investigation, uniforms, equipment, and training of new officers.

- **Background Costs (per officer):**
 - Pre-Employment Physical - \$715
 - Pre-Employment Psychological - \$450
 - Pre-Employment Polygraph - \$335

Total cost per officer is \$1500.00

- **Equipment Costs (per officer):**
 - **Lateral:**
 - Uniforms - \$2875
 - Ballistic Vest - \$675

Total cost per officer is \$3550.00

The following cost are associated with the mandatory drug testing for this fiscal year for POSTC recertification.

- **Drug Testing**
 - Anabolic Steroid screening \$195 per test
 - Standard drug screening \$100 per test

March 24, 2021

BACK UP MATERIAL
RTM ITEM # 526

The RTM Public Protection Committee and RTM Finance Committee met in a joint meeting via zoom on March 23, 2021 to discuss and vote to recommend to the full RTM on the following:

1. Upon the request of the Deputy Chief of Police, to recommend to the full RTM approval of a special appropriation in the amount of \$32,970.00 to the accounts listed below for mandatory drug testing for POSTC certification and hiring costs associated with replacing four vacancies at the Police Department.

A. Employee Medical Account \$9,920.00. B Uniform Allowance \$10,650.00 C. Promotional Testing \$12,400.

Both committees discussed and asked questions as to why we are having so many Police vacancies. Chief Koskinas explained our non defined pension, new state police laws, and better opportunities outside of Westport and Connecticut as reasons for leaving. With vacancies come new costs, such as uniforms, drug testing, and medical.

Both Finance and Public Protection voted unanimously to approve funding recommendation to full RTM.

2. Upon a request by the Public Safety Departments, to recommend to the full RTM approval of an appropriation in the amount of \$508,470.00 adding to the March 2017 appropriation of \$1,420,000.00 for a total of \$1,928,470.00 for the replacement of the existing Dispatch Centers and the cost associated with the establishment and operation of a Fairfield -Westport Multi-town Emergency Communications Center to be located at Sacred Heart University in Fairfield Connecticut with bond and note authorization to the Municipal Improvement Fund Account.

Assistance Fire Chief Matthew Cohen explained that the extra request of funds was basically for the need of construction costs as the location changed at Sacred Heart. Questions were asked about the lease, buildings and school. In the end, the allocation of these extra funds will result in significant savings for the Town of Westport for years to come. More importantly, the combination of our Police and Fire Dispatch to one Communications Center will make emergency dispatch more efficient for the emergency at hand.

Both Public Protection and Finance voted unanimously to approve recommendation of this allocation of funds to the full RTM.

In attendance - Police Chief Foti Koskinas, Fire Chief Robert Yost, Deputy Chief Michael Kronick, Assistance Fire Chief Matthew Cohen, RTM Public Protection Jimmy Izzo, Seth Braunstein, Louis Mall, Kristan Hamlin, Noah Hammond, Andrew Colabella, Rick Jaffe, Candace Banks, and Richard Lowenstien. RTM Finance - Jeffrey Wieser Chair, Christine Meiers Schatz, Jessica Bram, Lauren Soloff, Cathy Talmadge, Seth Braunstein, Stephen Shackelford, and Rick Jaffe. Notables in attendance- RTM Members Salvatore Liccione and Harris Faulk

Respectfully Submitted,

Jimmy Izzo -Chair Public Protection

CHECKLIST FOR PROPOSED ORDINANCES

TO: The RTM Ordinance Committee

FROM: Kristin Schneeman, Andrew Colabella, and Jessica Bram

DATE: March 15, 2021

RE: Ordinance restricting the use of gas-powered leaf blowers in Westport

CONTACT PERSON: Kristin Schneeman

1) Why do we need this ordinance? (What problem does it solve?)

Answer:

This ordinance proposes to limit the use of gas-powered leaf blowers (GLBs) in Westport to two 6-week periods in the spring and the fall. This ordinance will permit the use of electric and battery-powered leaf blowers year-round. Leaf blowers with gas engines have been shown to present a threat to human health from noise, emissions, unspent fuel, and the disturbance of ground particulate matter. The noise, in particular, is also a significant and escalating threat to the quality of life in our community. GLBs are often used solely for cosmetic purposes and far in excess of what is needed for landscape maintenance, and they can actually be detrimental to the health of lawns and the environment. More powerful and efficient electric and battery-powered equipment has come on the market in recent years, providing more readily available alternatives. More than two hundred communities across the U.S., as well as some whole states and countries, have restricted or banned the use of GLBs.

2) Is the proposed ordinance a new one or an amendment to an existing Westport ordinance? If an amendment, what are the proposed changes and why are they important? (Copy of existing ordinance to be attached.)

Answer:

This is a new ordinance.

3) Is this the only practical solution to the perceived problem or are there other options (either legislative or non-legislative):

Answer:

Voluntary restrictions are ineffective as there are no incentives for homeowners or landscapers to change behavior. Legislative mandates accompanied by public education efforts have brought relief in many communities across the country.

4) Have we exhausted all non-legislative alternatives?

Answer:

The experience of many other communities demonstrates that there are not effective non-legislative alternatives to reduce the use of these harmful machines and the impacts they cause. This regulation creates a uniform, level playing field for all homeowners and landscapers.

5) Does the problem warrant the solution? That is, is the problem serious enough, or widespread enough, to justify any restrictions that will result if this ordinance is passed?

Answer:

GLBs produce high levels of noise, as well as ozone-forming exhaust (including volatile organic compounds) and ultrafine particulate matter. The scientific literature on the health hazards to workers and residents of the noise and combustion products is vast, representing decades of research and tens of thousands of studies. For instance, a report from the Massachusetts Medical Society concluded that the noise and emissions produced by GLBs threaten the health of workers and the public; it specifically linked emissions from GLBs to hearing damage, worsened asthma, chronic obstructive pulmonary disease, malignancies, and heart attacks.

The World Health Organization recommends an outdoor noise level below 55 decibels. Anything above 60 decibels increases the risk of heart disease, and levels above 75 decibels increase the risk of hearing damage. Leading commercial brands of GLBs are 100+ decibels at the source and as high as 83 decibels at 50 feet. Industry training materials to protect workers' hearing state that noise levels from most of today's gas equipment are upwards of 1000 times higher than safe occupational levels and acknowledge the danger to hearing as well as heart health; manufacturers also recommend the use of only one GLB at a time, a rule which is routinely disregarded. GLB noise is louder than electric blower noise (even when rated at the same decibel level) and able to carry harmful levels of noise over long distances and penetrate through windows because of a strong low-frequency component. The CDC estimates that hearing damage is possible after two hours of exposure to leaf blowers.

An ancillary benefit to the Town of restricting the use of GLBs is a reduction in pollution, improving air quality and helping Westport achieve its goal of Net Zero by 2050. The gas engines in leaf blowers are extremely inefficient and produce high levels of harmful pollutants. An often-cited study by Edmunds.com found that "to equal the hydrocarbon emissions of about a half-hour of yard work with [a] two-stroke leaf blower, you'd have to drive a [Ford F-150] Raptor [pickup truck] for 3,887 miles, or the distance from Northern Texas to Anchorage, Alaska." New York state's Department of Environmental Conservation found "the amount of CO (carbon monoxide) emitted from a typical backpack leaf blower for just one hour is equal to CO coming from the tailpipe of a current year automobile operating for over eight hours." In addition, "leaf blowers push 300

to 700 cubic feet of air per minute at 150 to 280 mph. The resulting dust can contain PM 2.5 and PM 10 particles including pollen and mold, animal feces, heavy metals, and chemicals from herbicides and pesticides.”

The hurricane-force jets of GLBs are also detrimental to the environment in other ways. They destroy new plant growth and blow topsoil away, cause soil compaction and dehydration, spread disease spores and kill beneficial insects.

6) Is the proposed ordinance fair to Westport’s citizens?

Answer:

Yes. Complaints about GLBs have been on the rise as use of the machines increases, and as Westport residents work and go to school from home in greater numbers. Use of lower-impact electric- and battery-powered blowers will be allowed year-round, and GLBs will still be permitted during spring and fall clean-up and for emergencies declared by local, state or federal authorities.

7) Have the rights of all Westporters been considered?

Answer:

Yes. Effective alternative equipment exists that residents and landscapers can use to do their work. Use of GLBs will continue to be allowed during spring and fall clean-up periods, as well as during emergencies declared by local, state or federal authorities. The right of Westporters to peaceful enjoyment of their properties and to not have their health negatively impacted carries equal weight to the right of Westporters to keep their properties immaculately free of debris – especially given that there are reasonable alternatives available. The Town of Westport will benefit from creating a quieter, cleaner, safer, and healthier community for all its current and prospective residents.

8) If the proposed ordinance involves a fine or penalty, is the penalty reasonable in amount and fair in application? How was the amount determined? Is a maximum penalty specified? Are there any exceptions for extenuating circumstances? Is an appeals process specified? Is the appeals process fair? Is it practical?

Answer:

The fines included in the ordinance are reasonable and are comparable to those implemented in many other communities. Property owners in violation of the ordinance will initially be issued a warning; the fine will be \$100 for the second infraction, \$200 for the third, and \$250 for every subsequent infraction. Exceptions allow the continued use of GLBs during spring and fall clean-up as well as during emergencies declared by local, state or federal authorities.

The enforcement provision is simple, designed to minimize confrontation in town, and informed by best practices and lessons learned from other towns with GLB restrictions. Fines are against the property owners, as landscapers can be difficult to identify and track. Frivolous complaints are discouraged by requiring direct

notification of the property owner along with police. Police are not required to respond to the site, which makes for easier enforcement as well as preventing police confrontations with landscaping crews. First complaints are met with a warning, which serves to educate property owners and discourage further infractions.

An appeals process is specified in accordance with due process. It is to be conducted in accordance with the provisions of C.G.S. § 7-152c(c) through (g), a standard state-specified hearing and appeals process we rely on in Westport for a number of regulations.

9) Is the proposed ordinance consistent with the Town Plan of Conservation and Development?

Answer:

Yes. This ordinance will also contribute to the Town of Westport being able to achieve its goal of becoming a Net Zero community by 2050. In the comparably sized community of Lexington, MA it was calculated that municipal landscape maintenance alone – not including commercial landscapers – generates 34 tons of CO2 per year.

Questions regarding financial implications:

10) If the proposed ordinance involves the collection of any fees (including a monetary fine or penalty), will the revenue be retained by the Town? If so, how much revenue is estimated? Will it be included in the general fund? If not, where will the funds be distributed?

Answer:

We do not anticipate the revenue generated by fines will be significant, but any revenue will be retained by the Town in the general fund. The amount generated will be determined by the number of complaints pursued and fines issued, but the objective of the ordinance is to create an environment of awareness and compliance and not to be punitive.

11) Will the passage of the proposed ordinance result in a decrease in amounts currently expended by the town (for example, decreased maintenance costs)? If so, how much savings is estimated??

Answer:

Eliminating the use of GLBs in winter and summer seasons will eliminate the costs of fuel that would be incurred if the machines were in use in those seasons. Maintenance costs may also decrease because of the reduction in frequency of use. The operational costs of battery electric blowers are much lower than those of GLBs due to avoided fuel and lower maintenance costs.

12) Will the passage of the proposed ordinance result in any increased expenses for the town (for example, increased enforcement costs)? If so, how much additional cost is estimated?

Answer:

We anticipate the Town of Westport will need to purchase some battery-powered equipment, though some is already in use by the Parks and Recreation Department in particular. GLBs will still be allowed for spring/fall and emergency clean-ups. GLBs have a lifespan of approximately 2-4 years in the Northeast. As some GLBs reach the end of their useful life, they can be replaced by battery electric blowers with comparable performance and work productivity. It is possible fines collected could offset some of the cost of new equipment. A full inventory of leaf blowers owned by the Town needs to be completed.

13) Will the passage of the proposed ordinance result in any decreased revenues for the town? (An ordinance covering abatement of property taxes would be an example.)

Answer:

No.

14) If so, how much revenue loss is estimated?

Answer:

N/A

Questions to be answered with assistance from the Town Attorney or Assistant Town Attorney:

15) Does the proposed ordinance conflict with any existing laws (municipal, state or federal?) If so, what modifications can be recommended? (Or, should the proposed ordinance be rejected in favor of a non-legislate alternative?)

Answer:

The proposed ordinance does not conflict with existing laws. According to a June 2020 memorandum from the state Office of Legislative Research, "Across the country, regulation of leaf blowers is largely a matter of local ordinance rather than state law or regulation. Local ordinances may set time and day restrictions, noise restrictions, or completely ban the use of such equipment." Greenwich, CT already has restrictions on GLBs in place.

16) Is the language (and the intent) of the proposed ordinance consistent with Westport's powers as a municipality? (Copy of the state and/or federal enabling legislation to be attached.)

Answer:

The state of Connecticut gives municipalities the authority to protect public health and safety, preserve the public peace, prevent disturbing noises, and define and prohibit nuisances and the causes thereof. Connecticut General Statutes section 7-148(c)(10) authorizes municipalities to adopt ordinances in furtherance of general powers enumerated in CGS 7-148 and to prescribe penalties for violation of not more than \$250.

17) Are there any existing state or federal statutes covering the same subject? If so, why is the proposed ordinance necessary or advisable? (Copy of relevant state or federal law to be attached.)

Answer:

There are no federal or Connecticut state statutes covering GLBs, though there are other states that have regulated their use, including Arizona and Hawaii.

18) Do our neighboring towns have similar ordinances? (Copies to be attached.) Does the policy in neighboring towns have an impact on Westport?

Answer:

Greenwich has an ordinance restricting the use of GLBs. Many towns in New York and Massachusetts have ordinances restricting their use; most recently Larchmont amended an earlier ordinance to move toward a full phase-out of GLBs by 2022.

19) Is the language of the proposed ordinance consistent with its intent? Is the language of the proposed ordinance as clear as it can be? Will it be easily understood? Would it be clearer if definitions were added or revisions were made?

Answer:

We believe the language is clear and consistent with its intent.

Last rev. Jan. 14, 2021

Sample Ordinances & Rules Governing Gas-Powered Leaf Blowers

Rye, NY (2008)	Larchmont, NY (2020 and 2015)	Hastings-on-Hudson, NY (2008)	Newton, MA (2017)	Mill Valley, CA (1993)	Greenwich, CT (amended 2020)	Maplewood, NJ (2017)	Washington, D.C. (2019)	Southampton Village, NY (2019)
<p>General Rules: No leaf blowers (regardless of fuel type) allowed between May 1 & Sept. 30 [§133-7]</p> <p>Between Oct. 1 and April 30: no "leaf blower" allowed to be operated on same lot with any other type of machine-powered lawn equipment; cannot operate two or more "leaf blowers" simultaneously (except in R-1 districts); there are also limits on hours of use</p> <p>The use of power or "leaf blowers" to move leaves or yard debris to city streets, public property, storm drains or abutting lots is prohibited at all times.</p> <p>"Leaf blower" is defined to include "any device powered by a electricity, gasoline, diesel or similar fuel engine which is used, designed or operated to produce a current of air for the purpose of pushing, propelling or blowing leaves,</p>	<p>New Rule (effective 1/1/2022): Gas-blowers completely banned; electric blowers limited to April (for spring clean-up) & Oct. 15 to Dec. 15 (for fall clean-up); temp. allowances for extreme weather events as det. by Mayor</p> <p>Existing Rules: No "leaf blowers" powered by "internal combustion engines are allowed" Between June 1 and Sept. 30. [§195-5(B)]</p> <p>Between Oct. 1 and May 31, can only use "leaf blowers": Mon-Fri (8am to 5:30pm), Saturdays (9am to 6pm), and Sundays and holidays (10am to 5pm).</p> <p>"Leaf blower" is defined to include any "device" which is powered by an "internal combustion engine" and which is "used or designed to move leaves, grass, clippings, dust, dirt or other</p>	<p>General Rules: No leaf blowers allowed between May 16 and Oct. 14</p> <p>Between Oct. 15 and May 15, leaf blowers are allowed, but only from 9am to 5pm, AND only if they conform to the "decibel level restrictions" and "steady state and impact vibrations restrictions" set forth in other village noise ordinances [§217-6J]</p>	<p>General Rules: No gas-powered leaf blowers allowed between Memorial Day and Labor Day, (Note: this ban specifically applies to City employees and contractors).</p> <p>Electric or battery-powered leaf blowers can be used during that [summer] period, so long as they don't exceed 65 decibels and only one per lot. [§20-13(h)]</p> <p>At other times during the year, leaf blowers can't be used before 7am (weekdays) 8am (Saturdays) and 9:30am (holidays and Sundays) and cannot be used after 5pm on all days.</p>	<p>General Rules: All leaf blowers (regardless of fuel type) prohibited at all times. [§7.16.090I.]</p> <p>In addition, there are strict decibel limits for "Power garden equipment" [see, e.g., §7.16.090F.]</p>	<p>New COVID Rule: No more than one gas leaf blower at a time, regardless of lot size</p> <p>Existing Rules: Only one gas blower at a time if site is ¼ acre or less;</p> <p>From Memorial Day through Labor Day, only one gas blower at a time on any property</p> <p>No gas blowers allowed between 6:00PM & 8:00AM Mon-Fri and bet. 3:00PM & 9:00AM Sat-Sun & holidays.</p>	<p>General Rules: No gas-powered leaf blowers allowed from May 15th through Sept. 30th</p> <p>NOTE: as written, the seasonal ban only applies to blowers used by commercial entities. According to the mayor, however, due to a legal challenge to that provision, the town plans to amend that language so that the rule will apply to everyone—so it won't matter who is using the machine.</p>	<p>New Rule (effective 1/1/2022): Gas-blowers completely banned</p>	<p>General Rules Gas-powered leaf blowers not allowed from May 20 through Sept. 20.</p> <p>From Sept. 21 until May 19, gas blowers are allowed, but - not on Sundays and not on federal and state holidays - no earlier than 8:00AM or later than 6:00PM on weekdays or 9AM to 5PM on Saturdays - walk-behind leaf blowers may not be used unless the property is greater than 1/2 acre - no more than a total of two handheld or backpack leaf blowers may be used at a time, unless the property that is being cleaned is greater than 1/2 acre.</p>

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<p>dirt, gardening and grass clippings and cuttings, refuse or debris."</p> <p>Note: there is also a separate noise ordinance that restricts noise from lawn mowers and leaf blowers and outdoor vacuum cleaners to 85 db and limits hours of use [Sec. 133-3(A)(3)]</p>	<p>matter by blowing them with air emitted by such device" leaf blowers</p> <p>Note: the town also has restrictions on gardening equipment that is powered by an "internal combustion engine" [§195-5(A)]</p>							
<p>Exceptions: Head of Public Works may permit use from May 1 to Sept 30 after significant storm events or during other emergency situations—but not to exceed 7 days</p> <p>Restrictions do not apply to municipality, schools, golf courses, etc.—except that "leaf blower use shall be minimized to the maximum extent practicable in proximity to residences."</p>	<p>Exceptions (after 1/1/22): Temp. allowances for extreme weather events as del. by Mayor</p>	<p>Exceptions: Village Manager can permit use between May 16 and Oct 15, subject to same time limits and provisos if: (i) an emergency situation exists; or (ii) a resident has a medical condition that requires a leaf blower to clean up (must present letter from MD)—but even then, only one leaf blower per site and cannot be operated concurrently w/any other electric or fuel-powered yard equipment</p>	<p>Exceptions: For contiguous lots under single ownership that total at least 30 acres and are used for institutional or recreational purposes.</p> <p>Mayor or designee has ability to suspend rules for emergency storm clean-up or other special circumstance and in case of undue personal hardship (must show attempts to mitigate, etc.)</p>	<p>Exceptions: N/A</p>	<p>Exceptions: For storm condition clean-up operations</p>	<p>Exceptions: None</p>	<p>Exceptions: None</p>	<p>Exceptions: Gas-powered leaf blowers may be used when responding to an emergency or clean-up after a major storm when the Mayor has declared a state of emergency</p>
<p>Fines: ?</p>	<p>Fines/Penalty: Both owner and operator shall be deemed violators; fine not exceeding \$250 or imprisonment not exceeding 15 days or both.</p>	<p>Fines: \$50 first offense/\$200 for each additional offense in same calendar year</p>	<p>Fines: [§20-13(m), 17-23(c), 17-23(d)] Difficult to find, but it looks like: Warning for 1st violation, \$100 for second violation in calendar year; \$200 for third in calendar year; \$300 for 4th in calendar year;</p>	<p>Fines: \$500</p>	<p>Fines: ?</p>	<p>Fines: 1st offense: \$500 2nd offense: \$1000 3rd offense: \$1500</p>	<p>Fines: A civil fine not to exceed \$500, penalties, and fees may be imposed</p>	<p>Fines/Penalty: Enforceable against operator AND owner: \$1,000 or imprisonment for a term not exceeding 15 days</p>



FAQ Health Hazards of Gas Leaf Blowers

Introduction: The health hazards associated with gas leaf blowers (GLBs) have been recognized for more than 20 years: for instance, in reports from the California Air Resources Board (2000) and from two grand juries (Orange County [1999] and San Luis Obispo [2010]). More recently, additional peer reviewed scientific studies, special reports, and government data continue to focus on health issues related to GLBs (as well as other gas lawn and garden equipment).

These studies have been used by boards of various communities (e.g., Cambridge, MA; Newton, MA; Maplewood, NJ; Washington, DC; Village of Chevy Chase, MD) to support enactment of local ordinances and by state medical societies in New York and Massachusetts to publicize the health risks. The findings of studies have been viewed by hundreds of physicians and scientists.

It is noteworthy that while the landscape industry may push back on regulation, it has never successfully pushed back on the science. We actually witnessed this firsthand at the Washington DC City Council meeting in 2018, where we gave testimony (J Banks, D Fink, C Pollock). In fact, our testimony on GLB noise and its health impacts was uncontested by representatives of the Outdoor Power Equipment Association and the National Association of Landcare Professionals.

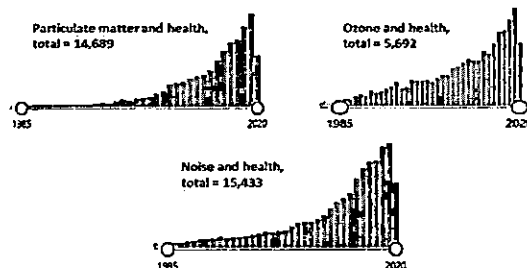
With that introduction, here are responses to commonly asked questions.

1. What would you identify as the 3 strongest sources of scientific evidence of the health impacts of GLBs? (specific studies, journal articles, etc.)

A. Emissions

GLBs produce high levels of ozone-forming exhaust (including volatile organic compounds [VOCs]), particulate exhaust, and noise, as discussed in the subsections below. The scientific literature on the health hazards of the combustion products and noise is vast, representing decades of research and literally tens of thousands of studies (see exhibit below). Searches of the National Library of Medicine using key words “particulate matter” and “ozone,” each in combination with the word, “health,” yields more than 20,000 scientific articles published between 1985 and 2020, with dramatic growth in recent years due to increasing concerns with these forms of pollution.

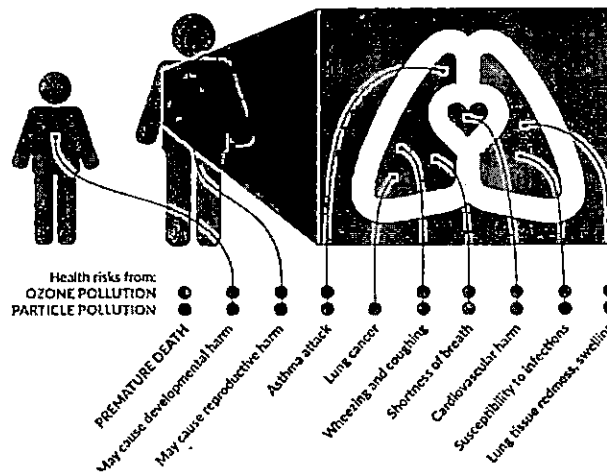
Scientific Publications 1985-2020
Pubmed.gov, as of 7/8/20



The following is a list of key findings and summaries with respect to those types of emissions.

- The US EPA has put together extensive syntheses (integrated science assessments) of studies on particulate matter (1,967 pages) and ozone (1,468 pages) with much of the content devoted to adverse health effects.
- The VOCs -- benzene, formaldehyde, and 1,3 butadiene -- produced by GLBs and other lawn and garden equipment, are among the leading carcinogenic air pollutants. The US Department of Health and Human Services specifically warns the public against exposure to benzene.
- The American Lung Association warns against the health hazards of particulate and ozone pollution from gasoline combustion and provides the following graphic on its State of Air website.

Air pollution remains a major danger to the health of children and adults.



- The American Heart Association and American Stroke Association’s flyer, Danger in the Air, describes the hazards of ozone and particulate pollution to cardiac and cerebrovascular health. For example:

Short-Term PM Exposure			
Cause of Death	% of Total Deaths	Cause-specific † per 10 µg/m ³ † in PM _{2.5}	Approximate % of excess deaths due to PM exposure
All cause	100%	1.0%	100%
Respiratory	8%	0.5-1.5%	12%
Cardiovascular	45%	0.5-1.5%	68%

Long-term Exposures: CV-mortality RR † by 10-76%

Source: C. Arden Pope III, as quoted by Robert D. Brook, *Air pollution and cardiovascular disease*. Available at http://www.epa.gov/ozone/epa/pdfs/press/AHA_PM2.5_Brook_12_11.pdf

- The World Health Association’s International Agency for Research in Cancer designates outdoor air pollution in general and PM in particular as **human carcinogens**.



In addition, scientific reviews and meta-analyses synthesize the field as a whole. Here are just a few examples of quotes from the literature.

We conducted meta-analyses of studies examining the relationship of exposure to PM2.5 and PM10 with lung cancer incidence and mortality... The results of these analyses, and the decision of the IARC Working Group to classify PM and outdoor air pollution as carcinogenic (Group 1), further justify efforts to reduce exposures to air pollutants that can arise from many sources. Hamret et al. Environ Health Perspect 2014

Decades of research has converged on an understanding that all combustion-derived particulate matter (PM) is inflammatory to some extent in the lungs and also systemically, substantially explaining a significant portion of the massive cardiopulmonary disease burden associated with these exposures. In general, this means that efforts to do the following can all be beneficial: reduce particulates at the source... Wu et al. J Allergy Clin Immunology 2018

Clinical and epidemiological studies demonstrate that short- and long-term exposure to air pollution increases mortality due to respiratory and cardiovascular diseases. Given the increased industrialization and the increased sources of pollutants (i.e., cars exhaust emissions, cigarette smoke, industry emissions, burning of fossil fuels, incineration of garbage), air pollution has become a key public health issue to solve. Fiordelisi et al. Heart Fail Review 2017

Regarding specific levels of emissions from GLBs and other lawn and garden equipment, here are some key studies.

(i) This study (National Emissions from Lawn and Garden Equipment) was done in collaboration with the EPA and presented at an international conference in San Diego, CA in 2015. It is available on the EPA's website. It quantifies the amount of annual emissions from gas lawn and garden equipment by type of equipment and describes the adverse health effects of those emissions, namely cancer, heart disease, stroke, premature death, heart attack, stroke, congestive heart failure, asthma, chronic obstructive pulmonary disease, and developmental and neurological conditions. Key findings are:

- Handheld tools (powered by 2-stroke engines) account for the vast majority (approx. 90%) of fine particulate emissions from lawn and garden equipment.
- Gas lawn and garden tools are significant contributors to nonroad emissions of VOCs from non-road as well as **ALL sources**, including vehicles, power plants, agriculture, and industry. For instance, gas lawn and garden equipment accounts for **8% of ALL benzene emissions**; benzene is a human carcinogen.

Note: This is particularly significant since emissions from gas handheld tools are generated in close proximity to airways.

The results of this study are widely quoted, even among landscape publications – for instance, this article from the American Society of Landscape Architects. It is noteworthy that sub-analyses of this original study have been presented at annual meetings of the American Public Health Association and Children's Environmental Health Network Conferences.

(ii) This report from the Massachusetts Medical Society was the basis of the resolution it passed on GLBs in 2017. It concludes that the emissions and noise produced by GLBs threaten the health of workers and the public; the report specifically links emissions from GLBs to worsened asthma, chronic obstructive pulmonary disease, malignancies, heart attacks, and hearing damage. It recommends "maximum feasible reduction of all



forms of air pollution, including particulates, gases, toxicants, irritants, smog formers, and other biologically and chemically active pollutants.”

(iii) This article from FairWarning, a nonprofit investigative news organization, describes the findings of a technical report from Health Science Associates, an industrial hygiene consultancy, measuring concentrations of ultrafine particulates from GLBs and other equipment. Ultrafine particles are a subset of fine particle pollution most dangerous to health. They found that concentrations of ultrafine particulates from several brands of commercial grade GLBs were up to 54 times higher around the user than concentrations found in heavily trafficked intersections in Los Angeles.

NB: When new regulations are put in place for small gas engines like lawn and garden tools, they are accompanied by impact reports that detail the benefits of those regulations. Here is an example of a statement from the Federal Register about the latest set of such regulations:

...these emission reductions will prevent 230 PM-related premature deaths, between 77 and 350 ozone-related premature deaths, approximately 1,700 hospitalizations and emergency room visits, 23,000 work days lost, 180,000 lost school days, 590,000 acute respiratory symptoms, and other quantifiable benefits every year. The total annual benefits of this rule in 2030 are estimated to be between \$1.8 billion and \$4.4 billion... Federal Register, October 8, 2008

B. Noise

According to the Environmental Protection Agency (EPA), “noise degrades quality of life by impairing communication and social interaction, reducing the accuracy of work, particularly complex tasks, and creating stressful levels of frustration and aggravation that last even when the noise has ceased.” Extensive scientific evidence shows that exposure to loud and/or persistent noise causes or contribute to auditory and non-auditory disorders including hearing impairment, hypertension, coronary heart disease, annoyance, sleep disturbance, cognitive impairment, and diminished school performance.

The World Health Organization (WHO) recommends an outdoor noise level below 55 decibels. Anything above 60 decibels increases the risk of heart disease and levels above 75 decibels increase the risk of hearing damage.

Leading commercial brands of GLBs are 100+ decibels at the source and as high as 83 decibels at 50 feet. Industry training materials to protect workers hearing state that noise levels from most of today’s gas equipment is **1000x or higher** than safe occupational levels and acknowledge the danger to hearing as well as heart health. (*Note: the decibel scale is logarithmic meaning each 10-decibel difference is a 10-fold difference in sound energy.*)

(i) This report from the Massachusetts Medical Society was the basis of the resolution it passed on GLBs in 2017. It describes the health hazards from GLB noise and recognizes it as a worker and a public health problem.

(ii) This testimony from Daniel Fink, MD, entitled *Gas Powered Leaf Blower Noise is Hazardous to the Auditory and Non-Auditory Health of Residents of the District of Columbia*, describes the various reasons why GLB noise is hazardous to health.

(iii) This study compares the noise characteristics of leading commercial models of gas and battery electric blowers. It found that GLB noise is louder than electric blower noise and able to carry harmful levels of noise over long distances and penetrate through windows because of a strong low frequency component that differentiates it from electric battery blower noise. Because of this, GLBs affect many more homes in a given



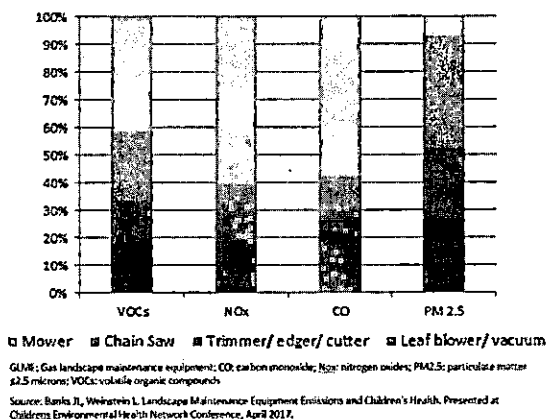
area than battery blowers. The study discusses the health hazards of regular exposure to loud and/or persistent noise and explains the ability of low frequency noise to considerably exacerbate those effects (and as described by the World Health Organization's *Community Noise Guidelines*). It also describes populations most vulnerable, like workers, children, seniors and people with sensory and neurological problems.

(iv) This study, which was conducted in conjunction with a researcher from the Harvard School of Public Health, found the GLB noise far exceeds safe standards and includes a strong low frequency component that enables it to travel over long distances. It discusses the ability of this type of noise to cause auditory and non-auditory problems, including heart disease and stroke. The study was presented at annual conferences of the American Public Health Association and Children's Environmental Health Network. It too found that a strong low frequency component enabled the noise to travel over long distances.

2. Is it possible to separate out the health impacts of pollution from GLBs from pollution due to all landscape maintenance equipment as well as from that due to all sources?

Yes. The National Emission Inventory Data base allows us to calculate both. The exhibit below was presented at the Children's Environmental Network annual meeting in 2017.

GLME Pollutants by Type of Machine, US, 2011



3. Is there any way to characterize the health/pollution impacts locally of GLBs?

Yes. Rates of toxic and carcinogenic emissions as well as greenhouse gases are available and allow calculations of emissions by type of equipment that can then be translated to health risks. A preliminary study done by the California Air Resources Board found the use of gas chain saws, leaf blowers, and other handheld tools increased the risk of cancer and other disorders in workers. The experimental design was very limited in scope, however, and was not meant to reflect what goes on in an actual neighborhood. For example, it did not account for the percentage of households in any town that use commercial services nor did it account for how these machines are used in routine settings (e.g., several at a time). Since commercial services are more likely to be employed in more affluent towns, the health/pollution impact is likely to be even greater in towns like Westport, CT.



4. Is there any way to demonstrate the impact that restricting use of GLBs would have on a town's Net Zero commitment (or conversely the impact of not restricting their use)?

Yes. Just as above for other emissions, we can calculate carbon dioxide (CO₂) emissions based on inventories of municipal (and/or business) landscape maintenance practices. In Lexington, MA, for example, we ([Quiet Communities, Inc \[QCI\]](#); [American Green Zone Alliance \[AGZA\]](#)) calculated that municipal landscape maintenance alone, generates 34 tons of CO₂ each year. Keep in mind that this does not account for the additional emissions from commercial landscapers. If given access to a particular town's data, we would presumably be able to do a similar calculation.

5. Is it true that technology advances have resulted in significantly reduced exhaust emissions by GLBs, as the industry claims?

Yes, but none of the regulations have eliminated the underlying health problems related to GLBs.

Starting in the 1990s, gas lawn and garden equipment went through 3 phases of regulation. In the latest round of regulation (Phase 3), the EPA concluded that exhaust emissions for handheld tools like leaf blowers and string trimmers could not be reduced further due to technical limitations. As a result, the new regulation applies only to evaporative emissions (i.e., passive emissions from fuel tanks and hoses). Therefore, the projected overall reductions in emissions are coming from lawn and garden equipment **other than handheld tools**. The end result is that GLBs are still very polluting, especially as they get older and/or are not properly maintained.

6. If the health risks are so bad, then why are landscapers still using GLBs?

Part of the problem is that, although many people complain about the noise from GLBs, they are unaware of the other health risks, one of the most notable being the link between fine particulate matter and cancer. In addition, the landscaping industry has lobbied hard to avoid regulation, claiming—incorrectly—that they cannot work without GLBs. The truth is that hundreds of landscape companies across the country operate with only battery electric and manual tools or are transitioning away from fossil fuels. These companies are able to charge competitive prices. We are familiar with many, including those that certified by [AGZA](#). [This recent article](#) describes two companies – one in South Carolina, the other in Illinois – that use electric tools and are operating profitably.

[Testimony provided by a landscaper](#) at the Washington, DC City Council hearing in 2018 also covers many of these topics. While it is true that battery powered blowers are more expensive and require sufficient battery power to achieve the same level of work productivity, the avoided fuel and lower maintenance costs help offset the incremental upfront expense of these tools over time. In addition, economies can be realized by sharing batteries among a suite of handheld tools (e.g., blowers, trimmers, saws). Our colleague, Dan Mabe, president of AGZA, along with QCI, has conducted ROI (return on investment) for battery electric tools under differing scenarios. Lastly, because they produce no emissions, electric tools can be used on ozone alert days, providing another source of increased revenues.

Here are common arguments put forth by companies that are resistant to change—along with our responses:

- A. *Without a GLB, it will take more time to do the same work.* This argument assumes that every minute of GLB use is necessary, when much of time they are used it is “make work,” namely performing unnecessary tasks during the contracted amount of time. This is commonly seen in the summer and winter when operators spend hours blowing dust and debris off hard surfaces, grass clippings off of lawns, topsoil off



of soil, snow dust off of cars and sidewalks, etc. At best, these practices have temporary cosmetic effect; at worst, they diminish soil health and disrupt fragile eco-systems, all at the cost of loud noise and toxic emissions. If customers insist on removing dust or grass clippings from surfaces, brooms, rakes, or electric blowers can be used.

And, even for Fall and Spring cleanups-- when every minute of work is arguably necessary--there are other alternatives to consider. For example, mulching leaves so that their nutrients can be absorbed back into the soil (recommended by Earthplace in Westport, the Aspetuck Land Trust, and other horticultural and environmental organizations).

- B. *Seasonal GLB restrictions will hurt landscapers economically.* In all the towns where seasonal restrictions (and even year-round bans) have been instituted (many in Westchester County and in California) there is **no evidence** of any diminishment in business suffered by the landscaper industry. In fact, abandoning GLB use in the summer and winter will allow landscapers to save on the cost of fuel and maintenance.
- C. *Landscapers will have to charge customers more money.* Again, there is no evidence to suggest this is the case. This is a highly competitive industry. In fact, many electric service landscapers state explicitly, in marketing materials and media profiles, that their prices are competitive with gas companies or that they are able to charge a premium because their customers value quiet, clean services. In some cases, customers have simply asked their landscapers to stop using GLBs and have not been charged higher prices. A regulation levels the playing field for all companies. Prices will be determined by the competitive marketplace.

Sincerely,

Jamie Banks, PhD, MSc
Founder and Executive Director