

APPROVED

TOWN COUNCIL MINUTES ORDINANCE COMMITTEE Town Hall Council Chambers March 9, 2020

Present: Ken DiFazio, Chairman
Arthur Mathews, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor

Also Present: Robert Luongo, Director of Planning
Owen MacDonald, Traffic Engineer
Joseph Callanan, Town Solicitor
Christine Howe, Project Manager

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:45 PM.

20 013-Traffic Regulations Chauncy Street

The chair reported that the Ordinance Committee previously deliberated this measure on February 23, 2020. The Traffic Engineer made a presentation then. A public hearing is scheduled for the Town Council meeting to follow. The chair suggested that the committee delay action until after the public hearing has closed, and meet again following it to determine a recommendation to the full Town Council. He asked the Traffic Engineer to provide an update.

Traffic Engineer Owen MacDonald reported that a public meeting was held on January 30, 2020 at the Old South Union Church to provide information to, and garner comments from, the stakeholders. Questions were asked, concerns were raised but it appeared to be generally acceptable to those present. Bob Luongo added that one of the business owners brought up concerns with hospital employees parking in the town lot, and general enforcement of traffic in the area. He assured the business leaders that he would contact the hospital about the parking and the police chief about traffic enforcement. Since then, SSH has been diligent making sure that lot and street parking were not being utilized by their employees. The mayor also asked the police chief, who is having enforcement done there as well. The town will continually address this with periodic sweeps of the area. This was also part of the improvement plan for Columbian Square in creating the one-way street and angled parking along the left side of Chauncy Street. The mayor received a \$50,000 state grant for the 25% design and he has committed to fund the remaining \$225,000 to complete the 100% plan. Once plans are in hand, they will search for the approximately \$4,000,000 to complete construction. Councilor Mathews asked if the Traffic Engineer will provide a power point at the public hearing and he responded yes.

Issue- Restricting Single Use Plastic Bags

The last time the committee met on this was October 17, 2019, at which time the committee voted to forward a draft ordinance to the full Town Council. At the same time, it was sent to the mayor's office for comment. Apparently, the administration provided a response that wasn't received in the Town Council Office. It has been received now, dated November 26, 2019, and copies provided to the committee. There were several issues the administration brought forward along with additional work and personnel required in order to implement the proposed ordinance. The committee received a letter dated March 4, 2020 from the petitioner, Michael Yavorsky, with comments to the administration's response. Ms. Howe provided a summary of the administration's letter and the response from Mr. Yavorsky. She apologized for the miscommunication on the administration's memo. It was resent on February 10, 2020.

The mayor supports the purpose of the ordinance; most of the issues are the implementation and burden it places on the Health Department staff, with public outreach to businesses. Most recently, with the increased age for purchase of smoking materials, the Health Department completed a comprehensive process to educate retailer establishments; the same level of due diligence would be required for this proposal. The administration also wanted to see how surrounding communities enacted their policies and see whether this one is in line to avoid the same negative consequences they may have experienced. Impact on consumers was also a concern; a regressive tax on low-income individuals if they have to buy re-usable or paper bags. Enforcement of the ordinance would be through the Health Department and as Director McCormack outlined in his memo, the DPW has typically dealt with waste disposal issues. This would need to be determined. The other issue is timeline; retailers probably have stock, so implementation would have to take into account a phase-in period. Finally, the mayor notes the MA legislature is considering a single-use plastic bag ban, which was approved by the Senate and is before the House. He would not want to enact something that might contradict with what the state is considering. The state's bill has built in definitions and programs for low-income residents purchasing bags that may be more comprehensive than the draft ordinance. Ms. Howe suggests that it may be worth waiting to see what is voted at the state level first. She has not gone through Mr. Yavorsky's responses in depth, there still should be more conversation on the subject.

The chair asked the committee members for their comments.

Councilor Haugh noted that it's not a new concept. 138 cities have already adopted a ban. She had a copy of the Senate Bill 2410, which has a lot more detail, but for the most part is the same concept, and also mimics what most other communities have adopted, including Boston and the entire Cape. The draft ordinance offered a fee of 10 cents per bag, but it was up for discussion (other communities don't require a fee). She noted the state bill also has a 10-cent fee, (section 2C-E) but the retailer can only keep 5 cents. The balance goes to the state, which then in turn goes back to the town. Right now, in those

towns that have already enacted a ban, the fee that's collected is kept by the retailer. Once this passes, the retailer has to turn over half of the bag fee proceeds to the state. It's a bigger burden on the retailers going forward. She recognizes that other towns have enacted this but for the state, it's a tax grab. The chair asked for a copy of the Senate bill for their review.

Councilor Mathews asked what happens if the state adopts before July 1st and the town has already determined, if they adopt an ordinance, they do not have the personnel to implement the enforcement. Ms. Howe responded that the state's bill allows the towns to determine how it will be administered. Councilor Mathews noted that although the Health Department is not responsible for trash enforcement, they do take part in the involvement as it relates to business refuse. Councilor Haugh noted that she reached out to the Health Department in another town that has implemented the ban, and reported that there are resources available to simplify the implementation and without complaints.

Councilor Heffernan suggested waiting to see whether the state takes action before the end of the legislative session. He also requested that Director McCormack come to their next meeting for a discussion to iron out complications. He believes many communities are heading in this direction, which is good, but it also has to be made right for Weymouth. All the better if the state is heading there too, because then everyone is on the same page.

The chair noted that all of the outreach required will have to be done by enacting an ordinance and should probably be done before the fact. If the state passes it, the administration will have to coordinate.

Councilor Haugh responded that back when they began, they created the draft in case that was the direction the administration was leaning.

The chair suggested they take the questions and comments, but reserve action until such time as the state may take action before reporting back to the full town council. He recommended they take it under advisement at this time.

ADJOURNMENT

At 7:10 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

Attachment:

1. Memo from administration dated November 26, 2019
2. Response to Memo dated March 24, 2020 from M. Yavorsky

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Ken DiFazio as Budget/Management Committee Chairman
Voted unanimously on 27 April 2020