



*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*

***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-filmed 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:
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