

Borough of Doylestown

Environmental Advisory Council

Minutes of the meeting held Tuesday, October 18, 2022

Attendance: George Mullikin, Karen Graziano, Kristin Winters, Grant Alger, PR West, Karyn Hyland (Borough Staff), Wendy Margolis (Borough Council)

- 1) **Call to order:** George M. called the meeting to order at 5:36 pm.
- 2) **Approval of minutes (September 20, 2022):** The minutes were approved by common consent.
- 3) **Carry-Out Bag Ordinance:**
 - a) George M. reviewed the public meeting from Sep. 20. About half of the attendees from the public today had been in attendance at that meeting as well. We received important public comment and feedback at that time.
 - b) Karyn H. said the general feedback was that the required fee for paper bags and the amount of time to deplete existing inventory had been concerns. She noted that staff and the EAC have reviewed and done some revisions to the ordinance since that time and are now here to discuss it.
 - c) The elimination of single-use plastic bags was generally supported by those in attendance at the previous meeting.
 - d) The current revised ordinance was reviewed with the following changes noted.
 - i) One concern was that bags be labeled as 40% recycled. The language has been updated to reflect that there may be other ways to show that the bag meets the ordinance.
 - ii) Implementation has been more specifically defined.
 - iii) Paper bags may be provided only upon request but will not require a fee. Reusable bags may still be sold at establishments.
 - iv) The signage timeline is more clearly specified.
 - v) An 'Extension for Existing Inventory' has been added.
 - e) Grant A. said that the opposition to the fee is understood, but it is still important to note the guidance from PE was to use a hybrid ban/fee. Grocery stores often appreciate the fee aspect because it helps them manage the increased cost of using paper bags. George M. noted that paper bags take a long time to break down, and they require a lot of energy to produce; they do have their own costs. He also reviewed a study done of some other municipalities which showed that the ban/fee hybrid is most effective
 - f) The group discussed if we could make the fee optional. Karyn H. said if it is optional it won't be regulated, so it would not need to be in the ordinance. She said the Borough solicitor recommended not referencing an optional fee in the ordinance but it can be included in the public education component. In other words, businesses can optionally charge a fee but it won't be regulated or included in the ordinance. The ordinance deals with regulation not instruction.
 - g) Question: Jona Franklin, Lilies of the Field owner, asked if businesses can tell customers they can provide bag by request. The group discussed the section, 2b, that says bags will be

available only upon request by the customer. Karyn H. said the more info we provide the better, but the more we include in the ordinance the less nimble it is, so we should keep the ordinance simple. The group also discussed that if the ordinance includes that bags are provided only upon request, the section describing signage may need to be changed, education would need to include information about the request, and businesses like takeout restaurants that by default require a bag might encounter confusion.

- h) George M. suggested we removed the section 2b about customers being required to request a bag. Karen G. made a motion that we consider the amended ordinance with the elimination of 2b. PR W. seconded, and the group discussed.
- i) Comment: Nerice Kendter of Busy Bee Toys thanked the EAC for listening and being willing to make adjustments. She noted that there are fewer types of bags available due to ongoing supply issues, and it may be difficult to source bags with the appropriate amount of recycled material. A business may be limited by what is available. The group thanked her for this information.
- j) George M. moved that we amend the current motion to also include that we redefine retail establishments to include only pharmacies, convenience stores, and grocery stores, which would exempt most of the small businesses that have expressed concerns. Karyn H. said the previous Borough solicitor had advised it was important to make the ordinance consistent across all businesses. Karen G. asked if there is a process for amending an ordinance if changes are needed in the future, and Karyn H. confirmed there is a process in place for this. This motion to include a change to the definition of a retail establishment was not seconded, so the definition will remain as is.
- k) Comment: Lori Kesilman of the New Britain Borough Council said New Britain is considering doing an ordinance and they have looked at other municipalities' work. They would like to have an ordinance similar to the one we are considering. They understand the importance of a fee.
- l) Wendy M. asked if the ordinance considers Door Dash and other delivery services. The group confirmed delivery services are included in the ordinance.
- m) Comment: Jona Franklin, Lilies of the Field owner, noted that the ordinance defines thicker plastic bags as reusable. She said it seems like it would be best to encourage the use of cloth rather than plastic bags. The group thanked her for this input.
- n) Question: Loren Frasco of New Britain Borough asked if we have addressed plastic straws and why they are not in the ordinance, and she said some other local municipalities are addressing straws. George M. noted we originally considered addressing straws as well, but decided to focus on something that would still have significant impact and would not cause confusion. Karyn H. said if straws are in a separate ordinance they can be addressed legally as a separate issue.
- o) An owner of Le Macaron French Pastries asked about delivery items. The group clarified that she can pack delivery items in the approved bags for the delivery person.
- p) The group agreed that public education regarding the ordinance will be critical and can be used to address the topics discussed during this meeting.
- q) The standing motion to eliminate 2b carried. The draft ordinance will now go to the Environment and Recreation Committee, who will decide if it should be sent to Borough Council.

4) Reports

- a) **Farmer's Market:** Karen G. She is submitting an application for a bimonthly shared table for EAC, Master Gardeners, and Bird Town info.
- b) **Outreach and Communication:** Grant A. The plastics page on the website was updated last month. He is working on the next updates, especially comprehensive FAQ and Resources like signage, downloadables, and resources for businesses in general. The group discussed a green

certification programs for restaurants; the EAC has discussed this in the past and can discuss it again.

- c) **Bird Town:** Kristin W. A bird walk at Fonthill on 9/25 reportedly went well and available registration spaces had all been filled. This winter we will discuss spring collaborative (Borough and Township) walks with Heidi Shiver. The new Bird Town signs may be dropped off at Borough Hall.
- d) **Comprehensive Plan:** Kristin W. The survey for the comprehensive plan has been sent out. It must be completed by 11/8.
- e) **LCAP:** George M. EAC reps met with the Penn State leadership. Requests were submitted for utility data and some data should be available this week. The goal is to provide some info by the December meeting. PR W. asked if George M. and Steve Nelson have enough help at this point; George M. said they do, and the student wants to take most of the burden right now.

- 5) **Old/New Business:** Grant A. said he and George M. attended the Doylestown Township EAC community conference, and he expressed thanks to the Township for organizing. It was well attended. The four primary topics were: plastics, LCAP, deer control/abatement, and watershed certification (Penn State Extension program).

- 6) **Adjournment:** The meeting was adjourned by common consent at 6:46 pm.

Next meeting: The next EAC meeting is scheduled for Tuesday, November 15, 2022, at 5:30 pm.