



***Committee on Economic & Community
Development,
Housing and Land Use***

Councilor Jesse M. Adams, Chair

Councilor Ryan R. O'Donnell

Councilor Gina-Louise Sciarra

Councilor Paul D. Spector

Kevin Lake, Conservation Commission liaison

Ann DeWitt Brooks, Planning Board liaison

MEETING AGENDA

City Council Chambers, 212 Main Street

Wallace J. Puchalski Municipal Building

Northampton, MA

Date: December 17, 2015

Time: As announced during the City Council Meeting of 12/17/2015

1. Meeting Called To Order

A. Members Present/Absent

2. Public Comment

3. Approval Of Minutes

A. Minutes Of ECDHLU Meeting Of Dec. 17, 2014

Documents: [12-17-2014minutes-ecdhlu_.pdf](#)

B. Minutes Of ECDHLU Meeting Of April 7, 2015

Documents: [ecdhlu_minutes_4_7_2015_201512140945.pdf](#)

4. New Business

5. Adjourn

Respectfully Submitted By:

P. Powers

Administrative Assistant to the Council

(413) 587-1210

ppowers@northamptonma.gov

*Committee on Economic & Community Development,
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December 17, 2014 MEETING MINUTES

5:00 p.m

**City Council Chambers, 212 Main Street
Wallace J. Puchalski Municipal Building
Northampton, MA**

1. Meeting Called To Order

At 5:00pm Councilor Adams called the meeting to order.

1.A. Announcement Of Audio/Video Recording Of Meeting

Councilor Adams announced that the meeting would be video taped.

1.B. Members Present/Absent

Present: Councilors Adams, O'Donnell, Sciarra and Spector and Conservation Commission Liaison Kevin Lake.

Absent: Planning Board Liaison Ann DeWitt Brooks.

2. Public Comment

None

3. Approval Of Minutes

3.A. Minutes Of Oct. 7, 2014 Meeting

Councilor O'Donnell moved to accept the meeting minutes of Oct. 7, 2014; Councilor Sciarra seconded the motion. The minutes were approved on a voice vote of 3 Yes, 0 No, 1 Abstention (Councilor Spector).

4. 14.229 & 14.245 Ordinances Regarding Plastic Bag Reduction

Councilor Adams explained that as sponsors of the Ordinance, there were several changes that he and Councilor Spector would like to make. The changes include:

1. A revised title that more accurately describes the scope of the Document.

2. Sections 1.4 & 1.5 were modified to remove business size requirements which allowed an exemption to the Ordinance. By having business size specification in the Ordinance, the City would be required to inventory & track the businesses that were affected by the Ordinance. Removing the business size wording would mean

no such inventory would be required, and that the Ordinance would apply equally throughout the City.

3. The plastic bag reusable bag definition has gone from 3 mils to 1.5 mils to allow for more flexibility with bag substitutions. The change is also consistent with California state laws.

4. Attorney Seewald suggested a wording modification to section 3.1.

5. The scope of the Ordinance was narrowed to limit only certain thickness of plastic bags. As a result, Section 3.2 and 4.3 were eliminated. The styrofoam ban that was originally proposed is now deleted.

6. The implementation date of the ordinance has been moved up to Jan. 1, 2016 (see section 6.1).

7. In Section 7 which deals with Hardship deferments, any reference to "City" has been changed to "Board of Health" in an effort to keep the hardship deferment authorizing body the same throughout the section.

Discussion: The Key reason the styrofoam ban has been removed from the Ordinance is because in many other cities and towns the substitute has been shown to be more hazardous than styrofoam.

Councilor Spector described scenarios that might make it difficult for local establishments to meet the guidelines established in the Ordinance:

Cooper's Corner already uses clear containers to package their to-go foods. The clear packaging also serves as a marketing tool; consumers can see the items they are purchasing. While the packaging is not styrofoam, it would not meet the compostable requirements if the City were to establish such a requirement.

Some businesses are already operating "at the margins; imposing an alternative that is more costly would not be beneficial for some businesses.

Councilor Spector talked about some businesses are looking at ways of minimizing use of plastic bags by their consumers, including charging for the use of bags. Some businesses, for example charge 10 cents per bag. Councilor Spector indicated that there has been some attempt to reach out to stakeholders; Stop & Shop and Big Y have not returned calls; attempts to meet with stakeholders through the Chamber of Commerce have not been successful.

Kevin Lake provided a visual aid that is available to the residents of Seattle.

Councilor Adams provided some comparisons about plastic bags:

.5 mils is typically for a grocery Store Bag

.75 mils is typically for a dry cleaner bag

1.5 mils is typically for a bread bag

1.75 mils is typically for a freezer bag

2 mils is typically for a retail shopping bag

Councilor O'Donnell announced that South Hadley's Board of Health has banned the use of styrofoam. They are the first to ban styrofoam through the Board of Health. Councilor Spector indicated that it is not surprising that the BOH has made such a move given the amount of space taken up in landfills by discarded styrofoam and based on the hazardous gasses let off during styrofoam production.

Northampton's Board of Health raised a concern about the store size exemption. Councilor Adams noted that the point was well taken as a matter of fairness. The plastic bag ordinance should apply regardless of the size

of the store.

Councilor Adams noted that the role of BOH has been removed and changed to Department of Health who is the enforcement agency for the City.

Regarding a Public Hearing, Councilor Spector suggested that the Committee on Economic Development, Housing and Land Use be the sponsor for the Public Hearing. Councilor O'Donnell thought that this made sense. While the Public Hearing should be sponsored by the entire City Council, the Chair of the Comm. on ECDHLU would chair the Public Hearing.

Councilor Spector moved to return to City Council with a positive recommendation as amended; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. New Business

None

6. Adjourn

Councilor O'Donnell moved to adjourn the meeting at 5:45 pm; Councilor Spector seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Minutes recorded by:

Pamela L. Powers

Clerk of the City Council



*Committee on Economic & Community Development,
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***Public Forum on the City's Proposed Plastic Bag
Ordinance and Penalties for Non-Compliance***

*April 7, 2015 Meeting Minutes
5:00 pm*

City Council Chambers, 212 Main Street
Wallace J. Puchalski Municipal Building
Northampton, MA

1. **Members present:** Councilors Jesse M. Adams, Chair, Ryan R. O'Donnell, Gina-Louise Sciarra, Paul D. Spector
2. **Meeting Called to Order:** Councilor Jesse M. Adams called the meeting to order at 5:00pm.
3. **Background:** Councilor Adams reviewed the process to date regarding the proposed plastic bag ban ordinance. The ordinance was approved for consideration by the City Council. It was then reviewed by 7 committees. There was no opposition to ordinance in any of the committees. After the public hearing, the ordinance will be presented to the city council for vote. In order to become effective, the ordinance will need to pass two votes on two separate nights. If the ordinance passes, it will be sent to the Mayor for approval. If the Mayor vetoes the ordinance, it will be returned to the City Council for override consideration. If this happens, the Ordinance will require six yes votes in order to become effective.
4. **Announcement of Audio/Video Recording of Meeting:** Councilor Adams announced that the meeting would be audio and video recorded.
5. **Introduction:**

Councilor Adams explained that the intention of the ordinance is apply a ban on single use plastic bags used by Northampton businesses at the point of sale. The ban would be applicable to super markets, all commercial and retail businesses. The prohibition applies to plastic bags that do not meet the thickness requirements as defined in the ordinance. Reusable bags, as defined in the ordinance, are acceptable for use by businesses. There are certain exemptions spelled out in the ordinance, specifically, thin film plastic bags that contain dry cleaning, newspapers, produce, meats, wet items and other similar merchandise that are not at point of sale. Enforcement is done by the Health Department or other Mayor's designee. Only complaints will be investigated. If the business is not using the proper bag, the business will first receive a warning, if a subsequent violation occurs; the fine is \$50 for the first offense, \$100 for all subsequent offenses. The ordinance takes effect on January 1, 2016. Hardship deferments are allowed; the business must either prove it will suffer significant economic injury or demonstrate that no readily available substitute exists. Three six month deferments may be granted.

Councilor Spector talked about why this ordinance was introduced. He explained that other states, countries and communities have already adopted a ban on single use bags, such as California, the European Union, China, and other cities and towns in Massachusetts. The reasons for adopting such legislation include: reduce litter (only 12% of bags are recycled), reduce danger to wildlife and reduce the negative impact on the environment.

Councilor Adams informed the audience that no votes will be taken tonight.

Councilor Adams moved to open the public hearing; Councilor Spector seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Mr. John Gaustad of 20 Ward Avenue asked a question about why dry cleaning bags are not exempt. Councilor Spector indicated that there does not seem to be a reasonable alternative to thin-use film bags used in this industry. Mr. Gaustad also asked about how much space the plastic bags take up in our landfill. Councilor Spector indicated that while the bags do take up a lot of space in the landfill, the real concern is that the bags that are waste are not being recycled. Only about 12% of the bags are being recycled.

Leni Fried, Founder of Bag Share Project, gave each of the Councilors a reusable bag. The Bag Share Project organization is currently working on a project with Serio's Market to go paper bag-free; they are already plastic bag-free.

Francis Crowe of 3 Langworthy Road in Northampton asked a question about whether businesses could sell items that came in thin-film plastic bags. Councilor Adams explained that the ban does not apply to pre-packaged items. Ms. Crowe also inquired whether City Council Chambers has the ability to amplify; Councilor Spector explained that there are plans to improve technology in City Council Chambers, and he believes that this will include amplification.

Jessica Tanner of 132 West Street read an e-mail message from Hollis Wheeler. Mr. Wheeler stated in his e-mail that he supported the bag ban. Jessica Tanner expressed her own concern regarding the problems of plastic bag waste and what impact future generations will face as a result of waste. While she supports a ban ordinance, she does not think the ban goes far enough. She would like to ask that the council consider a ban without loopholes by adopting an ordinance calling for a ban on any bag less than 3.0 mils. She is also in favor of a fee for paper bags at grocery store checkouts. She would like to see the number of deferments allowed reduced.

Steve Elkins, owner of WEBS located at 75 Service Center Road commented that while the plastic bag ban will not affect his business the way the ordinance is written, he is concerned that the cost of doing business in Northampton seems to be on the rise. The recent stormwater fee and the newly passed "sick law" were given as examples of increased costs to businesses. He asks the councilors to take a step back and think about the cost to business owners in the community. Perhaps the timing is not quite right for passing this ordinance.

Mark Rosenzweig, owner of Acme Surplus store in Thornes Market, asked what data the city council had regarding the negative impact the ban would have on local retailers. Councilor Spector stated there is no specific data for Northampton. He further stated that Stop and Shop of Northampton began a culture change by either paying people or taking money off the food bill for every bag they brought to the store. Of all of the Stop and Shop stores, the Northampton store had the most participation in that program. Mr. Rosenzweig feels that the ban will make retailers less competitive and as a result, shoppers will go elsewhere. Councilor Adams pointed out that the ordinance takes effect in 2016 and for business that demonstrate a hardship as a result of the ban, three six-month deferments are possible. This would mean a potential postponement until 2017 at which time a state-wide ban could be in effect.

Tina Ingmann of Park Hill Road asked whether the council had considered imposing a fee for all bags. Councilor Spector stated that the council does not have the authority to force businesses to impose fees. California legislature did do that but it was a state-wide imposition. Councilor O'Donnell thought that the city of Cambridge did pass such an ordinance in which the business would collect a fee when a bag is given to a consumer as part of the point of sale purchase. Councilor Dwight questioned whether local governments had the authority to mandate such requirements.

Mary Marquard of Avis Circle has been using reusable bag for countless years. She questioned whether the City is going to be eliminating garbage bags when throwing trash away at the landfill. Councilor Spector indicated that the idea of an all bag ban was not under consideration at this time.

Michael Parsons of 28 Bayberry Lane commented that the city's Re-use Committee came out in support of the plastic bag ban. He also advised that while the Public Works Commission did not take a formal vote on the ordinance, they had no negative comments associated with the ordinance.

Jessica Gifford of Grove Street supports the plastic bag ban and agrees that Northampton needs to move beyond convenience on this issue.

Anne Lombard of 11 Allen Place spoke from the point of view plastic bags as trash. She supports the ordinance.

Clint Richman of the Sierra Club sent an e-mail to City Councilor Spector. Councilor Spector read the e-mail into the record.

At 5:45 Councilor O'Donnell moved to close the public hearing; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Respectfully submitted:
Pamela L. Powers
Administrative Assistant to the City Council
ppowers@northamptonma.gov
413-587-1210