



**Public Works Committee of the City Council**

Councilor Paul D. Spector

Councilor Jesse M. Adams

Councilor Alisa F. Klein

Meeting Agenda

Meeting Date: March 30, 2015

Meeting Time: 4:45 pm

Location: City Council Chambers, 210 Main St., Northampton

**1. Meeting Called to Order**

**2. Approve Minutes of the Previous Meeting**

Minutes of February 23, 2015

Documents: [PubWorksMin-2-23-2015.pdf](#)

**3. 14.229 & 14.245 Ordinances Pertaining to the Reduction of Solid Waste**

Documents: [PlasticBagFeedback.pdf](#)

**4. New Business**

**5. Adjourn**

**Submitted by: Pamela L. Powers**

**[ppowers@northamptonma.gov](mailto:ppowers@northamptonma.gov)**

**(413) 587-1210**

# Public Works Committee of the City Council

2/23/2015 - Minutes

## 1. Meeting Called to Order

At 4:50 p.m., Councilor Adams called the meeting to order. Councilors present were Jesse Adams and Alisa Klein. Councilor Paul Spector was absent.

Present from the Board of Public Works was Ned Huntley and Mike Parsons.

## 2. Approve Minutes of the Previous Meeting

### 2.A. Minutes of January 5, 2015

Councilor Klein moved to accept the meeting minutes; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.

## 3. 14.229 & 14.245 Ordinances Pertaining to the Reduction of Solid Waste

Councilor Adams recommended the following amendments:

In Ordinance 14.229 - Ordinance to amend Section 272-18 paragraph 1.6 of the Code, delete "located within the City of Northampton"

Councilor Klein moved to accept the proposed amendment; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.

Also in Ordinance 14.229, all references to the Health Department should be amended to read: "the Health Department or the Mayor's other designee". Noted sections where the amendment would apply are: section 5.1, 5.2, 7.1, 7.2, 7.4, and 7.5. Also, in Ordinance 14.245 which modifies code section 40-5, the Enforcing Officer should reflect the same proposed amendment. Councilor Klein moved to accept the proposed amendment; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.

## 4. Discussion: Reconsideration of the Taking of Center Court

On December 4, 2014, the City Council voted not to accept the BPW's recommendation regarding Center Court. The Board's recommendation was not to accept Center Court as a public way. Given the Council's vote, Councilor Klein questioned the next step in the process.

Director Huntley indicated that the DPW has been working to put together the order of taking and the related plans, however, there is some questions about how to turn a parking lot into public way. Also, there is some question about whether this should be the next step.

Councilor Klein inquired about what the Mayor's position was about Center Court, and also whether there were state requirements that needed to be met since the Council vote. She will follow up with the Mayor and also with Attorney Seewald to determine what should be expected as a result of the vote.

## 5. Adjourn

At 5:10 p.m. moved to adjourn the meeting; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.



# Plastic Bag Ordinances-Report of Committee Recommendations

Tuesday, March 24, 2015

Referred by City Council On	Committee Referred To	Date Rec. Made	Recommendation	Details
9/18/2015	ROAO			
9/18/2015	Energy & Sus.	2/12/2015		<p>Solid Waste Ordinance – PS. Comments on the Ordinance and if there is a positive recommendation from NESC. Latest iteration. Began as just a Styrofoam ban. Began looking at both Styrofoam and single-use bag ban. Seemed like Styrofoam would be easier to get public buy in. Styrofoam ban was complex and decision was to look at single-use bag ban. Right now there are many compostable materials that could replace the Styrofoam but with higher prices. Really examined the economics and backed off to research other communities that have done this and come back to it later. Thus decision to ban single-use plastic bags. Just looking at local possible numbers of bags used, estimates showed 8-16 million bags. Reached out through Economic Development Committee and the Council is moving forward with the Ordinance. Continue to go back and forth on the issue and still getting feedback. KH: Questioned timeframe. Hoping to have this in place by late 2016 – our own timeframe. AM: Penalty fee structure – how was it created? Talked to other communities. There will be a few public hearings also. CM: Estimates on how much CO2 or energy use avoided? No – PS will go back and check. If you do not go to reusable bags, plastic vs. paper does not really make a difference. CM: City should consider the promotion of reusable bags. WF: very much in favor and hope we can vote on this. Side conversation – enormous amounts of CO2 being emitted from the landfill vs. much less from snowplows, municipal vehicles, etc. CM: Higher level of awareness demonstrated if community members stop using plastic bags. PS: looking for positive recommendations. WF: motion to recommend to City Council to adopt the Ordinance as amended. SS: second. CM: no further discussion. Vote. All in favor of motion – unanimous vote.</p>
9/18/2015	Youth	2/25/2015	Positive Recomm	<p>This is to inform you that the Youth Commission moved the Plastic Bag Ban forward with a positive recommendation Wednesday night at their meeting. They also agreed to be included as co-sponsors at the invitation of Councilors Adams and Spector.</p> <p>They also suggested, should the order be enacted, that the City include in its education process a multi-lingual translation of the the ordinance.</p>

Referred by  
City Council  
On

Committee  
Referred To

Date Rec.  
Made

Recommendation

Details

9/18/2015	Brd. Of Health	2/19/2015	Positive Recomm	<p>The members of the Northampton Board of Health appreciate the opportunity to review the above Ordinance with proposed amendments as of December 17, 2014. The Council is to be commended for addressing the problem of solid waste excess due to plastic bags.</p> <p>We have discussed the original and amended Ordinances at two Board meetings. The Ordinance as proposed would require a substantial educational component, as well as oversight and violation enforcement. The Ordinance calls for oversight and enforcement to fall under the Health Department. The Health Department is minimally staffed, and existing personnel already are extended with their current inspection responsibilities. Because these proposed added responsibilities would interfere with staff capacity for existing mandates, the Board of Health cannot support the current language that calls for the Health Department to be responsible for oversight and enforcement as spelled out in the current version of the proposed Ordinance.</p> <p>While the Ordinance would address an important environmental issue, as noted in the title, the issue is principally one of solid waste. Solid waste is an issue that falls most closely within the purview of the Department of Public Works (DPW). DPW has the experience, staffing and mandate to address solid waste issues.</p> <p>The Board fully supports the "greening" of Northampton.</p>
-----------	----------------	-----------	-----------------	--

Referred by City Council On	Committee Referred To	Date Rec. Made	Recommendation	Details
9/18/2014	ECDHLU	12/17/2014	Positive recommendation back to City Council as amended.	<p>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:</p> <ol style="list-style-type: none"> <li>1. A revised title that more accurately describes the scope of the Document.</li> <li>2. Sections 1.4 &amp; 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 &amp; 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.</li> <li>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.</li> <li>4. Attorney Seewald suggested a wording modification to section 3.1.</li> <li>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.</li> <li>6. The implementation date of the ordinance has been moved up to Jan. 1, 2016 (see section 6.1).</li> <li>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.</li> </ol> <p>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.</p> <p>Councilor Spector described scenarios that might make it difficult for local establishments to meet the guidelines established in the Ordinance:</p>

Referred by City Council On	Committee Referred To	Date Rec. Made	Recommendation	Details
9/18/2014		12/17/2014		<p>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.</p> <p>Some businesses are already operating "at the margins; imposing an alternative that is more costly would not be beneficial for some businesses.</p> <p>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 &amp; Shop and Big Y have not returned calls; attempts to meet with stakeholders through the Chamber of Commerce have not been successful.</p> <p>Kevin Lake provided a visual aid that is available to the residents of Seattle.</p> <p>Councilor Adams provided some comparisons about plastic bags:</p> <ul style="list-style-type: none"> <li>.5 mils is typically for a grocery Store Bag</li> <li>.75 mils is typically for a dry cleaner bag</li> <li>1.5 mils is typically for a bread bag</li> <li>1.75 mils is typically for a freezer bag</li> <li>2 mils is typically for a retail shopping bag</li> </ul> <p>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.</p>

Referred by City Council On	Committee Referred To	Date Rec. Made	Recommendation	Details
9/18/2014		12/17/2014		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
1/15/2015	PW Commission	3/11/2015		<p>The Public Works Commission reviewed the proposed ordinance at its March 11 meeting. They have no comments.</p> <p>From the ReUse Committee  "The ReUse committee of the Commission on Public Works is very supportive of the proposed amendment for Environmental Protection and Solid Waste Reduction, Ordinance 272-18, for prohibition of thin film single-use plastic bags. We think this is a significant step in the City of Northampton's attempt to be proactive in environmental protection. While we are hoping for future action in terms of reducing styrofoam containers, we think this current amendment is a great beginning."</p>

Referred by City Council On	Committee Referred To	Date Rec. Made	Recommendation	Details
1/15/2015	PW Committee	2/23/2015		<p>Councilor Adams recommended the following amendments:</p> <p>In Ordinance 14.229 - Ordinance to amend Section 272-18 paragraph 1.6 of the Code, delete "located within the City of Northampton"</p> <p>Councilor Klein moved to accept the proposed amendment; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.</p> <p>Also in Ordinance 14.229, all references to the Health Department should be amended to read: "the Health Department or the Mayor's other designee". Noted sections where the amendment would apply are: section 5.1, 5.2, 7.1, 7.2, 7.4, and 7.5. Also, in Ordinance 14.245 which modifies code section 40-5, the Enforcing Officer should reflect the same proposed amendment. Councilor Klein moved to accept the proposed amendment; Councilor Adams seconded the motion. The motion was approved on a voice vote of 2 Yes, 0 No.</p>