

**Dear Environment Committee**

RE: Testimony for S.B. 79

Blake Audett & Trudy Meyer, 5 Whitney Street, Westport, Ct 06880.

**Title of the bill:**

Testimony for S.B. 79 AN ACT CLARIFYING PROVISIONS OF THE GENERAL STATUTES REGARDING THE USE OF PROPERLY INSTALLED AND CONSTRUCTED BARRIER SYSTEMS FOR CERTAIN PLANTINGS

We are asking for the 2 items below to be included in Senate Bill 79:

- 1) ADD 3 words or to grow these 3 words clarify the 40 foot buffer zone
- 2) ADD subsection (g) to the various subsections - this will authorize an individual to seek private enforcement of the buffer zone in court and authorize attorney fees.

Language needed:

**add Subsection (g) - "A private right of action may be maintained by an adjoining property owner to enforce the provisions of [subsection (c)] of this statute."  
The plaintiff is entitled to attorneys' fees, and costs and disbursements if he/she is the prevailing party."**

Thank you for the opportunity to provide thoughts and recommendations regarding the control of "running bamboo". We recommend that the legislature "appropriate sufficient funds to mount an effective defense against invasive species". Appropriate agencies (the Connecticut Agricultural Experiment Station, DEEP, Agriculture, UConn, or all four) be required to prepare a plan for rapid detection and eradication of "running bamboo" regardless of when it was planted.

We are victims of a neighbor who planted running bamboo along the front and backyard property line. The bamboo is coming up in our driveway, sidewalk, yard and garden. It is knocking down our fence and strangling plants and trees on our property. The "running bamboo" is moving toward our home foundation, plumbing, gas, sewer... Cutting off the culms at ground level and adding chemicals or putting in a 30" 6mil barrier have failed. Complete eradication and incineration of the rhizome roots are the only defense to improve our quality of life and protect our property and its value.

The Town of Westport has been unsuccessful in assisting. The town states they have no enforcement personnel. The Conservation Director has shown no interest in helping, in fact, her only recommendation is to sue our neighbor.

A bamboo victim cannot claim attorney fees which can range between \$10,000.-45,000. Connecticut follows the general American Rule in which litigants pay their own attorneys regardless of whether they win. In order to collect attorneys' fees and costs in any particular civil case, there has to be a statute which authorizes it. Also, Disbursements and additional fees for expert witnesses in a civil suit can range over \$5,000 in addition to court costs, and attorney fees.

**We have spent over \$10,000 to preserve and defend our property value, and protect ourselves from the incoming spread of the underground root system that reaches out 20', 360 degrees from invading our foundation, and plumbing, electrical, driveway and sewer system.**

**We need help in preserving our quality of life in CT and your assistance ensuring the addition of the items above in SB 79.**

Regards,

Blake Audett & Trudy Meyer, 5 Whitney Street, Westport, Ct 06880