

Borough of Doylestown

Environmental Advisory Council

Minutes of the meeting held Tuesday, April 16, 2019

Attendance: Mike Moscherosch, Karyn Hyland, Kristin Winters, Steve Rubenstein, David Kapturowski, Wendy Margolis, Joe Wallace, Adam Howell, George Mullikin, Anne Woodbury (Doylestown Township EAC), Mayor Ron Strouse, Ben Bell, Jordan Yeager, Jack O'Brien, John Davis

1) Call to Order: Mike M. called the meeting to order at 7:39 pm.

2) Presentation by Jordan Yeager, Doylestown Borough Solicitor and Solicitor for Solebury Township

- Jordan Y. presented material regarding municipal authority in PA for informational purposes. Each state's extent of municipal authority is variable; we are looking at this from purely a PA perspective. Our starting point is that you can't regulate anything unless the law specifically says you can regulate it. Home rule is generally defined as a transfer of authority to the local municipality, and is only in place in certain situations.
- The PA Constitution Declaration of Rights (the rights held by the people) specifically outlines the limitations of governmental authority. Constitutional Environmental Rights (PA Constitution Article 1, Section 27) limits what government can regulate, which we need to consider; however, the last clause puts on the government the duty to conserve and maintain, which could be applicable.
- It is uncertain what the outcome would be if we developed an ordinance and it was challenged. We must make sure we don't over-rely on the amendment to defend any regulations. We don't have any specific examples of challenges regarding regulations of single-use plastics, so it would be up to the Borough to determine the risks. This discussion also applies to straws and Styrofoam; it is unclear what the results of a legal challenge would be.
- Narberth is currently the only community in PA which has enacted regulations re: single-use plastics. Narberth has structured their fee for single-use plastics so it goes back to the business; in that way it's not a tax (which would not be allowed).
- There are a number of municipalities considering regulating single-use plastics; should we all head in the same direction together? One thing to consider is that we would make a bigger impact on the plastic industry, which might involve a challenge. However, there could be strength in numbers; it might be worth all joining together and fighting a challenge together. The biggest risk would be if we all do something slightly different; this would make the regulations difficult for the industry to abide by and could invite challenges. More consistency in the regulations between municipalities is probably better.

3) Approval of Minutes: Kristin W. noted that George M. needs to be added to the minutes of the last meeting. Joe W. made a motion, and the minutes of the last meeting were approved as written with the change noted.

4) Old/New Business:

Green Business Practices

- Wendy M. discussed some information that she presented to the Borough Environment and Recreation Committee. There are other municipalities now trying to take action, and we probably don't need as much research as we think we do; we can start moving forward. Wendy M. spoke to a resident who knows a lot of restaurant owners and will speak to the restaurants in town; she has some other contacts (e.g. Discover Doylestown) who will help in a similar capacity.
- John D. noted that there is a group going to Narberth next week to discuss their program with them. He also said we will get New Hope's information from them. Things are moving quickly and we will be given information as it comes in. One of the questions is how we will take the program we develop and present it to the community. Mike M. noted that there may be different strategies for reaching different groups in town, which will be good information to gather.
- We can decide how to approach the businesses once we have developed the program that we want to have. We need to move forward and will work proactively on how to present it as we develop it.
- Jordan Y. noted that New Hope is planning a one-year educational process for their program. This program has been spearheaded by their Junior Council.
- John D. described that we need to think about how we will articulate our purpose to the community and what our alternatives will be for compliance (define the problem, present an alternative). If there is resistance, it will likely be people questioning how we propose they should do something differently. George M. noted it would be good to have examples of other businesses who have made this work.
- Mayor S. presented info on this topic to Discover Doylestown recently. The response was that they are very positive about working on it, and they may bring some people in to their next meeting to provide some more information.
- Narberth is much smaller than Doylestown, about half the size, with a much smaller business district. They do not have to deal with chain businesses as much as we would; however, these chains are being regulated in other larger communities so it may not be as difficult to work with them as it seems it might be.
- Mayor S. noted it's important that we have a very robust conversation with our business community and get them involved in the process. Wendy M. noted we should make sure we have the language in place that we want to use before we have the conversation.
- The group discussed that we will want to survey the community so that we have information about consumer preferences to share with the merchants. Merchants may likely already be aware of the issues and will need information about what they should be doing to comply. A survey of businesses could ask what they're doing now. There may be some businesses that have processes in place that could be useful to others.
- Anne W. said there is quite a bit of enthusiasm in Doylestown Township and other municipalities to begin addressing single-use plastics.
- Adam H. noted that it would be good to know what an organization like Wawa is doing already and what their thoughts are. There might be information on the website. We could also send them a letter to get some information. The Borough may be able to begin a conversation with them.

- Ben B. noted that we could also consider regulations on event vendors. They are in a different category which could be treated as a related but separate entity. Recycling is also an issue at events. It could be more straightforward to work with the vendors since there are requirements they need to abide by. The Borough ordinances could be addressed to include more requirements for recycling and the other issues we've been discussing.
- Wendy M.'s outline she distributed to the group proposes a schedule we can follow to gather information and get the process started.
- George M. reiterated that we need to write our "preamble" – why we are doing this and what we have decided to address. This is something that all of the other municipalities are doing and we can look at their examples for our model. Joe W. noted that we should include a mission statement and within our initial document we should decide which product(s) to address. Our preamble could address "single-use plastics" but we could decide to address just bags and straws for now and wait on something more complex like take-out containers.
- Adam H. reported that within the next couple of years Kroger will no longer be using plastic bags.
- By next month we need to have something put together if we are going to have a document to share on 6/12 at the summit. We need to focus for now just on what we need to do – not how. We will use other documents for information to help us put this together.
- In the next two weeks we will craft our preamble together. At our May meeting we will hear from the Borough representatives about their meeting with Narberth and we will have our draft to share. This document will include what we want to achieve, i.e. the reduction of single use plastics, and why we want to do this. We can include some language about the mechanism in this draft document, but it doesn't need to be exact.
- We will work on a shared document to create this draft; Joe W. will share a document with the group to use. By one week before the meeting we will each add anything we have worked on so we can read through everything and discuss it at the May meeting. We will post the documents by 5/14 so we can discuss on 5/21; Mike M. made a motion to do this, Adam H. seconded; the group approved.
- Joe W. has a connection to the mayor of Narberth and will have a discussion with the mayor.

EAC Summit at Del Val

George M. made a motion that the EAC attend the EAC Summit at Del Val on 6/12, Kristin W. seconded; the motion was approved. All EACs in Bucks and Montgomery counties are invited there.

Memorial Day Float

Steve R., Mike M., and George M. will put the float together on 5/26 the day before the parade, which is on Memorial Day 5/27. Adam H. will help if he is available.

5) Adjournment: Joe W. moved to adjourn the meeting, and Adam H. seconded that motion. The meeting was adjourned by common consent at 9:32 pm.

6) Next Meeting: The next EAC meeting is scheduled for Tuesday, May 21, 2019 at 7:30 pm in the Doylestown Borough Hall.