NORWALK
The Sound of Connecticut

Norwalk City Hall,
Recreation and Parks
Department
125 East Avenue, PO Box 5125
Norwalk, CT 06851-5125
203-854-7806

RECREATION, PARKS & CULTURAL AFFAIRS COUNCIL COMMITTEE
BY VIDEO CONFERENCE AND TELECONFERENCE
WEDNESDAY, OCTOBER 12, 2022
7:00 PM
https://www.norwalkct.org/Meetings

Members of the public can call in and listen to a meeting. They will not be able to speak or see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. Please find the information using the link above.

Members of the public who wish to provide "live comments" will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will called on by the host of the meeting during the public comment section. Please find the information using the link above.

Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by Approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.

Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Dilene Byrd at dbyrd@norwalkct.org to provide written public comment prior to the meeting.

I Roll Call

II Minutes of September 14, 2022

III Public Participation

IV **Old Business**

V **New Business**

The City of Norwalk reserves the right to cancel the Event for public health or safety reasons as determined by the City of Norwalk in its sole discretion. The City of Norwalk shall not be liable for damages arising from the cancellation of the Event.

1. Approve the use of Wolfpit school parking lot and immediate surrounding grounds by Wolfit PTA for their Annual Pumpkin Fest event to be held on Saturday, October 15, 2022 from 9:00 AM to 4:00 PM. Set-up to begin at 7:00 AM with tear-down at 5:00 PM. Approximately 500 people.

2. Approve the use of Calf Pasture Beach and immediate surrounding grounds by Blue and Yellow Ukraine for their Veterans Day 5K in support of Ukraine event to be held on Saturday, November 12, 2022 from 8:00 AM to 10:00 AM. Set-up to begin at 6:00 AM and tear-down at 10:30 AM. Rain date: Sunday, November 13, 2022. Approximately 300 people.

3. Approve the use of Veteran's Park and immediate surrounding grounds by Norwalk Department of Recreation & Parks for their 31st Annual Fitness Fun Run to be held on Saturday, December 3, 2022 from 10:00 AM to 10:40 AM. Set-up to begin at 8:30 AM with tear-down no later than 11:30 AM. Approximate 700 people.

4. Approve the use of Calf Pasture Beach and immediate surrounding grounds by Norwalk Department of Recreation & Parks for their 2nd. Annual Jingle Bell 5K to be held on Saturday, December 103, 2022 from 9:30 AM to 11:30 AM. Set-up to begin at 8:30 AM with tear-down no later than 12:00 PM. Approximate 300 people.

5. Authorize the Purchasing Agent to issue a purchase order to M. E. O'Brien and Sons for the Kendall School playground renovations off the CT State Pricing Contract # 17PSX0081, in an amount not to exceed $163,209.00 from ARPA account # 134010-5796-ARP01.

6. Accept the "Attitude-Croise" sculpture donation from Sam Haigh for its installation at Cranbury Park.

7. Accept the "Dragon Boat trophy donation from Norwalk Harbor Splash donation for its installation at City Hall.

8. Technical correction from Agenda dated September 6, 2022: Authorize the Purchasing Agent to increase purchase order # 2200594 from Kimley-Horn (Recreation and Parks Master Plan Consultant) in an amount not to exceed $34,000.00 to add to the current scope of work a sight study to assess the feasibility of locating a Welcoming Center in one of our coastal parks that would include tenancy for the Police Marine unit, along with retail associated with our historic marine history, and present marine environment. Account: 013-023-5258, Other Professional Services.

VI Discussion

CITY OF NORWALK
RECREATION, PARKS & CULTURAL AFFAIRS COUNCIL COMMITTEE
BY VIDEO CONFERENCE AND TELECONFERENCE
WEDNESDAY, SEPTEMBER 14, 2022.
REGULAR MEETING
7:00PM.

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ATTENDANCE:	Darlene Young, Chair; Bryan Meek; John Kydes; Nicol Ayers; Jenn McMurrer; Lisa Shanahan; Josh Goldstein
STAFF:	Robert Stowers, Director, Recreation and Parks; Ken Hughes, Superintendent, Recreation and Parks
OTHERS:	Nick Kuhn, Principal Project Manager from Kimley-Horn Consultants

I. ROLL CALL

Ms. Young called the meeting to order at 7:10PM.

II. MINUTES OF JULY 13, 2022

**** MS. MCMURRER MOVED TO APPROVE THE MINUTES AS SUBMITTED.**
**** THE MOTION PASSED UNANIMOUSLY.**

III. PUBLIC PARTICIPATION

Ms. Lauricella said in the past under the direction of Mr. Mocciae they tried to get money for the master plan, and she is so happy that this council along with the mayor's office got the money and asked if there is a chance that the public can still comment because she never saw any surveys or was contacted for public engagement and she has been living in this town for a long time.

Ms. Lauricella suggested going back to the drawing board regarding the Freeze Park railing because former designs of Freese Park included the possibility of an amphitheater to get people closer to the Norwalk River and she is not sure if spending money on a railing makes sense if the rehabilitation of the park may include changes.

Ms. Lauricella said she is not opposed to ARPA funds being placed to renovate this park however, this particular park was the first boundless outdoor playground in Fairfield County that was dedicated to both children with and without sensory disabilities and asked when this park is being designed that a special effort is made to put in additional plant screening to screen out the dust and diesel fuel.

IV. OLD BUSINESS

There was no old business discussed this evening.

V. NEW BUSINESS

The City of Norwalk reserves the right to cancel the Event for public health or safety reasons as determined by the City of Norwalk in its sole discretion. The City of Norwalk shall not be liable for damages arising from the cancellation of the Event.

1. APPROVE THE USE OF NHS ATHLETIC FIELD AND IMMEDIATE SURROUNDING GROUNDS BY MARCHING BEARS INC. FOR THEIR CAVALCADE OF BANDS EVENT TO BE HELD ON SATURDAY, OCTOBER 8, 2022, FROM 11:30 AM TO 9:00 PM. SET-UP TO BEGIN AT 8:00 AM WITH TEAR-DOWN AT 10:00 PM. APPROXIMATELY 1,000 PEOPLE.

Mr. Hughes said this is an annual event and it is an excellent event and there have been no issues and he recommends that it be approved.

**** MR. GOLDSTEIN MOVED TO APPROVE THE USE OF NHS ATHLETIC FIELD AND IMMEDIATE SURROUNDING GROUNDS BY MARCHING BEARS INC. FOR THEIR CAVALCADE OF BANDS EVENT TO BE HELD ON SATURDAY, OCTOBER 8, 2022, FROM 11:30 AM TO 9:00 PM. SET-UP TO BEGIN AT 8:00 AM WITH TEAR-DOWN AT 10:00 PM. APPROXIMATELY 1,000 PEOPLE.**
**** THE MOTION PASSED UNANIMOUSLY.**

2. **APPROVE THE USE OF LOCKWOOD-MATHEWS PARKING LOT (NEAR CEMETERY) AND IMMEDIATE SURROUNDING GROUNDS BY NORWALK RIVER VALLEY TRAIL (NRVT) FOR THEIR NRVT MUTT STRUT EVENT TO BE HELD ON SATURDAY, OCTOBER 22, 2022, FROM 3:00 PM TO 5:00 PM. SET-UP TIME AT 1:00 PM WITH TEAR-DOWN AT 6:00 PM. APPROXIMATELY 80-100 PEOPLE.**

Mr. Hughes said this is the second or third year the event has taken place and is a cute event where people come and walk their dogs on the NRVT and it brings exposure to the trail and it is a good community event.

**** MS. MCMURRER MOVED TO APPROVE THE USE OF LOCKWOOD-MATHEWS PARKING LOT (NEAR CEMETERY) AND IMMEDIATE SURROUNDING GROUNDS BY NORWALK RIVER VALLEY TRAIL (NRVT) FOR THEIR NRVT MUTT STRUT EVENT TO BE HELD ON SATURDAY, OCTOBER 22, 2022, FROM 3:00 PM TO 5:00 PM. SET-UP TIME AT 1:00 PM WITH TEAR-DOWN AT 6:00 PM. APPROXIMATELY 80-100 PEOPLE.**
**** THE MOTION PASSED UNANIMOUSLY.**

3. **AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO BOBCAT OF CONNECTICUT, INC. IN THE AMOUNT NOT TO EXCEED $83,211.00 FOR THE PURCHASE OF A BOBCAT TOOLCAT, UW53 FROM CAPITAL ACCOUNT: 0923-6030-5777-C0486, OFF THE COMBUYS PRICING CONTRACT, FAC88.**

Mr. Hughes said this is a purchase that was approved in the capital budget process and the parks department currently has one existing Bobcat Toolcat and it is a multi-use machine and is one piece of equipment that has many uses, and they would like to purchase a second one.

****MS. SHANAHAN MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO BOBCAT OF CONNECTICUT, INC. IN THE AMOUNT NOT TO EXCEED $83,211.00 FOR THE PURCHASE OF A BOBCAT TOOLCAT, UW53 FROM CAPITAL ACCOUNT: 0923-6030-5777-C0486, OFF THE COMBUYS PRICING CONTRACT, FAC88.**
**** THE MOTION PASSED UNANIMOUSLY.**

4. **AUTHORIZED THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO EMBANKSCAPE EQUIPMENT LLC, DBA RC MOWERS IN AN AMOUNT NOT TO EXCEED $62,950.00 FOR THE PURCHASE OF A TRACKED 60" ROTARY MOWER, FROM CAPITAL ACCOUNT: 0923-6030-5777-C048, OFF THE HGAC GR20AAF1 PRICING CONTRACT.**

Mr. Hughes said this is another capital account purchase and one of the sites they are tasked to maintain is Oyster Shell Park which is one of the most difficult sites to maintain in the city. He said they currently have a slope mower that is now 12 years old and is no longer reliable. Ms. Young asked if the old one will be replaced. Mr. Hughes said they will keep the older one as a backup and DPW also uses it to cut the banks along the river.

****MS. AYERS MOVED TO AUTHORIZED THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO EMBANKSCAPE EQUIPMENT LLC, DBA RC MOWERS IN AN AMOUNT NOT TO EXCEED $62,950.00 FOR THE PURCHASE OF A TRACKED 60" ROTARY MOWER, FROM CAPITAL ACCOUNT : 0923-6030-5777-C048, OFF THE HGAC GR20AAF1 PRICING CONTRACT.**
**** THE MOTION PASSED UNANIMOUSLY.**

5. **AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO M. E. O'BRIEN AND SONS FOR THE FOLLOWING PLAYGROUND RENOVATIONS OFF THE CT STATE PRICING CONTRACT # 17PSX0081.**

Mr. Hughes said that M.E. O'Brien is their landscape vendor, and they supply landscape structure equipment, and they have an extensive stock of landscape structure equipment, so it makes it easy to stock replacement parts and they are on the state pricing contract list.

**** MS. MCMURRER MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO M. E. O'BRIEN AND SONS FOR THE FOLLOWING PLAYGROUND RENOVATIONS OFF THE CT STATE PRICING CONTRACT # 17PSX0081.**
**** THE MOTION PASSED UNANIMOUSLY.**

5A DEVON'S PLACE PLAYGROUND, AMOUNT NOT TO EXCEED $316,558.35 FROM CAPITAL ACCOUNT: 0923-6030-5777-C0364.

Mr. Hughes said that Devon's Place is a boundless ADA playground and is widely used and is time for a renovation. He said there are some sections of the rubberized surface and there are also sections that have a mulch surface so this renovation will replace all of the surface material with a rubberized surfacing and will address some of the play pieces. Ms. Ayers said a concern that she has is the water elements in that area and asked if there are some areas that can be improved or if the original design will just be updated because the whale in the splash pad at the park needs to be addressed, as well as the roller slide and suggested that more modern pieces that can be looked at to eliminate some of the issues. Mr. Hughes said that some play pieces will be replaced so it will be a good refresh to the park.

**** MS. MCMURRER MOVED TO APPROVE DEVON'S PLACE PLAYGROUND, AMOUNT NOT TO EXCEED $316,558.35 FROM CAPITAL ACCOUNT: 0923-6030-5777-C0364.**
**** THE MOTION PASSED UNANIMOUSLY.**

5B BOUTON STREET PARK, AMOUNT NOT TO EXCEED $114,556.65 FROM ARPA ACCOUNT: 134010-5796-ARP01.

**** MS. MCMURRER MOVED TO APPROVE THE BOUTON STREET PARK, AMOUNT NOT TO EXCEED $114,556.65 FROM ARPA ACCOUNT: 134010-5796-ARP01.**
**** THE MOTION PASSED UNANIMOUSLY.**

5C FLAX HILL PARK, AMOUNT NOT TO EXCEED $132,268.40 FROM ARPA ACCOUNT: 134010-5796-ARP01.

**** MS. MCMURRER MOVED TO APPROVE THE FLAX HILL PARK, AMOUNT NOT TO EXCEED $132,268.40 FROM ARPA ACCOUNT: 134010-5796-ARP01.**
**** THE MOTION PASSED UNANIMOUSLY.**

5d AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS, OR HIS DESIGNEE, TO ISSUE CHANGE ORDERS ON THE RENOVATION OF DEVON'S PLACE PLAYGROUND IN AN AMOUNT NOT TO EXCEED $31,658.00 FROM THE SAME CAPITAL ACCOUNT.

**** MS. MCMURRER TO AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS, OR HIS DESIGNEE, TO ISSUE CHANGE ORDERS ON THE RENOVATION OF DEVON'S PLACE PLAYGROUND IN AN AMOUNT NOT TO EXCEED $31,658.00 FROM THE SAME CAPITAL ACCOUNT.**
**** THE MOTION PASSED UNANIMOUSLY.**

6. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO GENGRAS FORD IN AN AMOUNT NOT TO EXCEED $142,345.80 FOR THE PURCHASE OF THREE F-250 REGULAR CAB 4 BY 4 PICK-UP TRUCKS FROM ARPA ACCOUNT: 134010-5796-ARP02 OF THE STATE CONTRACT # 19PSX0161.

Mr. Hughes said these will replace three of their existing 2000 F-250 pickup trucks and are very much needed. Mr. Meek asked for justification at the Common Council meeting as to why they are not electric vehicles. Mr. Hughes said it that the fleet manager did not recommend electric vehicles for this purchase due to the heavy use and he has done some research regarding electric vehicles for trucks, but the wait time is over 18 months to get them, and they are "just not there yet" for what they need in terms of power and workability. Mr. Goldstein said he does not know if there are hybrids available for this style of vehicle but asked that staff "chart the course" of what they think the future is and the timeliness of getting there. Mr. Stowers said that Mr. Montgomery will be attending a conference and will be looking at electric vehicles and that it is his plan to establish a conversion plan over several years to covert some of the equipment and trucks to either hybrid or completely electric.

**** MS. MCMURRER MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO GENGRAS FORD IN AN AMOUNT NOT TO EXCEED $142,345.80 FOR THE PURCHASE OF THREE F-250 REGULAR CAB 4 BY 4 PICK-UP TRUCKS FROM ARPA ACCOUNT: 134010-5796-ARP02 OF THE STATE CONTRACT # 19PSX0161.**
**** THE MOTION PASSED UNANIMOUSLY.**

7. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO GABRIELLI ISUZU TRUCK IN AN AMOUNT NOT TO EXCEED $78,676.64 FOR THE SOLE SOURCE PURCHASE OF A 2023 NPRGAS HD ISUZU BOX TRUCK FROM ARPA ACCOUNT: 134010-5796-ARP02.

Mr. Hughes said that they use a box truck to carry their small lawnmowing equipment and this request is to replace that truck.

****MS. SHANAHAN MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO GABRIELLI ISUZU TRUCK IN AN AMOUNT NOT TO EXCEED $78,676.64 FOR THE SOLE SOURCE PURCHASE OF A 2023 NPRGAS HD ISUZU BOX TRUCK FROM ARPA ACCOUNT: 134010-5796-ARP02.**
**** THE MOTION PASSED UNANIMOUSLY.**

8. AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE AN AGREEMENT WITH GIACORP CONTRACTING, INC. FOR PROJECT RNP 2022-3 –FREESE PARK RAILING REHABILITATION FOR A SUM NOT TO EXCEED $129,650.00 (PHASE 1 ALTERNATE 2), $159,569.30 (PHASE 2), $112,418.00 (PHASE 3), $124,193.50 (PHASE 4). ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657.

Mr. Hughes said this request is based on the 2017 master plan for Freese Park and the reason why there are different phases is because they were not sure what the dollar amounts were going to be, but the bids came back in within the budget to do all four phases which will be a complete replacement of the entire fence. He said there was a thought to canter lever a stage over the river but throughout discussions the idea was too high in cost but did settle on an amphitheater area and this fence replacement will in no way effect that. Mr. Stowers said it terms of the Wall Street renovation he has been in discussions with Mr. Travers regarding the feasibility of installing a walk bridge across to get better access to the right of way. Mr. Meek requested that staff sent a full scope of the project to the Common Council members prior to the next Common Council meeting where it will be voted on.

**** MS. AYERS MOVED TO AUTHORIZE THE MAYOR, HARRY W. RILLING TO EXECUTE AN AGREEMENT WITH GIACORP CONTRACTING, INC. FOR PROJECT RNP 2022-3 – FREESE PARK RAILING REHABILITATION FOR A SUM NOT TO EXCEED $129,650.00 (PHASE 1 ALTERNATE 2), $159,569.30 (PHASE 2), $112,418.00 (PHASE 3), $124,193.50 (PHASE 4). ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657.**
**** THE MOTION PASSED UNANIMOUSLY.**

8A AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO EXECUTE CHANGE ORDERS ON CONTRACT WITH GIACORP CONTRACTING, INC. FOR A SUM NOT TO EXCEED $52,583.08. ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657.

**** MS. AYERS MOVED TO AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO EXECUTE CHANGE ORDERS ON CONTRACT WITH GIACORP CONTRACTING, INC. FOR A SUM NOT TO EXCEED $52,583.08. ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657.**
**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Meek left the meeting at 7:55PM.

VI. DISCUSSION

1. Recreation and Parks Master Plan Briefing -45 to 60 minutes

Norwalk Recreation and Parks Master Plan Briefing will be conducted by Nick Kuhn, Principal Project Manager from Kimley-Horn Consultants. The briefing will update on the Recreation and Parks and Cultural Committee on the status of the Master Plan Study and the results of the public engagement up to now, and the quantitative and qualitative Survey findings. Also, the Consultants will update the council on the committee on the schedule of the remaining steps to get to a draft to a Draft Master Plan.

Mr. Kuhn provided an overview of the project schedule and said they are working diligently to have the process completed by the end of the calendar year; however, they want to be sure that the steps are be taken as needed to be sure the plan represents the community's needs and has an actual implementation component. He said the next steps are to hold the visioning workshops and the city staff session will be held on October 13th from 11:00AM to 3:00PM, the first public session will also be held on October 13th from 5:00PM to 8:00PM, and second public session will be held on October 15th from 10:00AM to 1:00PM and will begin doing the outreach over the next week. He said the visioning workshops will be followed with a city staff implementation workshop in early November, and the vision and strategic plan will be will also be presented to the public in early November, and the presentation of the master plan will be presented to the Common Council in December.

Mr. Kuhn discussed the key findings and said they started looking at the parks themselves and looked at 40 different elements and were able to rank the parks more or less on how they performed and looked at the successes of each location as well as the opportunities and will roll them into the implementation phase. He said they also looked at the level of service and looked at the acreage provided per 1,000 population and currently and Norwalk is above the healthy benchmark and is on target with the neighboring peer communities but also looked at how this will change as the city continues to grow so by 2040 if the level of service is to maintain the same as what it is today would need to add 106 acres of additional park land. Mr. Goldstein asked that larger communities such as Stamford also be looked at as a comparison.

Mr. Kuhn said the public engagement was launched in April and asked what the needs and priorities were in terms of parks and recreation and had a series of virtual workshops as well as focus groups and had eight different topic areas. He said there were also stakeholder and elected official interviews as well as online engagement and a statistical survey and had over 2500 visits to the online engagement and had just under 400 responses to the online survey and were happy to see that 93% were residents of Norwalk.

Mr. Kuhn presented the benchmarking for expenditures and staffing and said that 56 communities across the country fell within the range of peers for the comparison and the median operating expenditure was $97 per capita but Norwalk was in the $53 range and 51 agencies had populated staffing levels and the average staffing for jurisdictions of this size had 9.3 fulltime positions per every 10,000 population and Norwalk was at 2.97.

Mr. Kuhn said one of the questions that was asked was whose needs for activities are being partly met or not met and 35.2% of household across the city said they have a need for nature and enjoyment and are not getting that need met, and 85% of households said the need for aquatic programs is not being met or is only partially being met. He said the standout results for key findings were that nature-based program results were atypically high, program willingness to pay results aligns with staff's observation of fees being low and 2/3 of households with a need for special recreation have unmet or partly met needs, but that 80% of Norwalk residents that participated in programs rated them excellent or good versus the national average of 79%.

Mr. Kuhn said another question that was asked to the respondents was what actions they would be willing to fund with their tax dollars and there is a strong desire to maintain the existing parks and the beach as well as water access but developing new trails and the development and improvement of beaches and waterfront parks were the top two choices for the under 34 years old population. He said there is also a strong support for more athletic fields and sports courts from households with children under 10 years old and the top choice for households with children under 10 years old is the development of indoor/outdoor aquatics. He said the question that was also asked was what additional amount the respondents are willing to pay in property taxes to fund actions are most important to their household and 67% of residents would be willing to pay additional property taxes to fund their most important actions, and 25% of the population under 44 years old do not support additional property taxes while 21.4% of with households that have children under 10 years old support the highest amount.

said another question that was asked was what sources of funding were most preferred for parks and recreation facilities programs, school parks and trails and respondents under 45 years old have the highest support for parks foundations and sponsorships and males have higher support for property taxes and bonds and females have higher support for parks foundations and user fees.

The additional amount respondents are willing to pay in user fees or charges for their favorite recreation and parks activity and program and said that 68% of the population are in favor of additional user fees and the highest support for the highest amount of $5.00 was the 18-64 population but dropped off for the 65 and older population. He said that 35.7% of households with children support the $5.00 user fee.

Ms. McMurrer said that many things in the presentation stood out to her but the two things that predominantly stood out to her were youth programs and aquatics and that it is important to have more aquatic programs because we are a water community and it is important to have water safety and education for our youth, and it should be equitable and affordable for all and the only way to do that is to offer more programming and there is money available in grants and scholarships for programs, but we need the facilities. She also said she loves that alternate funding sources are being discussed and she is going to help the recs and parks team to get a foundation going or alternate funding sources so we can then fund pools and other programs and she will make it her number one priority over the next year.

Ms. McMurrer requested that the presentation be emailed to the committee members.

Ms. Shanahan said the feedback she receives is that the fields are not accessible to teams across the city and asked how that is reflected in the master plan. Mr. Kuhn said that will be looking at before they recommend adding more fields and finding more land to start looking the low hanging fruit and the department has begun to implement a registration for field management that what is has historically been which will come into the implementation of the strategy on how the existing field can be used to more benefit the community with more access. Mr. Stowers said that staff is also working on an RFP for a scientific analysis of a fee structure and also within that RFP there will be a study on a fee policy and the intent is to allow both public and private entities to use the fields, and are now working on the interim plan that will do that but are waiting to confirm it with the strategic and master plan but that is the direction they are going in

Ms. Ayers asked if there is checklist or documentation for a level of standard that all the parks should have. Mr. Kuhn said there are some standards in terms of how certain elements of parks have to be developed but as far as park design standards noted that the design quality and the mix of choices were well done but there will be case studies included in the master plan and will focus on is how parks can be flexible in terms of meeting the needs of future changes. Mr. Stowers said the parks should be classified in the strategic plan. Ms. Ayers asked if it is possible to have a "Norwalk standard" of what any park should look like and identify in the strategic plan on how to get them to that standard if they are not. Mr. Stowers said that is what they will be working towards for each classification.

Ms. Young asked as the parks continue to grow and develop if staffing levels are being connected to help maintain that. Mr. Kuhn said as recommendations are developed for the phasing of the implementation they will go back and make sure that they are tying operational and maintenance costs and staffing needs to that phased approach.

Mr. Stowers said it is important to get as many people out on October 13th for both the staff and public session as well as for the session on October 15th and the city's communications director will be pushing the information out.

ADJOURNMENT

**** MS. MCMURRER MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:55PM.

Respectfully submitted,

Dilene Byrd

①

Facility Rental Event Application Form

PLEASE PRINT

PERSONAL/FAMILY ______
COMPANY/BUSINESS ______
NON-PROFIT (501C3) [✓ Yes] No ___

ORGANIZATION NAME: Wolfpit PTA

NAME OF BENEFICIARY: Wolfpit PTA Is this an Annual Event: [✓ Yes] No ___ #of years 20+

NAME OF CORPORATE OFFICER AUTHORIZED TO EXECUTE THE LICENSE AGREEMENT: ______ TITLE: ______

YOUR NAME: Melissa White TITLE: PTA Member

ADDRESS: 10 E Meadow Ln E-MAIL ADDRESS: mgranata@ymail.com

CITY: Norwalk STATE: ______ ZIP CODE: 06851

HOME PHONE: ______ BUSINESS PHONE: ______ CELL: 203·984·7344

FACILITY & EVENT INFORMATION

FACILITY REQUESTED: Wolfpit Parkinglot # OF PARTICIPANTS 500

EVENT: Annual Pumpkin Fest DATE REQUESTED: 10/15

SET UP TIME: 7AM STARTING TIME: 9AM BREAKDOWN TIME: 5pm ENDTIME: 4pm RAIN DATE: ______
(RAIN DATE FOR BEACH RENTALS ONLY)

ARE YOU REQUESTING THE USE OF ALCOHOLIC BEVERAGES AND/OR BEER KEGS? YES ☐ NO ☑

(PLEASE NOTE: NO GLASS OR BOTTLES ALLOWED AT CITY PARK PROPERTY, INCLUDING CRANBURY PARK)

SERVING FOOD: YES ☑ NO ☐ ARE YOU USING A FOOD TRUCK? YES ☑ NO ☐ NAME: ______

ARE YOU REQUESTING A TENT? YES ☐ NO ☑ *ANY TENT (STRUCTURE) 10 x 10 FEET OR LARGER INCLUDING, BUT NOT LIMITED TO; ELECTRICAL LIGHTING EQUIPMENT, OVENS, GRILLS, ETC. REQUIRES A SEPARATE PERMIT FROM THE CODE ENFORCEMENT DEPARTMENT ADDITIONAL EQUIPMENT, i.e. INFLATABLES MUST RECEIVE APPROVAL FROM DIRECTOR OF RECREATION & PARKS. IF APPROVED SEPARATE INSURANCE MUST BE PURCHASED AND PRESENTED. BOUNCE HOUSES AND DRONES ARE NOT ALLOWED ON ANY CITY PROPERTY, INCLUDING SCHOOL GROUNDS AND PARKS. VIOLATION OF THIS RULE MAY JEAPORDIZE FUTURE EVENTS IN THE CITY

ARE YOU REQUESTING TO USE DISPLAY ADVERTISING AT YOUR EVENT? YES ☐ NO ☑

ARE YOU REQUESTING TO SOLICIT CONTRIBUTIONS AT YOUR EVENT? YES ☐ NO ☑

ARE YOU REQUESTING TO SELL FOOD, BEVERAGES, GOODS OR WARES? YES ☑ NO ☐

WILL YOU BE USING TEMPORARY ELECTRICAL RESOURCES? YES ☐ NO ☑

BEACH PERMITS ONLY:

WILL THE GROUP BE GOING INTO THE WATER IN ANY WAY, WADING, WALKING OR SWIMMING at the Beach? YES ☐ NO ☑

WILL THE GROUP HAVE ANY ACTIVITIES NEAR OR AROUND THE WATER (including Splash Pad) at the Beach YES ☐ NO ☑

IT IS THE GROUP SUPERVISOR'S RESPONSIBILITY TO CONTACT THE LIFEGUARD SUPERVISOR ON DUTY SO THAT ALL RULES AND REGULATIONS ARE CLEAR AND ADHERED TO

IS A WATER SAFETY INSTRUCTOR OR A CERTIFIED LIFEGUARD ACCOMPANYING YOUR GROUP? YES ☐ NO ☑
If yes, name of person(s) ______. Each group should have accessible a list with all the children's names that are attending the outings for accountability in case of emergency

ANY QUESTIONS ANSWERED YES, PLEASE EXPLAIN ON SEPARATE SHEET & ATTACH TO APPLICATION

APPLICANT'S SIGNATURE: ______ DATE: 9/7/22

OFFICE USE ONLY

RECREATION & PARK COMMITTEE APPROVAL: DATE TO COMMITTEE: ______ YES ______ NO ______ N/A ______
COMMON COUNCIL APPROVAL: DATE TO COMMITTEE: ______ YES ______ NO ______ N/A ______

②

City of Norwalk Recreation & Parks Department
Facility Rental Event Application Form

PLEASE PRINT

PERSONAL/FAMILY______

COMPANY/BUSINESS______

ORGANIZATION NAME: BLUE AND YELLOW UKRAINE

NON-PROFIT (501C3) Yes___ [✓ No]

NAME OF BENEFICIARY: ______ Is this an Annual Event [✓ Yes] No___ #of years___

NAME OF CORPORATE OFFICER AUTHORIZED TO EXECUTE THE LICENSE AGREEMENT: STEPAN DRAGAN TITLE: Secretary

YOUR NAME: STEPAN DRAGAN TITLE: Secretary

ADDRESS: 28 Mianus Rd E-MAIL ADDRESS: ______

CITY: Stamford STATE: CT ZIP CODE: 06902

HOME PHONE: ______ BUSINESS PHONE: ______ CELL: 203 362. 8185

FACILITY & EVENT INFORMATION

FACILITY REQUESTED: Calf Pasture Beach # OF PARTICIPANTS 300

EVENT: Veterans Day 5K in support of Ukraine DATE REQUESTED: 11. 12. 2022

SET UP TIME: 6am STARTING TIME: 8am BREAKDOWN TIME: ____ ENDTIME: 10am RAIN DATE: 11. 13. 2022
(RAIN DATE FOR BEACH RENTALS ONLY)

ARE YOU REQUESTING THE USE OF ALCOHOLIC BEVERAGES AND/OR BEER KEGS? YES ☐ NO ☑

(PLEASE NOTE: NO GLASS OR BOTTLES ALLOWED AT CITY PARK PROPERTY, INCLUDING CRANBURY PARK)

SERVING FOOD: YES ☐ NO ☑ ARE YOU USING A FOOD TRUCK? YES ☐ NO ☑ NAME: ______

ARE YOU REQUESTING A TENT? YES ☐ NO ☑ *ANY TENT (STRUCTURE) 10 x 10 FEET OR LARGER INCLUDING, BUT NOT LIMITED TO; ELECTRICAL LIGHTING EQUIPMENT, OVENS, GRILLS, ETC, REQUIRES A SEPARATE PERMIT FROM THE CODE ENFORCEMENT DEPARTMENT ADDITIONAL EQUIPMENT, i.e. INFLATABLES MUST RECEIVE APPROVAL FROM DIRECTOR OF RECREATION & PARKS. IF APPROVED SEPARATE INSURANCE MUST BE PURCHASED AND PRESENTED. BOUNCE HOUSES AND DRONES ARE NOT ALLOWED ON ANY CITY PROPERTY, INCLUDING SCHOOL GROUNDS AND PARKS. VIOLATION OF THIS RULE MAY JEAPORDIZE FUTURE EVENTS IN THE CITY

ARE YOU REQUESTING TO USE DISPLAY ADVERTISING AT YOUR EVENT? YES ☐ NO ☑

ARE YOU REQUESTING TO SOLICIT CONTRIBUTIONS AT YOUR EVENT? YES ☐ NO ☑

ARE YOU REQUESTING TO SELL FOOD, BEVERAGES, GOODS OR WARES? YES ☐ NO ☑

WILL YOU BE USING TEMPORARY ELECTRICAL RESOURCES? YES ☐ NO ☑

BEACH PERMITS ONLY:

WILL THE GROUP BE GOING INTO THE WATER IN ANY WAY, WADING, WALKING OR SWIMMING at the Beach? YES ☐ NO ☑

WILL THE GROUP HAVE ANY ACITIVITIES NEAR OR AROUND THE WATER (including Splash Pad) at the Beach YES ☐ NO ☑

IT IS THE GROUP SUPERVISOR'S RESPONSIBILITY TO CONTACT THE LIFEGUARD SUPERVISOR ON DUTY SO THAT ALL RULES AND REGULATIONS ARE CLEAR AND ADHERED TO

IS A WATER SAFETY INSTRUCTOR OR A CERTIFIED LIFEGUARD ACCOMPANYING YOUR GROUP? YES ☐ NO ☑

If yes, name of person(s) ______. Each group should have accessible a list with all the children's names that are attending the outings for accountability in case of emergency

ANY QUESTIONS ANSWERED YES, PLEASE EXPLAIN ON SEPARATE SHEET & ATTACH TO APPLICATION

APPLICANT'S SIGNATURE: ______ DATE: 9.1.2022

OFFICE USE ONLY

RECREATION & PARK COMMITTEE APPROVAL: DATE TO COMMITTEE: ____ YES___ NO___ N/A___

COMMON COUNCIL APPROVAL: DATE TO COMMITTEE: ____ YES___ NO___ N/A___

NORWALK
The Sound of Connecticut

DEPT OF FINANCE
Purchasing Department
NONCOMPETITIVE PROCUREMENT JUSTIFICATION FORM

DATE: 8/23/2022 **DEPARTMENT:** Rec and Parks

Procurement by non–competitive proposals may be used only when the award of a contract is infeasible under informal competitive Quotations (§3-204), Informal Competitive Request for Proposals (§3-205), seal bids, or competitive proposals and at least one of the following circumstances applies:

Check One:

☑	The item is available only from a single source (justification is attached). The provisions of this regulation apply to all sole source procurements unless emergency conditions exist as defined by Purchasing Guideline on Emergency Procurements
☐	After solicitation of a number sources, competition is determined inadequate (record of source contacts and/or attempts to obtain pricing is attached)
☑	The compatibility of equipment, accessories, or replacement parts is of paramount consideration
☑	The item/service is available on a Cooperative Purchasing Agreement (please provide the organization name, quote and the contract/agreement number)
☐	The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation (documented emergency contingency is attached). **Please forward this form and supporting documentation within 48 hours of the Emergency**
☐	Other, please explain:

TOTAL COST: $163,209.00 **MUNIS Account:** 134010-5796-ARP01

VENDOR: Obrien and Sons

Purchasing Agent Signature	**The Purchasing Agent**		**Department Head Signature**
Sharon Conners Digitally signed by Sharon Conners Date: 2022.08.26 13:32:38 -04'00'	X	**Supports**	
Purchasing Agent Name		**Does Not Support**	**Department Head Name**
	X	**Single Source Requires Common Council Authorization (in excess of $20,000.00)?**	Robert Stowers
Date			**Date** 8/23/2022

JUSTIFICATION:

Playground replacement at Kendall School. State contract 17PSX0081. The Parks Department stocks a full replacement parts inventory of Landscape Structures equipment. All playscapes in the City are Landscape Structures, and Obrien and Sons is our local vendor.

ANY OTHER VENDORS CONTACTED FOR PRICING? (Please attach quotes): ______________________

Vendor 1: ____

Vendor 2: ____

EMERGENCY: Explain in detail the nature of the emergency

O'BRIEN & SONS

Rep: Brian Iafolla
Email: Brian_Iafolla@obrienandsons.com
Phone: 508-404-7190
CPS# 41615-0521

Project Name: Kendall School
Location: Norwalk CT

Landscape Structures Inc
MEO#22777

CT STATE CONTRACT #17PSX0081 PRICING

QTY	System	Category	Model #	Description	Weight EA	Price/unit	-5%	Unit price, Less 5%	Total
1	PlayBooste	Bridges & I	121416A	Disc Challenge (123") 24" Deck Maximum, w/2 Handhold Panels	208	$ 5,040.00	$ (252.00)	$ 4,788.00	$ 4,788.00
1	PlayBooste	Bridges & I	152443A	Grid Walk w/Barriers 16" Deck Difference	328	$ 4,301.00	$ (215.05)	$ 4,085.95	$ 4,085.95
1	PlayBooste	Climbers N	169318E	Wood Plank Wiggle Ladder 64"Deck w/Recycled Wood-Grain Handholds	92	$ 1,949.00	$ (97.45)	$ 1,851.55	$ 1,851.55
1	PlayBooste	Climbers o	302748A	Vine Climber 8" dk to 96" dk	296	$ 10,555.00	$ (527.75)	$ 10,027.25	$ 10,027.25
1	PlayBooste	Climbers w	176077A	Croquet Climber 48"-56"Dk DB	65	$ 1,804.00	$ (90.20)	$ 1,713.80	$ 1,713.80
1	PlayBooste	Climbers w	152907B	Deck Link w/Steel Barriers 2 Steps	182	$ 2,537.00	$ (126.85)	$ 2,410.15	$ 2,410.15
1	PlayBooste	Climbers w	152907D	Deck Link w/Steel Barriers 4 Steps	296	$ 4,100.00	$ (205.00)	$ 3,895.00	$ 3,895.00
1	PlayBooste	Climbers w	223170C	Labyrinth Climber Equal Decks 72" Deck	480	$ 14,751.00	$ (737.55)	$ 14,013.45	$ 14,013.45
1	PlayBooste	Climbers	302754A	Mobius Climber with permalene handholds 72" dk	200	$ 6,990.00	$ (349.50)	$ 6,640.50	$ 6,640.50
1	PlayBooste	Climbers w	271908A	Square Loop Incline Climber w/Permalene* Handholds 72" Deck	110	$ 1,524.00	$ (76.20)	$ 1,447.80	$ 1,447.80
2	PlayBooste	Decks	122197A	90° Triangular Tenderdeck	66	$ 1,064.00	$ (53.20)	$ 1,010.80	$ 2,021.60
1	PlayBooste	Decks	121948A	Kick Plate 8" Rise	13	$ 146.00	$ (7.30)	$ 138.70	$ 138.70
2	PlayBooste	Decks	111228A	Square Deck	118	$ 1,272.00	$ (63.60)	$ 1,208.40	$ 2,416.80
4	PlayBooste	Decks	111231A	Triangular Tenderdeck	62	$ 980.00	$ (49.00)	$ 931.00	$ 3,724.00
1	PlayBooste	Decks	121949A	Kick Plate 90° Tri-Deck 8" Rise	13	$ 208.00	$ (10.40)	$ 197.60	$ 197.60
1	PlayBooste	Enclosures	116244A	Pipe Barrier Above Deck w/o Wheel	51	$ 773.00	$ (38.65)	$ 734.35	$ 734.35
1	PlayBooste	Motion & I	120901A	Grab Bar	5	$ 241.00	$ (12.05)	$ 228.95	$ 228.95
1	PlayBooste	Motion & I	111275A	Handloop Assembly	10	$ 292.00	$ (14.60)	$ 277.40	$ 277.40
1	PlayBooste	Motion & I	120818A	Playstructure Seat	26	$ 476.00	$ (23.80)	$ 452.20	$ 452.20
1	PlayBooste	Overhead	141886A	Access/Landing Assembly Rails 24" Deck	34	$ 846.00	$ (42.30)	$ 803.70	$ 803.70
1	PlayBooste	Overhead	119430A	Overhead Parallel Bars 32" Deck Maximum	121	$ 1,524.00	$ (76.20)	$ 1,447.80	$ 1,447.80
1	PlayBooste	Posts	111404F	108" Aluminum Post for 32" Deck	28	$ 370.00	$ (18.50)	$ 351.50	$ 351.50
4	PlayBooste	Posts	111404E	116" Aluminum Post for 40" Deck	29	$ 381.00	$ (19.05)	$ 361.95	$ 1,447.80
3	PlayBooste	Posts	111404D	124" Aluminum Post for 48" Deck	30	$ 443.00	$ (22.15)	$ 420.85	$ 1,262.55
4	PlayBooste	Posts	111404B	140" Aluminum Post for 64" Deck	34	$ 465.00	$ (23.25)	$ 441.75	$ 1,767.00
5	PlayBooste	Posts	111404A	148" Aluminum Post for 72" Deck	36	$ 488.00	$ (24.40)	$ 463.60	$ 2,318.00
2	PlayBooste	Posts	111404K	156" Aluminum Post for 80" Deck	37	$ 549.00	$ (27.45)	$ 521.55	$ 1,043.10
3	PlayBooste	Posts	111404Z	182" Steel Post for 96" Deck (44" Bury)	105	$ 577.00	$ (28.85)	$ 548.15	$ 1,644.45
1	PlayBooste	Posts	111404I	84" Aluminum Post for 8" Deck	21	$ 336.00	$ (16.80)	$ 319.20	$ 319.20
1	PlayBooste	Posts	111404H	92" Aluminum Post for 16" Deck	23	$ 348.00	$ (17.40)	$ 330.60	$ 330.60
1	PlayBooste	Slides	130798A	Double Swirl Slide 48"-56" Deck	176	$ 2,800.00	$ (140.00)	$ 2,660.00	$ 2,660.00
1	PlayBooste	Slides	130390A	Double Swoosh Slide* 64"-96" Deck	174	$ 2,924.00	$ (146.20)	$ 2,777.80	$ 2,777.80
1	PlayBooste	Slides	124863F	SlideWinder2* 72" Deck	234	$ 4,391.00	$ (219.55)	$ 4,171.45	$ 4,171.45
1	PlayBooste	Slides	124863G	SlideWinder2* 96" Deck (DB Only), Use 182" Steel Posts Only, Order Separately	269	$ 5,203.00	$ (260.15)	$ 4,942.85	$ 4,942.85
1	Freestandi	Climbers	201889A	JigZag Climber, Single Aluminum Posts (DB Only)	187	$ 2,604.00	$ (130.20)	$ 2,473.80	$ 2,473.80
1	Freestandi	Motion & I	247189A	Chill* Spinner Direct Bury	92	$ 2,532.00	$ (126.60)	$ 2,405.40	$ 2,405.40
1	Signs	Motion & I	182503C	Welcome Sign Ages 5-12 years direct bury	24	$ -	$ -	$ -	$ -
6	Freestandi	Swings	174018A	Belt Seat w/Chains ProGuard Chains for 8' Beam Height	8	$ 157.00	$ (7.85)	$ 149.15	$ 894.90
1	Freestandi	Swings	177332A	Single Post Swing Frame 8' Beam Height Only	213	$ 1,574.00	$ (78.70)	$ 1,495.30	$ 1,495.30
2	Freestandi	Swings	177333A	Single Post Swing Frame Additional Bay 8' Beam Height Only	129	$ 1,171.00	$ (58.55)	$ 1,112.45	$ 2,224.90
									$ 93,059.15 LSI TOTAL

The following items/services are not available for discount on CT state contract through M.E. O'Brien and Sons.

Dunning Industries

QTY	Model #	Description	Price/unit	Total
230 Cu-yd	EWF	IPEMA Certifed engineered wood fiber playground saftey surfacing 12" depth	$ 35.00	$ 8,050.00

Installation Services

QTY	Model #	Description	Price/unit	Total
		Demo and disposal of existing playground equipment		$ 6,000.00
		Excavation and disposal of approx 4550 sqft of material		$ 10,900.00
		Receive and offload equipment delivery Layout and auger post holes Assemble and install playground equipment, including concrete footings		$ 39,450.00
		Spread Approx 230 CY of EWF	$ 25.00	$ 5,750.00
			Project Total	$163,209.00

Spoils disposal location to be provided by Norwalk

Priced using Prevailing wage rates

Cu-yd		12" depth	$ 35.00	$ 8,050.00

Installation Services

QTY	Model #	Description	Price/unit	Total
		Demo and disposal of existing playground equipment		$ 6,000.00
		Excavation and disposal of approx 4550 sqft of material		$ 10,900.00
		Receive and offload equipment delivery Layout and auger post holes Assemble and install playground equipment, including concrete footings		$ 39,450.00
		Spread Approx 230 CY of EWF	$ 25.00	$ 5,750.00

Spoils disposal location to be provided by Norwalk

Priced using Prevailing wage rates

6

City of Norwalk – Community & Economic Development

125 East Avenue, Norwalk, CT 06851

TO: RECREATION, PARKS, AND CULTURAL AFFAIRS COMMITTEE OF THE NORWALK COMMON COUNCIL

FROM: SABRINA CHURCH, DIRECTOR OF BUSINESS DEVELOPMENT & TOURISM, STAFF TO THE NORWALK ARTS COMMISSION

DATE: JULY 27, 2022

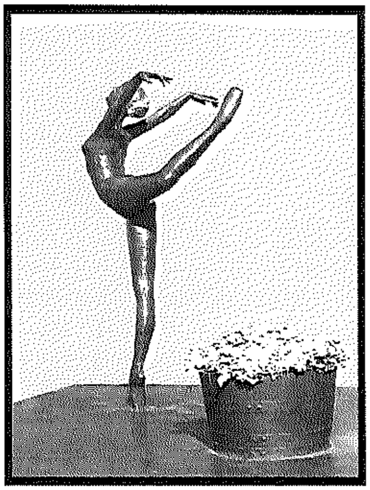
SUBJECT: ATTITUDE CROISE SCULPTURE STERETT-GITTINGS KELSEY DONATION AND DISPLAY

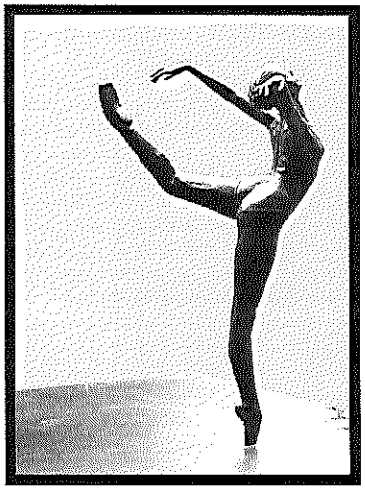
INTRODUCTION/BACKGROUND

In March 2020, the City was approached by a former resident that had recently moved who had an art piece that they were unable to relocate with them. They requested that the City accept the piece as a donation into their public art collection so that it can be displayed and enjoyed by the public and any visitors. Following the request, the Norwalk Arts Commission took up the matter of its acceptance and any costs that would be incurred by adding and relocating the piece. Though the commission welcomed the pieces donation, there was no available budget at the time to maintain or move the piece from its current location to the desired location and as a result was put on hold until funding was received through a budget request in FY23.

Since receiving the funds, the donor has executed a contract to donate the piece and has provided an appraisal to assess the pieces value and provide any major details about the piece and as such is ready to move forward on deciding the pieces movement and final location.

PIECE IMAGE AND SPECEFICATIONS (SEE ATTACHMENT)





Artist: KELSEY, Sterett-Gittings [b.1941]

Title: Attitude-Croisée

Note: In classical ballet, the positioning of this figure is based on a movement known as Attitude-Croisée. In this bronze, the movement is executed by Princess Odette in Tchaikovsky's "Swan Lake."

Medium: bronze

Description:

- The figure of the ballerina is 87 x 42 inches (220.98 x 106.68 cm). At 7 feet-3 inches tall, this bronze is larger than life-size and often referred to as "heroic-size."
- This figure stands atop a steel platform as its base, which is 120 x 120 inches (305 x 305 cm).
- The sculpture's base rises 9 inches above the ground because it is supported by recessed I-beam supports.
- Joining this assemblage, and positioned just behind the dancer, is a bronze flower planter, cast from a Canadian whiskey keg cut in half.
- The total weight of this assemblage is approximately 3,000 pounds.
- This work was cast in 1999 and is signed and dated by the artist and by the internationally renowned Polich-Tallix foundry in Rock Tavern, New York.

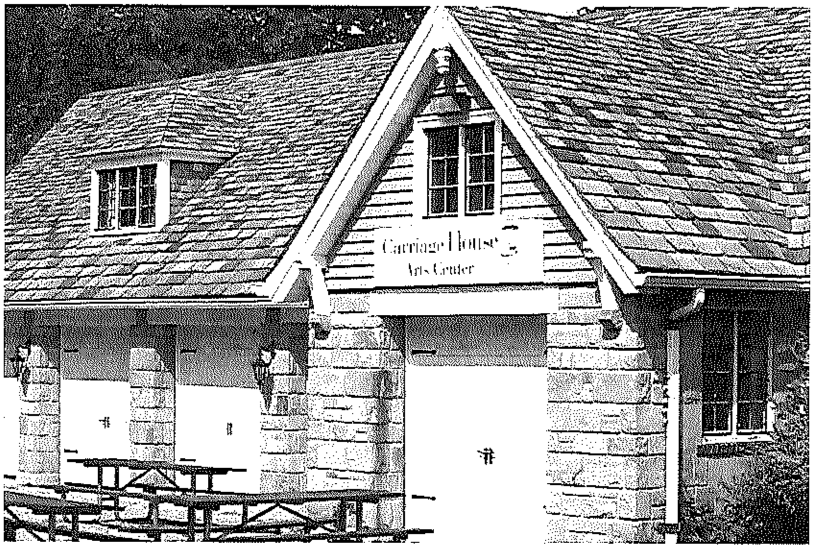
Edition: Attitude-Croisée was cast in a strictly limited edition of 6, and the present work is No. 2 in that edition. The edition allows for a single foundry proof, which would have made the total 7, but this has not been cast.

Condition: This sculpture has been placed in front of the Webster Bank in Kent, Connecticut (right). In February 2020, the artist examined her work and declared it to be in very fine condition. She states that every year she has examined and polished the sculpture. She forwarded her photographs to the appraiser. The appraiser has examined other life-size bronzes by the artist, which have also been meant to be displayed outdoors, and found them to be in equally fine condition

LOCATION

While the pieces owner was hoping the piece be located at Calf Pasture or another coastal location, Parks leadership advised against placing a piece of this medium in a location with beach conditions. This location would have caused significant additional maintenance of the piece and increased deterioration had maintenance ever lapsed. This further eliminated additional park locations in Norwalk as well.

From this, staff and the Norwalk Arts Commission recommend the relocation of the piece to be at Cranberry Park potentially near the Carriage House pictured below.



CONCLUSION

It is staff and the Commission's request that the piece be displayed in a publicly accessible outdoor location that will not increase the cost and frequency of maintenance of the piece. The suggested location is at the Carriage House Arts Center at Cranberry Park. All costs associated with the movement of the piece, as well as its ongoing maintenance, will be provided by the Norwalk Arts Commission.

ACTION: Approve the acceptance, movement, and placement of the Attitude Crossings Sculpture to the Carriage House Arts Center at Cranberry Park.

⑦

City of Norwalk – Community & Economic Development

125 East Avenue, Norwalk, CT 06851

TO: RECREATION, PARKS, AND CULTURAL AFFAIRS COMMITTEE OF THE NORWALK COMMON COUNCIL

FROM: SABRINA CHURCH, DIRECTOR OF BUSINESS DEVELOPMENT & TOURISM, STAFF TO THE NORWALK ARTS COMMISSION

DATE: SEPTEMBER 1, 2022

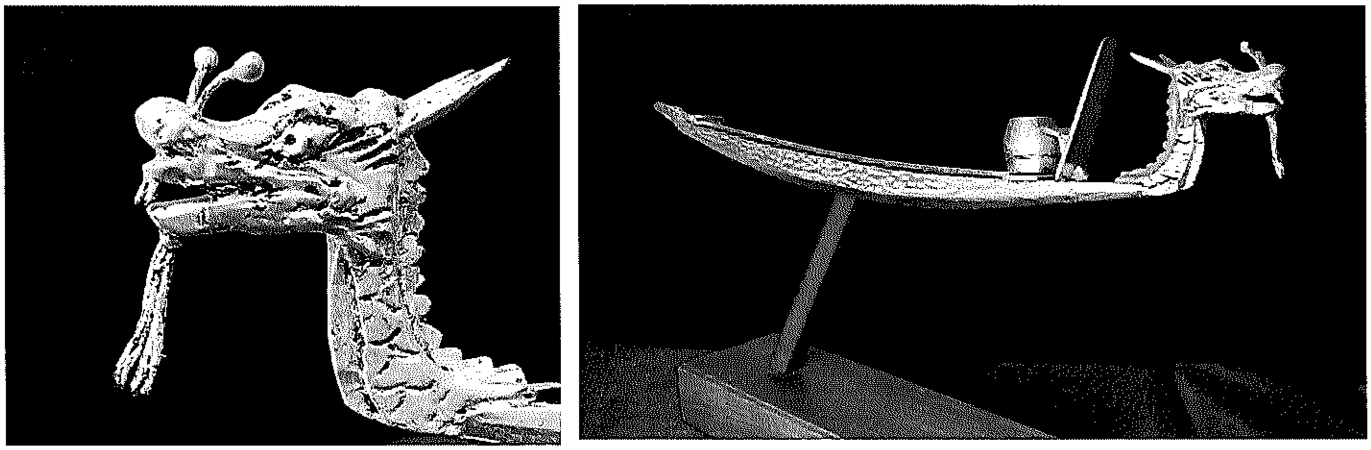
SUBJECT: NORWALK HARBOR *SPLASH!* DRAGON BOAT TROPHY DONATION AND DISPLAY

INTRODUCTION/BACKGROUND

In July 2022, the City was approached by a former South Norwalk Business Association (SNBA) member that has had ownership of the Dragon Boat Trophy that was used in the Norwalk Harbor *Splash!* event that they association hosted before its dissolution. They requested that the City accept the piece as a donation into their public art collection so that it can be displayed and enjoyed by the public and any visitors. Following the request, the Norwalk Arts Commission took up the matter of its acceptance and where it would be located. The Commission supports it's donation and would support it's display in it's case in City Hall.

The donor is prepared to execute a contract to donate the piece and provide any major details about the piece. The City's Legal Department and the donor are prepared to move forward on the donation should the piece be accepted.

PIECE IMAGE AND SPECEFICATIONS



Artist: Rand Arrowitz

Title: Norwalk Harbor *Splash!* Dragon Boat Trophy

Medium: Hand-carved gilded with gold leaf

Description:

- The sculpture is placed on a 14-inch wood base
- The sculpture itself is 26 inches long and 12 inches tall
- The sculpture is affixed to the base by a solid rod

Condition: This sculpture was created in 1995 and has been stored indoors by a former SNBA member.

LOCATION

The owner has requested that the piece be placed in the City Hall Community Room, however, the Arts Commission suggested that the piece be displayed in a more highly trafficked location like the lobby of City Hall or in a hallway on a podium and in its display case. The owner of the piece is supportive of this and will assist in curating a plaque to describe the history of the piece. The Norwalk Arts Commission is working with Facilities Management to install new display cases in City Hall as well as more hanging mechanisms to display more of our public art collection.

CONCLUSION

It is staff and the Commission's request that the piece be displayed in a publicly accessible and well trafficked indoor location. The suggested location is in the City Hall lobby or hallway near the People's Gallery.

ACTION: Approve the acceptance and placement of the Norwalk Harbor *Splash!* Dragon Boat Trophy in City Hall and as part of the Norwalk Public Art Collection.

AGREEMENT

THIS AGREEMENT (the "Agreement") entered into on this 2ND day~~s~~ of July, 2022 (the "Effective Date"), by and between **SAM HAIGH** (the "Donor"), residing at 13 River Drive, Norwalk, CT and the **CITY OF NORWALK** (the "Donee"), a municipal corporation existing under the laws of the State of Connecticut, acting herein by Harry W. Rilling, its Mayor, duly authorized. The Donor and Donee referred to herein collectively as the "Parties" and individually as the "Party."

WITNESSETH:

WHEREAS, the Donor wishes to convey to Donee all of Donor's rights, title and interest in and to a certain sculpture more particularly described herein below;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations and warranties herein contained, and intending to be legally bound, the Parties agree as follows:

1.0. **Conveyance:** Donor does hereby grant, sell, convey, assign, transfer and deliver all of its rights, title and interest in and to the Sculpture, to the Donee, upon the occurrence of Delivery as set forth in Section 4. As used herein, Sculpture shall mean the sculpture known as Attitude Croise by Sterett-Gittings Kelsey numbered 2/6 and more specifically detailed in Schedule A, attached hereto and incorporated herein.

2.0. **Donation:** The Sculpture is conveyed by Donor to Donee as a donation, free and clear of any charge or cost whatsoever. Within a reasonable time upon request, the Donee agrees to execute "Part V, Donee Acknowledgement" on Donor's fully completed and executed U.S. treasury, Internal Revenue Form 8283 filing.

3.0. **Display**: It is the City's intention to publicly display the Sculpture as part of its public arts collection. Notwithstanding the foregoing, the City shall have no obligation to display the Sculpture for any particularly length of time and shall have the right to remove the Statute from public display at any time. The City will not dispose of the Sculpture within three (3) years of Delivery.

4.0. **Delivery; Date:**

4.1. *Delivery*. Subject to Section 4.2., Donee shall make commercially reasonable efforts to take Delivery of the Sculpture at the Transfer Location within thirty (30) business days of obtaining the Access Rights. As used herein, "Transfer Location" shall mean 15 North Main Street, Kent CT 06757, where the Sculpture is currently located; "Access Rights" shall mean all access rights the Donee determines are necessary for it to take Delivery of the Sculpture at the Transfer Location; and "Delivery" shall mean the loading of the Sculpture on the Donee arranged transportation at the Transfer Location. Donee shall provide Donor with written notice confirming Delivery within ten (10) business days thereof.

In the event that Delivery has not occurred within sixty (60) business days of Donee obtain the Access rights, either Party may terminate this Agreement.

4.2. *Conditions*. In the event that either the (i) Donee does not obtain the Access Rights upon terms and conditions satisfactory to Donee within sixty (60) business days of the Effective Date, or (ii) there has been a material adverse change to the conditions of the Sculpture occurring after the Effective Date of this Agreement but before Delivery, the Donee shall be entitled to terminate this Agreement without liability whatsoever.

5.0. Representations and Warranties. The Donor represents and warrants that:

5.1. That Donor is the sole owner of all rights, title and interest in and to the Sculpture;

5.2. That Donor conveys the Sculpture to the Donee free and clear of any and all: (i) third-party contractual restrictions, conditions or obligations concerning the Sculpture; and (ii) security interests, liens, and encumbrances, whatsoever, except as disclosed by Donor in Schedule B attached hereto an incorporated herein;

5.3. Neither the execution or delivery of this Agreement will result in a breach of any applicable statute or regulation, or of any administrative or court order or decree; nor will such compliance conflict with or result in the breach of any term, provision, covenant or condition of any agreement or other instrument to which Donor is a party or by which it may be bound, or, which with the giving of notice or lapse of time, or both, constitute an event of default thereunder.

5.4. As of the date Donor executes this Agreement: (i) Donor is not insolvent and does not contemplate and has not filed any petition for bankruptcy protection under Title 11 of the United States Code; (ii) there has been no involuntary petition brought or pending against Donor; and (iii) Donor does not anticipate filing a bankruptcy petition nor anticipates that an involuntary petition will be filed against him.

6.0. Indemnification. The Donor shall and does hereby agree to indemnify and hold harmless the Donee, and its elected and appointed officials, officers, agents, employees, representatives, commissions and volunteers from and against any and all debts, obligations, suits, actions, demands, damages, losses, liability, injury, claims, demands, litigation, costs and expenses, of every kind and nature, including reasonable attorneys' fees, and compensation related to personal injuries (including death), any damage to property, real or personal, and any other loss, expense or aggrievement which arise directly or indirectly from Donor's breach of this Agreement, including any misrepresentation made by the Donor pursuant to Section 5.

7.0. Miscellaneous Provisions.

7.1. *Governing Law*. This Agreement has been negotiated and accepted in, and shall be deemed to have been made in, the State of Connecticut. The validity of this Agreement, its construction, interpretation, and enforcement, and the rights of the Parties hereunder, shall be determined under, governed by, and construed in accordance with the laws of the State of

Connecticut, without application of its choice of law rules. In the event any dispute concerning this Agreement arises, the Parties agree that the dispute shall be litigated in the federal or state courts located in the State of Connecticut.

7.2. *Binding Impact.* This Agreement shall be binding upon, and inure to the benefit of, the Parties hereto, as well as their respective estates, heirs, descendants, executors, administrators, legal representatives, insurers, successors, predecessors, parent companies, subsidiaries, affiliates, owners, directors, officers, shareholders, employees, agents and assigns.

7.3. *Severability.* If any provision or provisions of this Agreement shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

7.4. *Counterparts.* This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same agreement, and shall be deemed fully executed when each Party has received at least one counterpart executed by each other Party.

7.5. *Modification.* This Agreement may not be modified, discharged or terminated except by a writing signed by all Parties hereto which expressly refers to this Agreement.

7.6. *Notices.* Except as otherwise provided herein, all notices required herein must be in writing and addressed to the other Party's designated contact(s) for notices as set forth:

To Donee:
City of Norwalk
Recreation & Parks Department
125 East Avenue, Room 225
Norwalk, CT 06851-5125
Attn: Director of Recreation & Parks

With a copy to:
City of Norwalk
Office of Corporation Counsel
125 East Avenue, Room 237
Norwalk, CT 06851-5125
Attn: Corporation Counsel

To Donor:
Sam Haigh
13 River Drive
Norwalk, CT 06855

Parties may change their respective addresses and specify as their address any other address by providing at least five (5) days prior written notice to the other Party.

7.7. *Headings*. The section, subsection, paragraph and/or other headings of this Declaration of Easements are for convenience only and in no way limit or enlarge the scope or meaning of the language hereof. The word "include" or "including" shall not be restrictive and shall be interpreted as if followed by the words "without limitation."

7.8. *Remedies*. All rights and remedies of either Party hereto are cumulative of each other and of every other right or remedy such Party may otherwise have at law or in equity, and the exercise of one or more rights or remedies shall not prejudice or impair the concurrent or subsequent exercise of other rights or remedies.

7.9. *Electronic Signature*. This Agreement may be executed and delivered via facsimile or electronic mail by either of the Parties and the receiving Party may rely on the receipt of such document so executed and delivered via facsimile or electronically as if the original had been received.

Donee:

CITY OF NORWALK

By: Harry W. Rilling
Harry W. Rilling
It Mayor, Duly Authorized

Donor:

By:
Sam Haigh

Schedule A

HASTINGS ART MANAGEMENT SERVICES, INC.

Fair Market Value Appraisal for Insurance Purposes

Prepared by: Peter Hastings Falk

Completion Date: 26 May 2020

For:
Sam D. Haigh

APPRAISER'S CERTIFICATION

APPRAISALS

The documentation of auction price results, analysis of the art market, and fine art appraisals have been integral parts of Peter Falk's career since 1975. His scope of experience has included all mediums from all periods — ranging from Old Masters to Contemporary artists. He has served on a number of important trial cases. In 1994, for example, he served as a key expert witness in helping to ultimately win what the media referred to as the "Warhol War" — the highly publicized trial over the worth of the extensive collection of art produced by Andy Warhol. He has provided testimony on high-profile litigation cases involving the valuation of Nazi-looted art, including paintings by Monet, Picasso, Malevich, and other masters. His feature articles on various aspects of art as investment and the art market have appeared in *Art + Auction* magazine.

PIONEER IN AUCTION INDICES

Mr. Falk is a pioneer in the publishing of the very databases of auction price results that appraisers rely upon to perform their work. He began creating art market indices in 1981, publishing the first index to photographs sold at auction, entitled *The Photographic Art Market.* In 1991, he expanded this scope to include both fine prints and photographs and published the largest index to fine prints sold at auction, entitled the *Print Price Index.* And in 1993, he expanded to cover all mediums when he began publishing the "blue book" for the entire range of art categories comprising the auction market, *Art Price Index International.* At this time, he became the founding Editor-in-Chief of ArtNet and during the 1990s provided all of their data and images.

Having established new editorial standards and conventions for more accurately and thoroughly transcribing information from art auction catalogues for ArtNet, he later applied his methodologies toward improving the databanks of AskArt.com, serving for one year as its Editor-in-Chief. Since 2000, Mr. Falk has served as the U.S. Editor for the world's largest databank of art prices, Artprice.com (Lyon, France).

PROFESSIONAL MEMBERSHIPS AND EDUCATION

Mr. Falk is a member of the Association of Online Appraisers (AOA), and has been a guest speaker at the annual conference of the American Society of Appraisers (ASA). He is a member of the Association of Historians of American Art (AHAA), the Association of Historians of Nineteenth Century Art (AHNCA), the Catalogue Raisonné Scholars Association (CRSA), and the Art Libraries Society of North America (ARLIS). He earned his undergraduate degree from Brown University in 1973 and completed his graduate work at the Rhode Island School of Design in 1976.

PUBLISHING

In addition, he is the author of many art reference books, including the biographical dictionary, *Who Was Who in American Art* — lauded by critics as "the most significant research tool ever published in the field." This 3-volume opus won the Wittenborn Award for the best art reference book published in North America, awarded by the Art Libraries Society. It also won the American Library Association's "Outstanding Academic Title." William Gerdts, dean of American art historians, called Falk's *Exhibition Record Series* "the most important basis for art historical research in late 19th to mid 20th century American art." Falk is also the author of numerous monographs on American artists, including catalogues raisonnés.

HASTINGS is an art collection management company qualified to appraise all mediums and periods of fine art. The appraiser signed below, Peter Hastings Falk, holds himself out to the public as a professional appraiser of Fine Art. Mr. Falk is not now nor has ever been disqualified by the IRS.

Valuation is based solely on personal research and analysis of comparative market data as performed by the appraiser. No other party was significant in the valuation of the appraised property. Although the statements of fact contained in this report are true and correct, the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions. The value expressed herein is based on the appraiser's best judgment and opinion and is not a representation or warranty that the paintings will realize that value if offered for sale in an appropriate market.

Remuneration for this appraisal was based on an hourly rate and not contingent upon a percentage of the appraised value or reporting a predetermined value or direction in value that favors the cause of the Owner, the amount of the value estimate, the attainment of stipulated result, or the occurrence of a subsequent event. As of this date, Mr. Falk has no personal financial interest or bias in the appraised property or with the parties involved.

All opinions set forth in this appraisal report were prepared by the appraiser. No change of any item in the appraisal shall be made by anyone other than the appraiser, and the appraiser shall have no responsibility for any such unauthorized change. Information supplied by others is assumed to be reliable but is not guaranteed by the appraiser.

The objective of this report is to provide an unbiased fair market value guideline and a basis for estate and gift tax purposes. This report has been written according to the rules of the 2010 USSPAP (*Uniform Standard of Professional Appraisal Practice*). Although these certification pages include significant information regarding the methodology of the report, additional information regarding the scope of work, assignment conditions, and disclaimers are important to understand the entire appraisal process. As such, the entire report is required to fully understand the assignment and this certification page encompasses the entire report and is not valid without reading and understanding the entire report.

SCOPE of WORK: Appraisal Method and Definition of Value

Problem to Solve: Mr. Falk was asked to appraise a bronze sculpture, signed *Sterett-Gittings Kelsey*, at fair market value for estate and gift tax purposes.

Client/Owner: Sam D. Haigh

Use of Appraisal: estate and gift tax purposes

User(s) of Appraisal: The appraisal can be used and relied upon by Owner and the IRS. Any other user is considered an unintended user.

Effective/Valuation Date of Appraisal: 26 May 2020

Authenticity: The appraiser confirms the authenticity of the sculpture.

General Assignment Conditions:
The appraiser was given adequate time to research the sculpture.
The appraiser was given adequate documentation in relation to the sculpture.

Specific Assignment Conditions (Extraordinary Assumptions):

- The appraiser assumes information provided by Owner and the Artist to be correct.
- The appraiser assumes authorship of the sculpture to be authentic.
- The appraiser assumes title to the sculpture is not an issue.

Examination and Method of Examination: The appraiser is not a conservator and did not prepare a formal condition report. No reported scientific and/or laboratory testing has been performed on the sculpture. This assessment of physical condition is largely based on the artist's personal inspection of the sculpture *en situ* in Kent, Connecticut, in February 2020 as well as the appraiser's examination of the artist's digital images of that date. Both denote that the sculpture is in very good condition.

During the past ten years, on several occasions, the appraiser has examined other life-size bronzes of ballerinas kept outside on the artist's property. Based on the observed physical condition of those works on those visits, this appraisal assumes that the subject sculpture — also kept outside in this region of Connecticut — remains in the same very good condition. No other condition report was supplied. "Condition" refers to what is considered generally acceptable in the market, with ordinary wear and tear for its type and age, unless otherwise noted.

Photography/Digital Imagery: Digital images of the sculpture are included in this report. None of the images have been altered or modified, except in order to isolate the sculpture from its background.

Type of Appraisal: This report is considered a Self-Contained appraisal report according to the rules of Uniform Standard of Professional Appraisal Practice (USPAP). Comparables are included. Specific comparable retail sales history is confidential according to the Gramm, Leach, and Bliley Act and cannot be disclosed without Owner's permission. All records will be kept in the client's work file in the offices of Hastings. This information will be kept for the client for a minimum of five (5) years after the date of issue.

Valuation Approach: The comparative market data approach was used, in which the appraised property was compared to same or similar items offered for sale. (The Income and Cost approaches were determined to be inappropriate.)

<u>Market Examined:</u> The "market comparison" approach analyzes recent sales of comparable articles at appropriate major international and private sales, shows and exhibitions, fine art auctions, as well as prevailing prices at retail shops and galleries where the article may normally be traded. Adjustments were made for the work based on considerations of age, condition, rarity, artistic merit, technical workmanship, current trends and availability of similar articles as compared to recent sales.

<u>Type of Valuation:</u> Fair Market Value.

<u>Definition of Value:</u> Appraised "Fair Market Value" as defined by IRS section 1.170 and 20.2031 (b) is "the price at which a property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts." [According to Technical Advisory Memorandum 9235005 (May 27, 1992), fair market value should include the buyer's premium when considering auction prices.]

USPAP Compliancy:

This appraisal report will follow the guidelines of USPAP for updated reports in that the report will provide all of the necessary information/analysis to satisfy the report writing requirements of a self-contained appraisal as defined in Standard 8 (Personal Property Appraisal Reporting).

DISCLAIMER, LIMITING CONDITIONS & ASSUMPTIONS

This certificate of appraisal is given, subject to the terms and conditions hereinafter set forth, all of which are a part hereof unless expressly set aside in writing either on the pages of this certificate or by writing attached to the certificate signed by all parties concerned.

This appraisal consists of **16** pages and must be presented in its entirety to be valid. It is prepared solely for gift and estate tax purposes using the comparative market approach to arrive at the fair market value as of 26 May 2020. It is to be relied upon by the Owner and the IRS. Any other user is considered an unintended user.

Owner shall indemnify, defend and hold Mr. Falk harmless from and against all actions, claims, liabilities or expenses incurred as a result of claims based on or arising from this appraisal by third parties unrelated to the immediate purpose of this appraisal.

Mr. Falk has no financial interest in the appraised sculpture and does not contemplate any such interest in the future. The statements of fact contained in this report are true and correct. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are the appraiser's personal, unbiased, professional analyses, opinions, and conclusions. Nor is there a personal interest or bias with respect to the parties involved.

The employment to make this appraisal and the compensation for it were not contingent upon the valuation found. Nor was it contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

The value quoted in this appraisal is Fair Market Value is defined as the "price at which the properly would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts."

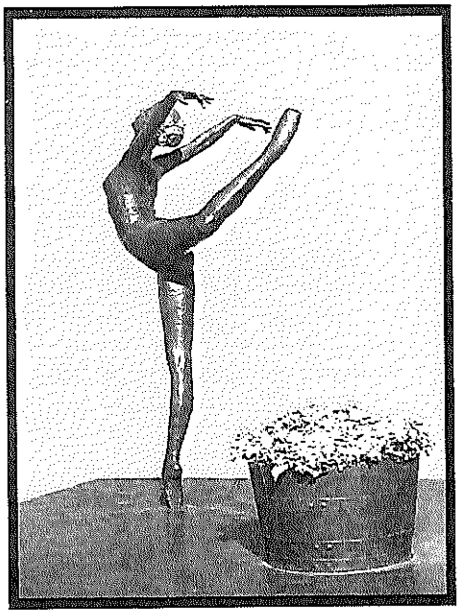
Unless otherwise stated herein, the appraised value was based on the whole ownership and possessory interest undiminished by any lien, fractional interests, or any other form of encumbrance or alienation. Unless otherwise stated herein, this document is based only on the readily apparent identity of the item appraised, and no further opinion nor guarantee of authenticity, genuineness, attribution, or authorship is made. Information furnished by others is assumed reliable but is not guaranteed by the appraiser.

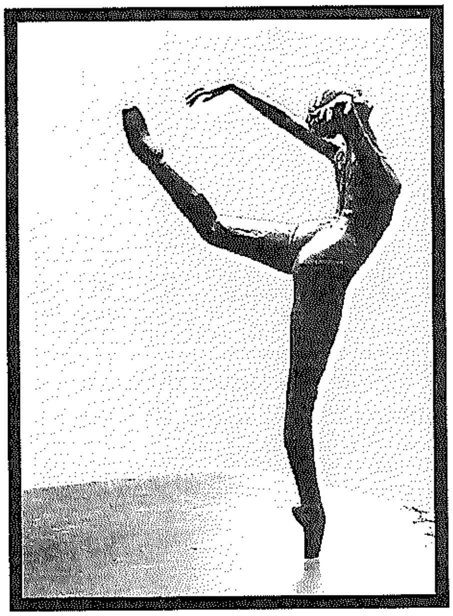
The value expressed herein is based upon the appraiser's best judgment and opinion and is not a representation or warranty that the item will realize the value if offered for sale privately and directly by the Owner or on consignment through either a retail fine art gallery or auction house. The value expressed is based on current information on the date made and no opinion is hereby expressed as to any future value nor, unless otherwise expressly stated, to any past value.

The appraiser is not required to give testimony, be present in any court of law, or appear before any commission or board by reason of this appraisal, unless prior arrangements have been made. Should this report be challenged in anyway, not limited to litigation, it is understood that the appraiser is prepared to defend the appraisal, if required. Courtroom testimony, mediation proceedings, and the necessary preparation are considered separate assignments and will be billed at the current normal hourly rate plus expenses required.

Possession of this report, or copy thereof, does not include the right of publication without the appraiser's written consent. All matters treating the duties, responsibilities and liabilities of the appraiser are in accord with the Valuation Standards & Professional Appraisal Practices, the Principles of Practice and the Code of Ethics of the Appraisal Foundation and Association of Online Appraisers. No one provided significant professional assistance to the person signing this report.

APPRAISED WORK





Artist: KELSEY, Sterett-Gittings [b.1941]

Title: *Attitude-Croisée*

Note: In classical ballet, the positioning of this figure is based on a movement known as Attitude-Croisée. In this bronze, the movement is executed by Princess Odette in Tchaikovsky's "Swan Lake."

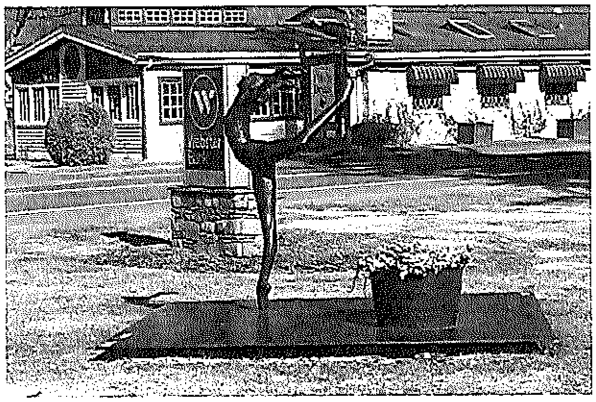
Medium: bronze

Description:

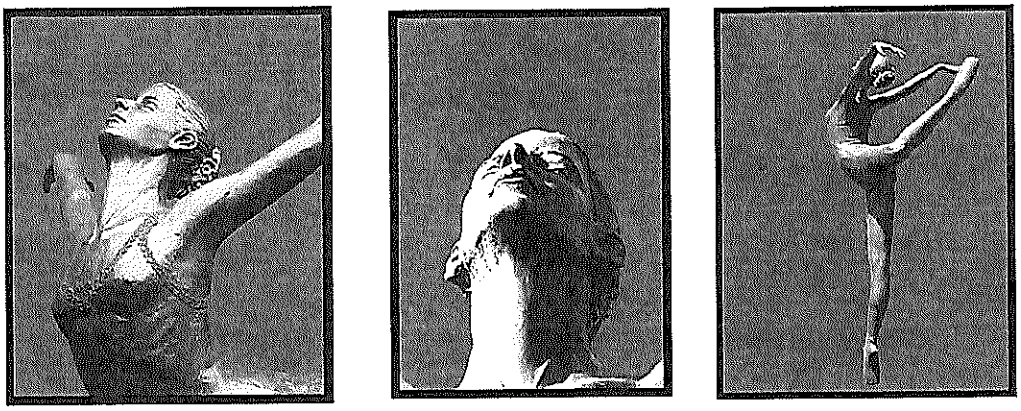
- The figure of the ballerina is 87 x 42 inches (220.98 x 106.68 cm). At 7 feet-3 inches tall, this bronze is larger than life-size and often referred to as "heroic-size."
- This figure stands atop a steel platform as its base, which is 120 x 120 inches (305 x 305 cm).
- The sculpture's base rises 9 inches above the ground because it is supported by recessed I-beam supports.
- Joining this assemblage, and positioned just behind the dancer, is a bronze flower planter, cast from a Canadian whiskey keg cut in half.
- The total weight of this assemblage is approximately 3,000 pounds.
- This work was cast in 1999 and is signed and dated by the artist and by the internationally renowned Polich-Tallix foundry in Rock Tavern, New York.

Edition: *Attitude-Croisée* was cast in a strictly limited edition of 6, and the present work is No. 2 in that edition. The edition allows for a single foundry proof, which would have made the total 7, but this has not been cast.

Condition: This sculpture has been placed in front of the Webster Bank in Kent, Connecticut (*right*). In February 2020, the artist examined her work and declared it to be in very fine condition. She states that every year she has examined and polished the sculpture. She forwarded her photographs to the appraiser. The appraiser has examined other life-size bronzes by the artist, which have also been meant to be displayed outdoors, and found them to be in equally fine condition.



<u>**Valuation Effective date**</u>: 26 May 2020



Attitude-Croisée

Biography and Literature

- The most complete biographical and critical essay on Sterett-Gittings Kelsey can be read at the online art magazine, *Discoveries in American Art*: https://discoveriesinamericanart.com/artists/sterett-gittings-kelsey/#1540843962475-b2345d27-df5c

The premise of this essay is that if Degas is accepted as the undisputed master *painter* of dance — specifically ballet — then the subject's undisputed master *sculptor* is Sterett-Gittings Kelsey.

- Three recent articles about the artist:

    Clarke, Cindy. "Bronze Beauties: Dancing to Perfection with Sterett-Gittings Kelsey" [*Venü*, No.39, 28 June 2018, p.50–53]

    Bosak, Chris. "Kelsey Fine Art in Roxbury a Showcase for Well-known Sculptor's Work" [Norwalk, Conn: *News-Times*, 28 June 2017]

    Cawley, Gayla. "Sterett-Gittings Kelsey's *Freedom Angel* to Benefit Veterans" [*Litchfield County Times*, 7 Nov 2013]

METHODOLOGY OF APPRAISAL

The first task in this appraisal was to determine the most common market in which the artist's works have been traded. The three markets that must be examined are those made by established fine art auction houses, fine art gallery retail sales, and private transactions made directly by the artist. Of these three, only auction price results are published and made readily available on the internet. They are accessible on a subscription basis by the major auction price result aggregators: Artprice, ArtNet, and AskArt — all three of which were examined. Sales on eBay — the largest public flea market — were also examined and are discussed herein.

The second task in this appraisal was to identify sales of life-size and heroic-size bronze sculptures of ballerinas that are comparable with the appraised sculpture, *Attitude-Croisée* (illustrations above).

Most Common Market

Kelsey began sculpting in 1962 and since then has always sold her works privately, not through galleries. Since the early 1970s the overwhelming number of her bronze sculpture sales have been private transactions made directly from her home-studio gallery, Kelsey Fine Art, in Roxbury, Connecticut. Over the past five decades collectors from all over the country and Europe have purchased her works. Kelsey made the decision early in her career not to sell on consignment through fine art galleries and to instead represent herself exclusively. Unlike painters, the decision to focus on direct sales is very common for sculptors. This is because the production costs are exponentially greater than those for painting. Considering the typical 50%–50% split between the sculptor and the consignee gallery, the gallery would be compelled to sell at a retail price that is far greater than the market will bear for most sculptors. For example, the artist's records with the Polich-Tallix foundry indicates that if the seventh and final cast of *Attitude-Croisée* were to be produced today, the cost for mold-making and casting would be approximately $85,000. If the gallery sold the sculpture for $200,000, she would be returned $100,000 — but after paying the foundry she would net only $15,000. This is why sculptors of large bronzes have greater incentive to sell directly.

Collectibles Market on eBay

It is pertinent to note, however, that Kelsey's <u>small</u> sculptures have a history of selling widely in the collectibles market. In 1973, Royal Copenhagen (officially the Royal Porcelain Factory) commissioned her to produce a series of porcelain figurines. Her next commission was for 8 ballet figurines cast in bronze in limited editions of 500 (which range from ~6–8 inches tall) and priced at $350 each. All eight of the editions quickly sold out. Today, there continues to be an active resale market for these small bronzes on eBay with "Buy-it-Now" prices ranging from $500–$615. The sales of figurines on eBay are not certainly pertinent data points to compare with heroic-sized bronzes such as *Attitude-Croisée* but they do indicate the popularity of this subject matter and medium with a broader public. Kelsey went on to produce another series of bronze figurines for Royal Copenhagen: representing 12 sports in larger limited editions of as many as 1,250.

Fine Art Auctions

The public auction market for fine art was also examined. Kelsey bronzes first appeared at fine art auctions in 2007 and to date 64 have been offered at auction — 63 of which were from the Royal Copenhagen editions of the 1970s. Even though these bronze figurines are only 8-9 inches tall and are the same as offered on eBay, these auctions at fine art houses shed light on the geographical distribution of the artist's works: 75% of these bronzes were sold in Europe and only 25% in the United States. Moreover, 90% of those sold overseas were sold in Scandinavia — not surprising considering the influence of the Royal Copenhagen editions on the European market. For example, in 2017 a group of 6 bronze figurines of ballerinas sold for $7,060 at auction in Copenhagen — or $1,177 each. The highest price for a single figurine was $950 in 2007.

Today there are about 68 life-sized extant bronzes by Kelsey and the great majority are in private collections. The auction results show the only one life-size bronze by Kelsey has ever been offered at auction. It depicts a ballerina (*Vanessa*) leaning on a chair, and it sold for only $1,375 in California in 2018. This extraordinarily low price result is partly explained by physical condition and geographic location of the auction (Southern California). Closer inspection of the photograph shows that this bronze figure had been separated from its base, indicated by the posts under her left foot and a front leg of the chair on which she leans. This condition adversely affects its desirability. Even with its negative physical condition issues its low price result — just a small fraction of its original selling price — may at first appear to be inexplicable. That a 58-inch tall (life-size) bronze would sell for approximately the same price as an 8-inch tall figurine clearly indicates this result to be an outlier that should be discounted. The result is not surprising considering that Kelsey and many other sculptors do not have the promotional and marketing support provided by galleries, which can translate over to, and reinforce, the auction market. In addition, this auction price result contrasts significantly with the production costs for her heroic-size bronzes. It was mentioned earlier that *Attitude-Croisée* would have a production cost of approximately $85,000.

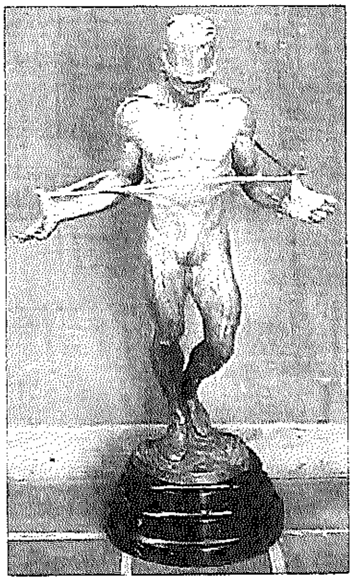
Comparables

Comparing the quality and prices of life-size and heroic-size realist figurative bronzes of dancers by other established sculptors is useful in determining the fair market value for *Attitude-Croisée.* Kelsey stands alone among notable sculptors for having chosen a life-long focus on ballet as her primary subject matter. Accordingly, the objective was to identify other notable contemporary sculptors who at least *included* dance and ballet in their repertoire of subject matter. The website FigurativeSculptors.com features about 130 figurative sculptors who can be considered the most prominent today, and about 90 of them are American. Kelsey is featured among them. She is also one of 8 sculptors featured on that website's special page called "Emeritus Sculptors Gallery" — the purpose of which is "To honor those senior masters of our craft. This is our way to recognize those sculptors' lifetime accomplishments."

While the bronzes of all 8 of these sculptors are figurative, some are abstract while others are realist. The artist who is Kelsey's closest comparable in that group is her contemporary, Richard MacDonald [b.1946]. MacDonald's sculpture has for decades widely promoted and marketed his bronzes with great success. It is without hyperbole that his website posits that he "is considered by many to be the world's preeminent living figurative sculptor." He has accomplished his stature by having enjoyed the publicity from notable commissions in concert with tightly controlled production and pricing. He sells primarily directly at retail, although he has several select galleries with whom he works on consignment.

In order to validate MacDonald's retail pricing, I interviewed dealers in his bronzes in the primary market (retail galleries) and private brokers in the secondary market (re-sales). They revealed that other bronze figurative sculptors who also have earned high reputations also largely sell their life-size works directly, often in the $200,000–$300,000 range. For MacDonald specifically, this explains why none of his life-size or slightly larger "heroic-size" bronzes (either ballet non-ballet subjects) have ever been sold at auction. Instead, he has kept guarded control over pricing and sold them directly in the $500,000–$1,500,000 range. He even took greater control by establishing his own bronze foundry.

Both MacDonald and Kelsey produced their life-size bronzes in small editions of typically 6–8. The shorter the bronze, the greater is the edition size. For MacDonald, it is the larger supply of the smaller bronzes that have found their way to auction. For example, his half-life (~44 inches tall), third-life (~36 inches tall), and quarter-life (~27 inches tall) bronzes are produced in editions from 50–90. The smallest bronzes — those in the range of 14–18 inches tall — are produced in editions as large as 175. The most pertinent comparables —



Title: *Nureyev Half Life, 1990*

Sales Price:** $53,330
**(Includes auction fee to buyer)
Low Estimate: $50,000
High Estimate: $70,000

Signature: Signed and Dated
Size: 44.00" x 25.50" x 18.00" (111.76cm x 64.77cm x 45.72cm)
Edition: 16 out of 90
Created: 1990
Medium: Bronze

Auction Lot: 6579
Auction House: Clars Auction Gallery
Auction Date: 03/13/2010-03/14/2010

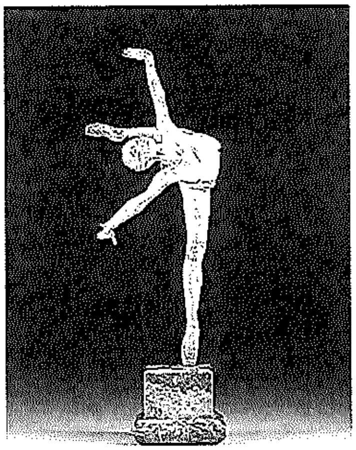
See all lots for this auction

ballet bronzes by MacDonald — that have been sold at auction are illustrated here. Since both he and Kelsey have maintained the gallery retail sphere as their primary market, these auction wholesale examples illuminate how they also share contrasting values between their auction "wholesale" results and their gallery retail pricing. In short, the variance between the auction price results and the controlled retail market prices are significant for both artists —underscoring the role of the retail market as the appropriate primary market.

The auction record price for any bronze by MacDonald is the $53,330 paid in 2010 for a half-life version (44 inches tall) of *Nureyev*. The edition of 90 is a large number that reflects the success of his decades-long marketing and promotion compared to Kelsey's usual 10–15 in this size owing to her lack of having funded similar promotional campaigns. Most pertinent is the report that MacDonald has directly sold many other half-life versions of *Nureyev* from this edition for 200%–300% greater. In 2015 a third-life version (~36 inches tall) sold for $21,360 at auction. In 2016 a quarter-life version (~27 inches tall) sold for $12,000 and in 2019 another sold for $11,000. Again, the retail prices are often 2–3 times greater than the auction results.

MacDonald also produced a bronze of his version of the *Attitude-Croisée* pose. The example at left is only 26.75 inches tall ("quarter life"), is from an edition of 90, and sold in 2016 for $11,350.

By contrast, MacDonald's *Attitude-Croisée* in the "heroic size" — about 3.5 times taller — would not be made available on the market for 3.5 times that auction price result (or about $40,000). Rather, its price would be closer to $1,000,000.



Title: *"Flight In Attitude,"*

Sales Price:** $11,350
**(includes auction fee to buyer)
Low Estimate: $4,000
High Estimate: $6,000

Signature: Signed
Size: 26.75" (67.95cm)
Edition: 27/90
Created: 2001
Medium: Bronze

Auction Lot: 424
Auction House: Simpson Galleries
Auction Date: 09/10/2016-09/11/2016

See all lots for this auction

CONCLUSION

Like that of Richard MacDonald, the quantity of Kelsey's transactions of heroic-sized bronzes such as *Attitude-Croisée* have been strictly limited to the retail market. Only if one were appraising Kelsey's figurines would it be appropriate to consider the auction price results as playing a significant role in valuation. This examination shows that the auction market, so commonly relied upon by appraisers, is not the most common market. Instead, the artist has throughout her career sold privately at retail prices that are commensurate with other established sculptors in bronze.

Attitude-Croisée has been cast in 3 heights:

- 10 inches (edition of 10, of which 3 were sold) — Artist's current retail price: $15,000.
- 23 inches (edition of 10 of which 9 were sold) — Artist's current retail price: $50,000.
- 87 inches (edition of 6, of which all were sold) — Artist's current retail price: $500,000.*

*Note that $120,000 paid in 1999 is the highest price at which *Attitude-Croisée* of this size was sold. That sale included only the figure, without the base or the bronze flower pots.

In consideration of the comparable works described above, as well as inquiries to the retail trade, this appraiser has determined that the subject sculpture has a fair market value of one-hundred seventy-five thousand dollars ($175,000).

Sincerely,

Peter Hastings Falk
26 May 2020

Schedule B

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HASTINGS ART MANAGEMENT SERVICES, INC.

Fair Market Value Appraisal for Insurance Purposes

Prepared by: Peter Hastings Falk

Completion Date: 26 May 2020

For:
Sam D. Haigh

APPRAISER'S CERTIFICATION

APPRAISALS

The documentation of auction price results, analysis of the art market, and fine art appraisals have been integral parts of Peter Falk's career since 1975. His scope of experience has included all mediums from all periods — ranging from Old Masters to Contemporary artists. He has served on a number of important trial cases. In 1994, for example, he served as a key expert witness in helping to ultimately win what the media referred to as the "Warhol War" — the highly publicized trial over the worth of the extensive collection of art produced by Andy Warhol. He has provided testimony on high-profile litigation cases involving the valuation of Nazi-looted art, including paintings by Monet, Picasso, Malevich, and other masters. His feature articles on various aspects of art as investment and the art market have appeared in *Art + Auction* magazine.

PIONEER IN AUCTION INDICES

Mr. Falk is a pioneer in the publishing of the very databases of auction price results that appraisers rely upon to perform their work. He began creating art market indices in 1981, publishing the first index to photographs sold at auction, entitled *The Photographic Art Market.* In 1991, he expanded this scope to include both fine prints and photographs and published the largest index to fine prints sold at auction, entitled the *Print Price Index.* And in 1993, he expanded to cover all mediums when he began publishing the "blue book" for the entire range of art categories comprising the auction market, *Art Price Index International.* At this time, he became the founding Editor-in-Chief of ArtNet and during the 1990s provided all of their data and images.

Having established new editorial standards and conventions for more accurately and thoroughly transcribing information from art auction catalogues for ArtNet, he later applied

Remuneration for this appraisal was based on an hourly rate and not contingent upon a percentage of the appraised value or reporting a predetermined value or direction in value that favors the cause of the Owner, the amount of the value estimate, the attainment of stipulated result, or the occurrence of a subsequent event. As of this date, Mr. Falk has no personal financial interest or bias in the appraised property or with the parties involved.

All opinions set forth in this appraisal report were prepared by the appraiser. No change of any item in the appraisal shall be made by anyone other than the appraiser, and the appraiser shall have no responsibility for any such unauthorized change. Information supplied by others is assumed to be reliable but is not guaranteed by the appraiser.

The objective of this report is to provide an unbiased fair market value guideline and a basis for estate and gift tax purposes. This report has been written according to the rules of the 2010 USSPAP (*Uniform Standard of Professional Appraisal Practice*). Although these certification pages include significant information regarding the methodology of the report, additional information regarding the scope of work, assignment conditions, and disclaimers are important to understand the entire appraisal process. As such, the entire report is required to fully understand the assignment and this certification page encompasses the entire report and is not valid without reading and understanding the entire report.

SCOPE of WORK: Appraisal Method and Definition of Value

Problem to Solve: Mr. Falk was asked to appraise a bronze sculpture, signed *Sterett-Gittings Kelsey*, at fair market value for estate and gift tax purposes.

Client/Owner: Sam D. Haigh

Use of Appraisal: estate and gift tax purposes

User(s) of Appraisal: The appraisal can be used and relied upon by Owner and the IRS. Any other user is considered an unintended user.

Effective/Valuation Date of Appraisal: 26 May 2020

Authenticity: The appraiser confirms the authenticity of the sculpture.

General Assignment Conditions:

The appraiser was given adequate time to research the sculpture.
The appraiser was given adequate documentation in relation to the sculpture.

Specific Assignment Conditions (Extraordinary Assumptions):

- The appraiser assumes information provided by Owner and the Artist to be correct.
- The appraiser assumes authorship of the sculpture to be authentic.
- The appraiser assumes title to the sculpture is not an issue.

Examination and Method of Examination: The appraiser is not a conservator and did not prepare a formal condition report. No reported scientific and/or laboratory testing has been performed on the sculpture. This assessment of physical condition is largely based on the artist's personal inspection of the sculpture *en situ* in Kent, Connecticut, in February 2020 as well as the appraiser's examination of the artist's digital images of that date. Both denote that the sculpture is in very good condition.

During the past ten years, on several occasions, the appraiser has examined other life-size bronzes of ballerinas kept outside on the artist's property. Based on the observed physical condition of those works on those visits, this appraisal assumes that the subject sculpture — also kept outside in this region of Connecticut — remains in the same very good condition. No other condition report was supplied. "Condition" refers to what is considered generally acceptable in the market, with ordinary wear and tear for its type and age, unless otherwise noted.

Photography/Digital Imagery: Digital images of the sculpture are included in this report. None of the images have been altered or modified, except in order to isolate the sculpture from its background.

Type of Appraisal: This report is considered a Self-Contained appraisal report according to the rules of Uniform Standard of Professional Appraisal Practice (USPAP). Comparables are included. Specific comparable retail sales history is confidential according to the Gramm, Leach, and Bliley Act and cannot be disclosed without Owner's permission. All records will be kept in the client's work file in the offices of Hastings. This information will be kept for the client for a minimum of five (5) years after the date of issue.

Valuation Approach: The comparative market data approach was used, in which the appraised property was compared to same or similar items offered for sale. (The Income and Cost approaches were determined to be inappropriate.)

Market Examined: The "market comparison" approach analyzes recent sales of comparable articles at appropriate major international and private sales, shows and exhibitions, fine art auctions, as well as prevailing prices at retail shops and galleries where the article may normally be traded. Adjustments were made for the work based on considerations of age, condition, rarity, artistic merit, technical workmanship, current trends and availability of similar articles as compared to recent sales.

Type of Valuation: Fair Market Value.

Definition of Value: Appraised "Fair Market Value" as defined by IRS section 1.170 and 20.2031 (b) is "the price at which a property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts." [According to Technical Advisory Memorandum 9235005 (May 27, 1992), fair market value should include the buyer's premium when considering auction prices.]

USPAP Compliancy:

This appraisal report will follow the guidelines of USPAP for updated reports in that the report will provide all of the necessary information/analysis to satisfy the report writing requirements of a self-contained appraisal as defined in Standard 8 (Personal Property Appraisal Reporting).

DISCLAIMER, LIMITING CONDITIONS & ASSUMPTIONS

This certificate of appraisal is given, subject to the terms and conditions hereinafter set forth, all of which are a part hereof unless expressly set aside in writing either on the pages of this certificate or by writing attached to the certificate signed by all parties concerned.

This appraisal consists of **16** pages and must be presented in its entirety to be valid. It is prepared solely for gift and estate tax purposes using the comparative market approach to arrive at the fair market value as of 26 May 2020. It is to be relied upon by the Owner and the IRS. Any other user is considered an unintended user.

Owner shall indemnify, defend and hold Mr. Falk harmless from and against all actions, claims, liabilities or expenses incurred as a result of claims based on or arising from this appraisal by third parties unrelated to the immediate purpose of this appraisal.

Mr. Falk has no financial interest in the appraised sculpture and does not contemplate any such interest in the future. The statements of fact contained in this report are true and correct. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are the appraiser's personal, unbiased, professional analyses, opinions, and conclusions. Nor is there a personal interest or bias with respect to the parties involved.

The employment to make this appraisal and the compensation for it were not contingent upon the valuation found. Nor was it contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

The value quoted in this appraisal is Fair Market Value is defined as the "price at which the properly would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts."

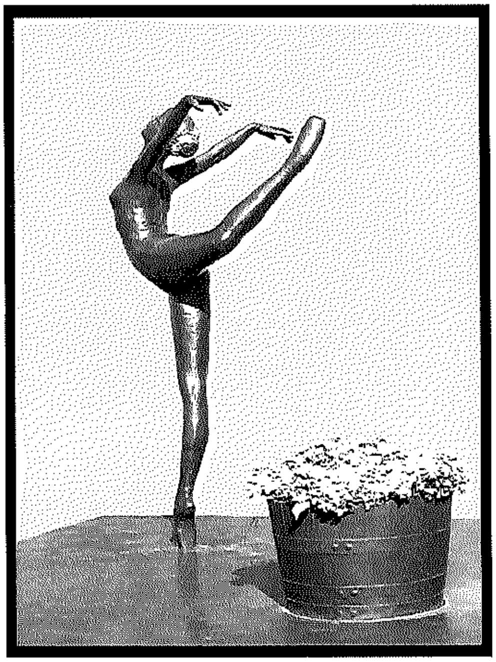
Unless otherwise stated herein, the appraised value was based on the whole ownership and possessory interest undiminished by any lien, fractional interests, or any other form of encumbrance or alienation. Unless otherwise stated herein, this document is based only on the readily apparent identity of the item appraised, and no further opinion nor guarantee of authenticity, genuineness, attribution, or authorship is made. Information furnished by others is assumed reliable but is not guaranteed by the appraiser.

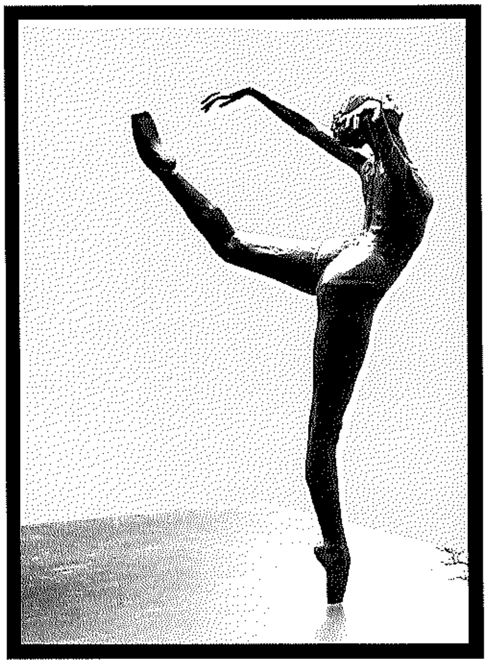
The value expressed herein is based upon the appraiser's best judgment and opinion and is not a representation or warranty that the item will realize the value if offered for sale privately and directly by the Owner or on consignment through either a retail fine art gallery or auction house. The value expressed is based on current information on the date made and no opinion is hereby expressed as to any future value nor, unless otherwise expressly stated, to any past value.

The appraiser is not required to give testimony, be present in any court of law, or appear before any commission or board by reason of this appraisal, unless prior arrangements have been made. Should this report be challenged in anyway, not limited to litigation, it is understood that the appraiser is prepared to defend the appraisal, if required. Courtroom testimony, mediation proceedings, and the necessary preparation are considered separate assignments and will be billed at the current normal hourly rate plus expenses required.

Possession of this report, or copy thereof, does not include the right of publication without the appraiser's written consent. All matters treating the duties, responsibilities and liabilities of the appraiser are in accord with the Valuation Standards & Professional Appraisal Practices, the Principles of Practice and the Code of Ethics of the Appraisal Foundation and Association of Online Appraisers. No one provided significant professional assistance to the person signing this report.

APPRAISED WORK





Artist: KELSEY, Sterett-Gittings [b.1941]

Title: *Attitude-Croisée*
Note: In classical ballet, the positioning of this figure is based on a movement known as Attitude-Croisée. In this bronze, the movement is executed by Princess Odette in Tchaikovsky's "Swan Lake."

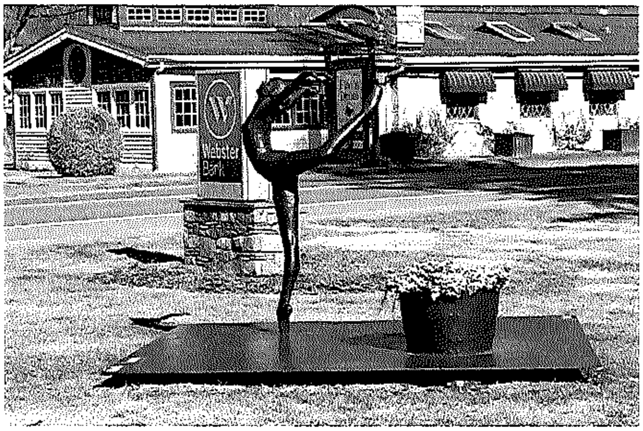
Medium: bronze

Description:

- The figure of the ballerina is 87 x 42 inches (220.98 x 106.68 cm). At 7 feet-3 inches tall, this bronze is larger than life-size and often referred to as "heroic-size."
- This figure stands atop a steel platform as its base, which is 120 x 120 inches (305 x 305 cm).
- The sculpture's base rises 9 inches above the ground because it is supported by recessed I-beam supports.
- Joining this assemblage, and positioned just behind the dancer, is a bronze flower planter, cast from a Canadian whiskey keg cut in half.
- The total weight of this assemblage is approximately 3,000 pounds.
- This work was cast in 1999 and is signed and dated by the artist and by the internationally renowned Polich-Tallix foundry in Rock Tavern, New York.

Edition: *Attitude-Croisée* was cast in a strictly limited edition of 6, and the present work is No. 2 in that edition. The edition allows for a single foundry proof, which would have made the total 7, but this has not been cast.

Condition: This sculpture has been placed in front of the Webster Bank in Kent, Connecticut (*right*). In February 2020, the artist examined her work and declared it to be in very fine condition. She states that every year she has examined and polished the sculpture. She forwarded her photographs to the appraiser. The appraiser has examined other life-size bronzes by the artist, which have also been meant to be displayed outdoors, and found them to be in equally fine condition.



Valuation Effective date: 26 May 2020

Attitude-Croisée

Biography and Literature

- The most complete biographical and critical essay on Sterett-Gittings Kelsey can be read at the online art magazine, *Discoveries in American Art*: https://discoveriesinamericanart.com/artists/sterett-gittings-kelsey/#1540843962475-b2345d27-df5c
The premise of this essay is that if Degas is accepted as the undisputed master *painter* of dance — specifically ballet — then the subject's undisputed master *sculptor* is Sterett-Gittings Kelsey.

- Three recent articles about the artist:

  Clarke, Cindy. "Bronze Beauties: Dancing to Perfection with Sterett-Gittings Kelsey" [*Venü* , No.39, 28 June 2018, p.50–53]

  Bosak, Chris. "Kelsey Fine Art in Roxbury a Showcase for Well-known Sculptor's Work" [Norwalk, Conn: *News-Times*, 28 June 2017]

  Cawley, Gayla. "Sterett-Gittings Kelsey's *Freedom Angel* to Benefit Veterans" [*Litchfield County Times*, 7 Nov 2013]

METHODOLOGY OF APPRAISAL

The first task in this appraisal was to determine the most common market in which the artist's works have been traded. The three markets that must be examined are those made by established fine art auction houses, fine art gallery retail sales, and private transactions made directly by the artist. Of these three, only auction price results are published and made readily available on the internet. They are accessible on a subscription basis by the major auction price result aggregators: Artprice, ArtNet, and AskArt — all three of which were examined. Sales on eBay — the largest public flea market — were also examined and are discussed herein.

The second task in this appraisal was to identify sales of life-size and heroic-size bronze sculptures of ballerinas that are comparable with the appraised sculpture, *Attitude-Croisée* (illustrations above).

Most Common Market

Kelsey began sculpting in 1962 and since then has always sold her works privately, not through galleries. Since the early 1970s the overwhelming number of her bronze sculpture sales have been private transactions made directly from her home-studio gallery, Kelsey Fine Art, in Roxbury, Connecticut. Over the past five decades collectors from all over the country and Europe have purchased her works. Kelsey made the decision early in her career not to sell on consignment through fine art galleries and to instead represent herself exclusively. Unlike painters, the decision to focus on direct sales is very common for sculptors. This is because the production costs are exponentially greater than those for painting. Considering the typical 50%–50% split between the sculptor and the consignee gallery, the gallery would be compelled to sell at a retail price that is far greater than the market will bear for most sculptors. For example, the artist's records with the Polich-Tallix foundry indicates that if the seventh and final cast of *Attitude-Croisée* were to be produced today, the cost for mold-making and casting would be approximately $85,000. If the gallery sold the sculpture for $200,000, she would be returned $100,000 — but after paying the foundry she would net only $15,000. This is why sculptors of large bronzes have greater incentive to sell directly.

Collectibles Market on eBay

It is pertinent to note, however, that Kelsey's small sculptures have a history of selling widely in the collectibles market. In 1973, Royal Copenhagen (officially the Royal Porcelain Factory) commissioned her to produce a series of porcelain figurines. Her next commission was for 8 ballet figurines cast in bronze in limited editions of 500 (which range from ~6–8 inches tall) and priced at $350 each. All eight of the editions quickly sold out. Today, there continues to be an active resale market for these small bronzes on eBay with "Buy-it-Now" prices ranging from $500–$615. The sales of figurines on eBay are not certainly pertinent data points to compare with heroic-sized bronzes such as *Attitude-Croisée* but they do indicate the popularity of this subject matter and medium with a broader public. Kelsey went on to produce another series of bronze figurines for Royal Copenhagen: representing 12 sports in larger limited editions of as many as 1,250.

Fine Art Auctions

The public auction market for fine art was also examined. Kelsey bronzes first appeared at fine art auctions in 2007 and to date 64 have been offered at auction — 63 of which were from the Royal Copenhagen editions of the 1970s. Even though these bronze figurines are only 8-9 inches tall and are the same as offered on eBay, these auctions at fine art houses shed light on the geographical distribution of the artist's works: 75% of these bronzes were sold in Europe and only 25% in the United States. Moreover, 90% of those sold overseas were sold in Scandinavia — not surprising considering the influence of the Royal Copenhagen editions on the European market. For example, in 2017 a group of 6 bronze figurines of ballerinas sold for $7,060 at auction in Copenhagen — or $1,177 each. The highest price for a single figurine was $950 in 2007.

Today there are about 68 life-sized extant bronzes by Kelsey and the great majority are in private collections. The auction results show the only one life-size bronze by Kelsey has ever been offered at auction. It depicts a ballerina (*Vanessa*) leaning on a chair, and it sold for only $1,375 in California in 2018. This extraordinarily low price result is partly explained by physical condition and geographic location of the auction (Southern California). Closer inspection of the photograph shows that this bronze figure had been separated from its base, indicated by the posts under her left foot and a front leg of the chair on which she leans. This condition adversely affects its desirability. Even with its negative physical condition issues its low price result — just a small fraction of its original selling price — may at first appear to be inexplicable. That a 58-inch tall (life-size) bronze would sell for approximately the same price as an 8-inch tall figurine clearly indicates this result to be an outlier that should be discounted. The result is not surprising considering that Kelsey and many other sculptors do not have the promotional and marketing support provided by galleries, which can translate over to, and reinforce, the auction market. In addition, this auction price result contrasts significantly with the production costs for her heroic-size bronzes. It was mentioned earlier that *Attitude-Croisée* would have a production cost of approximately $85,000.

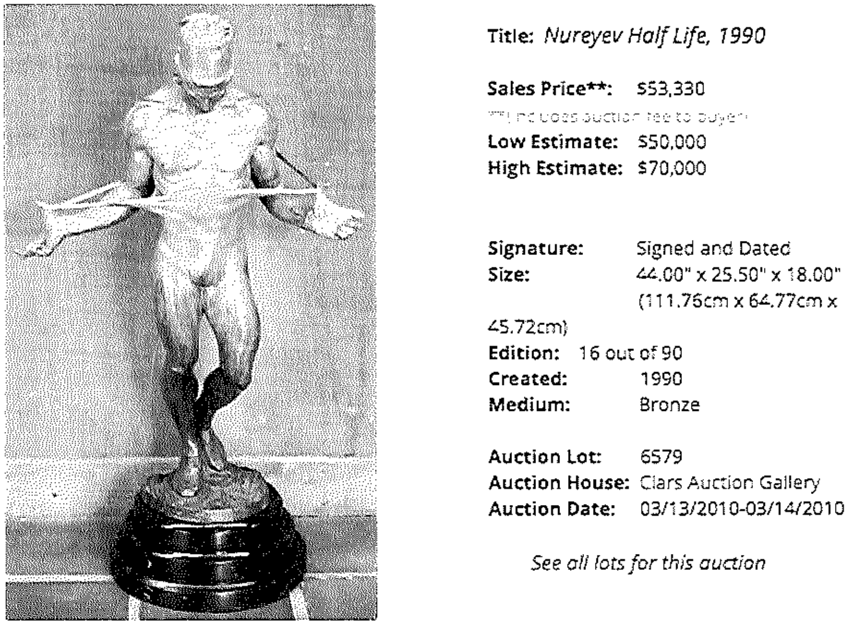
Comparables

Comparing the quality and prices of life-size and heroic-size realist figurative bronzes of dancers by other established sculptors is useful in determining the fair market value for *Attitude-Croisée*. Kelsey stands alone among notable sculptors for having chosen a life-long focus on ballet as her primary subject matter. Accordingly, the objective was to identify other notable contemporary sculptors who at least *included* dance and ballet in their repertoire of subject matter. The website FigurativeSculptors.com features about 130 figurative sculptors who can be considered the most prominent today, and about 90 of them are American. Kelsey is featured among them. She is also one of 8 sculptors featured on that website's special page called "Emeritus Sculptors Gallery" — the purpose of which is "To honor those senior masters of our craft. This is our way to recognize those sculptors' lifetime accomplishments."

While the bronzes of all 8 of these sculptors are figurative, some are abstract while others are realist. The artist who is Kelsey's closest comparable in that group is her contemporary, Richard MacDonald [b.1946]. MacDonald's sculpture has for decades widely promoted and marketed his bronzes with great success. It is without hyperbole that his website posits that he "is considered by many to be the world's preeminent living figurative sculptor." He has accomplished his stature by having enjoyed the publicity from notable commissions in concert with tightly controlled production and pricing. He sells primarily directly at retail, although he has several select galleries with whom he works on consignment.

In order to validate MacDonald's retail pricing, I interviewed dealers in his bronzes in the primary market (retail galleries) and private brokers in the secondary market (re-sales). They revealed that other bronze figurative sculptors who also have earned high reputations also largely sell their life-size works directly, often in the $200,000–$300,000 range. For MacDonald specifically, this explains why none of his life-size or slightly larger "heroic-size" bronzes (either ballet non-ballet subjects) have ever been sold at auction. Instead, he has kept guarded control over pricing and sold them directly in the $500,000–$1,500,000 range. He even took greater control by establishing his own bronze foundry.

Both MacDonald and Kelsey produced their life-size bronzes in small editions of typically 6–8. The shorter the bronze, the greater is the edition size. For MacDonald, it is the larger supply of the smaller bronzes that have found their way to auction. For example, his half-life (~44 inches tall), third-life (~36 inches tall), and quarter-life (~27 inches tall) bronzes are produced in editions from 50–90. The smallest bronzes — those in the range of 14–18 inches tall — are produced in editions as large as 175. The most pertinent comparables —



Title: *Nureyev Half Life, 1990*

Sales Price:** $53,330
**Includes auction fee to buyer
Low Estimate: $50,000
High Estimate: $70,000

Signature: Signed and Dated
Size: 44.00" x 25.50" x 18.00" (111.76cm x 64.77cm x 45.72cm)
Edition: 16 out of 90
Created: 1990
Medium: Bronze

Auction Lot: 6579
Auction House: Clars Auction Gallery
Auction Date: 03/13/2010-03/14/2010

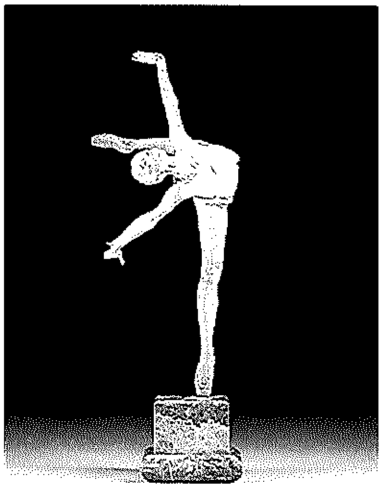
See all lots for this auction

ballet bronzes by MacDonald — that have been sold at auction are illustrated here. Since both he and Kelsey have maintained the gallery retail sphere as their primary market, these auction wholesale examples illuminate how they also share contrasting values between their auction "wholesale" results and their gallery retail pricing. In short, the variance between the auction price results and the controlled retail market prices are significant for both artists —underscoring the role of the retail market as the appropriate primary market.

The auction record price for any bronze by MacDonald is the $53,330 paid in 2010 for a half-life version (44 inches tall) of *Nureyev*. The edition of 90 is a large number that reflects the success of his decades-long marketing and promotion compared to Kelsey's usual 10–15 in this size owing to her lack of having funded similar promotional campaigns. Most pertinent is the report that MacDonald has directly sold many other half-life versions of *Nureyev* from this edition for 200%–300% greater. In 2015 a third-life version (~36 inches tall) sold for $21,360 at auction. In 2016 a quarter-life version (~27 inches tall) sold for $12,000 and in 2019 another sold for $11,000. Again, the retail prices are often 2–3 times greater than the auction results.

MacDonald also produced a bronze of his version of the *Attitude-Croisée* pose. The example at left is only 26.75 inches tall ("quarter life"), is from an edition of 90, and sold in 2016 for $11,350.

By contrast, MacDonald's *Attitude-Croisée* in the "heroic size" — about 3.5 times taller — would not be made available on the market for 3.5 times that auction price result (or about $40,000). Rather, its price would be closer to $1,000,000.



Title: *"Flight in Attitude,"*

Sales Price:** $11,350
**Includes auction fee to buyer
Low Estimate: $4,000
High Estimate: $6,000

Signature: Signed
Size: 26.75" (67.95cm)
Edition: 27/90
Created: 2001
Medium: Bronze

Auction Lot: 424
Auction House: Simpson Galleries
Auction Date: 09/10/2016-09/11/2016

See all lots for this auction

CONCLUSION

Like that of Richard MacDonald, the quantity of Kelsey's transactions of heroic-sized bronzes such as *Attitude-Croisée* have been strictly limited to the retail market. Only if one were appraising Kelsey's figurines would it be appropriate to consider the auction price results as playing a significant role in valuation. This examination shows that the auction market, so commonly relied upon by appraisers, is not the most common market. Instead, the artist has throughout her career sold privately at retail prices that are commensurate with other established sculptors in bronze.

Attitude-Croisée has been cast in 3 heights:

- 10 inches (edition of 10, of which 3 were sold) — Artist's current retail price: $15,000.
- 23 inches (edition of 10 of which 9 were sold) — Artist's current retail price: $50,000.
- 87 inches (edition of 6, of which all were sold) — Artist's current retail price: $500,000.*

*Note that $120,000 paid in 1999 is the highest price at which *Attitude-Croisée* of this size was sold. That sale included only the figure, without the base or the bronze flower pots.

In consideration of the comparable works described above, as well as inquiries to the retail trade, this appraiser has determined that the subject sculpture has a fair market value of one-hundred seventy-five thousand dollars ($175,000).

Sincerely,

Peter Hastings Falk
26 May 2020