

CITY OF PORTLAND, MAINE

Standing Committee on Transportation, Sustainability and Energy

Councilor David Marshall (D2), Chair

Councilor Jon Hinck (A/L), Vice Chair

Councilor Kevin Donoghue (D1)

Councilor Cheryl Leeman (D4)

March 19, 2014

Meeting Minutes

Attendees: Chair David Marshall, Councilor Kevin Donoghue, Councilor Cheryl Leeman, Councilor Jon Hinck, Mike Bobinsky, Melissa Graffam, Troy Moon, Jen Thompson, Joe Dumais, Nathan Robbins

Chair David Marshall called the meeting at 5:37 pm.

1. Approval of January 15, 2014 Meeting Minutes

Motion made by Councilor Hinck to approve of said meeting minutes. Seconded by Councilor Donoghue. Passed 4-0. There was an error in the spelling of Christian McNeil's last name and that has been corrected.

2. A. Evergreen Cemetery and the Use of the Chapel

Joe Dumais, Department of Public Services Parks and Cemeteries Coordinator presented the requested two (2) changes for Chapter 7 (Cemeteries) of the City Code. The changes are to have the item regarding insurance of monuments (stones) be removed from the city code. They have not sold the insurance in over 30 years. The second change would be adding language in the City Code to permit the City to charge a reasonable fee for use of the chapel for funerals, which currently there is no charge. This fee would help cover the costs related to holding the events in the building (such as cost of care, labor, heating, cleaning).

Motion was made by Councilor Leeman to recommend as staff presented to City Council. Seconded by Councilor Donoghue. Passed 4-0.

2. B. & C. Green Packaging Task Force – Polystyrene and Plastic Bags

Councilor Suslovic introduced the Green Packaging Task Force's work on the ordinance change of plastic bags. The task force found while researching that a lot of communities around the country have already banned (or imposed fees) for plastic bags. Business owners would be allowed to retain up to 40% of the bag fees to recover the cost of the policy. The anticipated effective date on the ordinance change is on July 1, 2015 for polystyrene; and on April 1, 2015 for plastic bags.

The Committee opened the discussion with comments from the public.

Glenn Brand, Sierra Club Director – They have over 200 supporters in Portland. Supports the ordinances and would like to see it sent to council.

Barbara Anania, Portland Resident, owner of Anania's – Opposes the ordinances. Family has been in business for 50 years in the Portland area. These are hard economic times. Businesses will have to absorb the fees and then pass along to customers. The polystyrene works in keeping food hot and contained. Wanted to know why florist and crafters are not included in the ban?

Donnie Gallanger, Portland Resident, Member of the Sierra Club – Supports the bans. Plastic waste is dangerous to humans. It causes birth defects and cancers. The toxins can be found in fish. BPA breaks down and goes into the body system.

John Wheeler, C.N. Brown Company, Big Apple Stores – Opposes the bans. The person who litters and throws the bag won't care about the ten cent fee. Enforce the littering fines. Responsible people and businesses are not the problem. C.N. Brown had a refillable mug program which had disappointing results. Customers want the clean cup with the plastic lid.

John Hathoway, Shucks Lobster – Appreciates the exception to those in the seafood industry.

Sally Trice, Portland Resident – Supports the ordinances. We can't just look at today's bottom line, we need to look at the future for our children's children.

Jaime Py, Maine Energy Marketers Association, Portland Resident – Opposes the ordinances. Let the markets decide what they want to use. He personally reuses his plastic bags.

Andy Charles, Haven's Candies, South Portland Resident – Opposes the ordinances. Mr. Charles submitted a letter to the Committee; this letter is attached with the meeting minutes.

Claudia King, Sierra Club, Falmouth Resident – Supports the ordinances.

Tyler Kidder, USM Sustainable Programs, Green Packaging Task Force Member – Supports the ordinances. Ordinance is about reducing litter. We all pay for the clean-up of these items in our communities.

Shelley Doak, Executive Director of Maine Grocers and Food Producers Association – Opposes the ordinances. Ms. Doak submitted a letter to the Committee; this letter is attached with the meeting minutes.

Chris O'Neil, Portland Chamber of Commerce – Opposes the ordinances. Proposes an alternative to the ordinance. Stated current ordinance has several penalty fees for non-compliance. Seems counter to supporting businesses.

Greg Dugal, President and CEO of Maine Restaurant Association – Opposes the ordinances. Also asked what would be the reporting schedule of the plastic bags sold. Monthly? Weekly? Also, how would the City going to staff this? Mr. Dugal submitted a letter to the Committee; this letter is attached with the meeting minutes.

Steve DiMillo, DiMillo's Restaurant – Opposes the ordinances. His business decided a while ago to stop using polystyrene. Too many impacts on businesses in Portland. Can't keep beating up on the business owners.

Ben Tettlebaum, Conservation Law Foundation – Supports the ordinances. Mr. Tettlebaum submitted a letter to the Committee; this letter is attached to the meeting minutes.

Alan Zimmerman, Portland business owner, Cape Elizabeth Resident – Opposes the ordinances. 1980's foam had carcinogen in it, polystyrene does not. When polystyrene is burned it burns clean.

Curtis Picard, Executive Director, Retail Association of Maine – Opposes the ordinances. Asked why is the city looking to keep 60% of the bag price? Feels that this would be a revenue stream for the city. Mr. Picard submitted a letter to the Committee; this letter is attached to the meeting minutes.

Steve Rosario, American Chemistry Council – Based in New York and has family here in Maine. Opposes the ordinances. Not an apple to apple comparison to Freeport CFC's. Polystyrene is 90% air; 10% material. Mr. Rosario submitted a letter to the Committee; this letter is attached to the meeting minutes.

Paul Poe, DART Container Corp., New Hampshire Resident – Opposes the ordinances. If you ban polystyrene you will need something to replace it. Once paper is contaminated it cannot be recycled, where polystyrene and plastic can be cleaned and then recycled.

Sarah Lakeman, Natural Resources Council of Maine – Supports the ordinances. Ms. Lakeman submitted a letter to the Committee; this letter is attached to the meeting minutes.

During the public comment period the Committee also received letters from Paul's Food Center, Hannigan's Island Market, Pratt-Abbott Cleaners and New England Convenience Store Association were also turned in. These are also attached to the meeting minutes. After the meeting via e-mail, a letter from Cumberland Farms was received. That is also included in the meeting minutes.

The Committee then asked questions regarding the ban of polystyrene. Councilor Suslovic said that staff drafted the changes in the ordinance as noted by the council. Councilor Leeman asked what changes were made. Jen Thompson said that they added the exemption to raw seafood processors. Staff also cleaned up the definitions. They made modifications to the definition of polystyrene and took out some of the scientific parts, and focused more on the actual product.

Councilor Leeman requested to get answers to questions that were asked at a past TS&E meeting. Along with to identify the sources of where the information came from in the documents.

Councilor Marshall also requested that the questions that were raised at the City Council meeting be addressed for review at the next TS&E meeting.

Councilor Hinck addressed the public and said that he greatly appreciated the testimonies. He then asked Steve DiMillo, that since he has eliminated polystyrene from his restaurant, what is he using instead. Mr. DiMillo said that they switched over two (2) years ago to a pressed paper (cardboard type) container. They also line that with tin foil.

Councilor Hinck asked what economic harm to Freeport for what they did. Mr. Zimmerman responded that a restaurant in Freeport went to spending 8 to 12 cents on a foam tray to paper trays that cost up to 75 cents. There was a tremendous economic strain to them.

Councilor Suslovic said that they did consult Freeport and they said that they have had no complaints or had to issue any fines.

A question was raised by Councilor Donoghue regarding if soup kitchens are exempt from the ordinance. Staff will need to look into that question more.

Councilor Leeman requested to see a survey from a city that has switched to recycling polystyrene. She also requested a paper on the lifecycle of polystyrene. She mentioned that there is a lot of misinformation with the information from Freeport, since CFC's is not used anymore. Councilor Leeman also asked for the demographics of those that would be affected by the ordinance (Number of stores, population of city, number of business and compare with those of Freeport).

Councilor Marshall asked to make sections D & E its own section. He also had a concern of trying to implement this ordinance (and the plastic bag ban ordinance) within months of each other.

Motion was made by Councilor Donoghue to postpone a decision on the banning of polystyrene ordinance to next meeting. Seconded by Councilor Hinck. Motion passed 4-0.

The Committee then discussed the ordinance of banning of plastic bags.

Councilor Suslovic mentioned that two categories of businesses are exempt; dry cleaners and restaurants.

Councilor Donoghue said that he is not a fan of the approach of the bag fee. He also asked about the rational of treating paper bags the same as plastic bags. Councilor Donoghue also asked the actual cost to purchase a plastic bag? A paper bag? Councilor Suslovic said that cost is significantly less for plastic to ship and to manufacture, whereas, paper costs more to transport and produce. It was also mentioned that there is alternatives to using plastic bags at stores, such as purchasing reusable bags.

Councilor Suslovic reminded the committee that this is a user fee and not a tax. There is the option of reusable bags or even reusing the plastic bags that you currently have.

Councilor Donoghue asked about the projected revenue. Councilor Suslovic said that they do not know how many plastic bags are used in Portland, but believes the revenue would go down over time.

Questions were asked about the policing of accounting from businesses. Councilor Suslovic said that it would be voluntary compliance and not to be a burden to businesses or on our staff resources.

Councilor Leeman said that she cannot support this ordinance at all.

Councilor Marshall said that he thought there was some inconsistency with Section 12-23.

Motion was made by Councilor Leeman to postpone a decision on the banning of plastic bags ordinance to next meeting. Seconded by Councilor Donoghue. Motion passed 4-0.

3. Adjourn

Meeting adjourned at 8:22 pm.