

March 8, 2018

A continued public hearing on the proposed local law "Carry Out Bags" was held by the Town Board of the Town of Warwick on Thursday, March 8, 2018, at the Town Hall, 132 Kings Highway, Town of Warwick. Supervisor Sweeton resumed the meeting at 7:21 p.m.

ATTENDANCE: Supervisor Michael Sweeton
Councilman Floyd DeAngelo
Councilman Russell Kowal – Absent
Councilman James Gerstner
Councilman Mickey Shuback – Absent

Attorney for the Town, Jay Myrow

LEGAL NOTICE: Clerk read the legal notice which was duly published in the Warwick Valley Dispatch on February 14, 2018. (Copy of legal notice posted at the end of these minutes)

Supervisor Sweeton – This hearing is a continuation of the hearing we opened last week which is the carry out bag law or ordinance that's being considered. We took a lot public comments two weeks ago and we decided to keep it open to get some more input. I had a conversation with the Food Industry Alliance and Jay Peltz is here tonight from that. Alliance represents food stores in New York State and Shop Rite and Price Chopper are members of the association. Jay pointed out a couple of things to me that I will talk about later and he can elaborate on it if we need it. One thing our law did not provide any provision for a grace period where the store wouldn't get penalized where they can do promotions and giveaways. We would have to put something in the law to do that and then there is the conversations with the stores about promotions and things like that, so they are still being developed and we are waiting to hear more on that. The Board received several pieces of correspondence some in favor and some opposed. The concerns continue to be the affect on the senior population. I did learn in my conversations with Jay that if you get home delivery the bags that come to you in home delivery you do not get charged because there is no way the person initiating the order can determine how many bags are going to be used. That was a concern of a gentleman who called me that is essentially homebound and gets home delivery and is concerned about that will work. The concerns raised were again why aren't we doing it with paper, paper is recyclable, yes, it is recyclable but it is very energy intensive to produce. The issue is to get you to use a reusable bag and that's why its included. There is a lot of positive comments, people understand the need. Even the people who sent in and were opposed understand the need of getting rid of the plastic bags. I think there was a little bit of consensus around that portion of it. These will all be entered into the public record and the Clerk will have them. I have no other comments at this point but we are still gathering information.

Michael Newhard – Mayor, Village of Warwick, NY 10990 – I’m here with a few hats on, first of all I want to commend the Board for entertaining this and looking at it. I think it’s interesting that we just had a public hearing on PDR which in my eyes was the beginning of us really recognizing what it meant to think about preservation in a big way or big picture. Now it comes down to details and it comes down to how can we best affect our environment. I applaud you and I think it’s a very good idea and I think there are many ways we can figure it out in a creative way. We are such a resourceful community and I believe that we can figure how it can be affordable for our seniors and how we can change our culture in increments and make a difference. This is a home rule state of course, so a town wide law is specific to the town and its very important because we have some heavy hitters in terms of those disposable plastic bags. The village is very different we have a very large senior population of course and that is great concern how this affects them. We also have a village of small businesses and how would it affect those small businesses. If the village is to entertain a similar law would we would do extensive outreach to those businesses to make sure we can come up with the type of local law that makes common sense to them but also will help the environment.

Supervisor Sweeton – I was clear at the last hearing but I will do it again for those of you who weren’t there. This only affects businesses in the town not the village as the Mayor pointed out. We have home rule and they would have to enact their own ordinance. We have worked from the beginning with not only the Food Industry Alliance but the members that are so important to our community the Price Chopper and the Shop Rite Supermarkets are two important companies in our town and we didn’t want to do something that would hurt them. We tried to take their concerns in as we looked at legislation and we continue to do that and that’s important. There are some exceptions in the law for WIC and SNAP recipients who are getting WIC and SNAP by virtue of having a real need and so they are exempt. As we mentioned and learned the home delivery customer would be exempt and there are certain bags that would be exempt when you get your meat put into a bag you are not charged for that. When you put your vegetables into a bag you’re not charged for that it’s the bag at the checkout counter. There are some other miscellaneous ones like dry cleaner bags, prescription medicines that are put into a bag are exempt and there is one other for liquor stores. There are some exemptions and there are some efforts to try to mitigate it on those most desperate and that’s the way it stands. Before it’s adopted changes can be made and we will look at that.

Doug Stage – Resident, Warwick, NY 10990 – Good evening I applaud you for doing this for our town. Back in the 60’s or 70’s I was a child and we paid 5-cent to 10-cents for our phone here in Warwick. The PDR we are one of the only few towns in the whole state that does that, thank you for doing that. Thank you for the leadership. Some of the objections I think can be overcome. If you pay 5-cents for your bags and you buy 5 of them and put them in the corner and take them back to the store next time you’re not paying 5-cents again for those bags. The stores have advertising now on their shopping carts so I can see that maybe they might want to advertise tote bags in the future. I know that the stores are to keep the 5-cents per bag which is a sticky point perhaps they can keep it themselves for issuing tote bags. 11 million bags in the Town of Warwick for 40,000 people is ridiculous, it

clogs our streams, it kills our animals etc. Thank you for your leadership and please pass this law.

Penny Steyer – Manager, Town of Warwick Farmers Market, Warwick, NY 10990 – I’m here tonight as the manager of the Warwick Valley Farmers Market on behalf of farms and who have farm stands on their farm property. In reading through the legislation there are two things that come to mind, the first thing is we operate under the Food Modernization and Safety Act of 2016. This comprehensive federal and state law is adopted by New York State at the same time the FDA and the Department of Agriculture came out with it. The department of Ag and Markets worked proactively with farms across the state to make sure that farms were in compliance by the date the legislation took effect on October 15th, 2016. Today each farm in New York State has been asked to create its own Good Agricultural practices protocol, it’s called the GAP protocol. As part of that specifically rules of protocol are developed to meet the requirements of the food modernization and safety act specific to the products that these farms raise, compliance becomes part of their routine inspections. This resulted because CDC, the Center of Disease Control started looking at why we were having so many problems with food contamination. One of the foremost reason was cross contamination and the other one was contamination by pets and that’s why we don’t have dogs in our market. At the farm market level and this includes those people who have markets at their farms, it means that meat has to be separated even if its previously cryovac’d and frozen. It has to be separated from produce, vegetables, eggs can’t be contaminated and of course you don’t want your pies contaminated by your pickles. They do make allowances, these people work together, Ag and Markets works together with the farms to determine what is the best way, for instance mushrooms go out in plain paper bags because putting them in plastic doesn’t work. When this came up I made sure that sustainable Warwick was well aware of this new law, but I don’t see a proviso for it in your law. The Food Modernization and Safety Act doesn’t differentiate between typical single-use produce bag or a carry out bag. Those carry out bags or what we call t-shirt bags are less expensive for the farmer, hold more produce or specific items such as large melons or multiple ears of corn and are less susceptible to tearing then your typical produce bag. A produce bag is what I really consider to be a one-use bag and it often ends up being the green experiment in the back of the refrigerator. I doubt very many people take it out, clean it and give it back to you to recycled. In looking at New York States initiatives and they wanted to enact exactly what you are doing, they found out in some cases the carryout bag was less detrimental then single use films that end up going into waste. We would like to claim our exemption under the Food Safety and Modernization Act that a farm is over-arching a piece of legislation that has been adopted throughout New York State. It’s very clear that pharmacy bags have been exempted and the SLA requires wine and liquor still leave the point of sale in a bag which covers its top and I’m not quite sure why they ever went to using plastic. As a Town where agriculture is still its primary industry the safety of the food chain and the consumers that our market serves as key to the ongoing viability of agriculture and at the same time I would like to point this out to you this is a brand-new Shop Rite bag and yes, it’s a great logo for Shop Rite. I found this in my collection of various bags and you don’t even have to buy them anymore, they are most available anywhere for free. This is a

brand-new polyethylene bag never been used, no post-consumer waste the problem is most people don't go home and launder this even though it says it can be laundered and this is where the contamination comes. This might have had a plant in it, meat that leaked and was probably folded up and stuck back in the trunk of the car and brought back out to market. That's why we can't take the risk of making people sick with it.

Supervisor Sweeton – Thank you.

Irene Schacher – Resident, Warwick, NY 10990 – In 1964 I was at City College and as I was leaving the campus these two young fellow students who were in deep discussion about climate change. That's the first time I ever heard that expression over the ensuing years I have studied the science and have come to certain conclusions. I think that the carry bag law is very important, it's a step in the right direction since I do believe in climate change. It has had very good acceptance in other towns and cities all over the United States and in the world. In this way I think we are moving forward and little by little people will change the habits. There are exceptions and people who think about it understands that there's going to be. It's not the whole ball of wax by any means, but it's something very important and very important to Warwick. Thank you so much.

Supervisor Sweeton – Thanks for your comments.

Robert Baxer – Resident, Warwick, NY 10990 – I got used to the nickel for all the soda bottles but at least I get that nickel back when I bring the soda bottles back. I'm not going to get my nickel back if I bring my plastic bags back. I know that would be completely impossible to monitor, so this nickel that's now going to the stores is already built into their cost of goods. They have already factored that into their bottom line and now you're giving them another nickel for their profit on top of everything. There should be no unrestricted use of these funds. If you're going to pass this nickel back there should be a mandate that the collected funds go to some charitable organization that deals with environmental issues. The store cannot be allowed to enhance their profits. The retailer should not get the charitable contribution because they're not the ones that are given the nickel, we are. I would have them code the cash registers to reflect the money that's being collected from these bags and shown as a contribution on the sales receipt so that the individual who's actually paying the money can then take the benefit or the charitable deduction on their individual tax returns.

Supervisor Sweeton – I appreciate that, but I'm not sure legally in New York we can do that because essentially that would be imposing how they use the fund which would be a tax and we are going to look into that. I don't think legally we can do it. We can work with them to try to get them to do certain things. Both stores have always been cooperative. I don't know where that information will go but we will get it out to everybody before we are going to make our decision. We will look into it because we understand that issue.

Robert Baxer – This is just a hypothetical question.

Supervisor Sweeton – I understand it and I think it's well taken.

Robert Baxer – I'm sure there are representatives from the store here, if I go into the store and have my Shop Rite bag of groceries and I use to pay a nickel for a bag will you give me a paid sticker for every item that I put back into the cart because I don't have any bags?

Supervisor Sweeton – Thank you for your comments appreciate it.

Carolyn Martin – Resident, Warwick, NY 10990 - I'm an earth scientist and a specialist in long term climate change, but this evening I'd rather just offer a short and hopefully sweet account of what it was like in Ireland in 2002. When we became the first nation to introduce the plastic bag levy. Prior to the initiative the Irish people felt they were taking home more plastic bags than they had a use for and the result was considered an eyesore. The glaring unsightly of the bags spoke volumes of how unnecessary they were and the people in Ireland were in agreement to alternative solutions to their shopping needs and secondary uses of the bags were well in their grasp to figure out. There really was very little opposition and it became fun and almost a state of fashion to use the lifelong bags. In less than a year after the law came into effect the number of plastic bags per capital issued was decimated to a 90% reduction, it was an incredible success. Ireland introduced a levy of 15-cents a bag back in 2002, so that was considerably higher than what we are talking about here. This wasn't a ban that a nation had imposed nor a breach of anyone's rights, this was considered a sub nominal tax so people who felt they still needed them could afford them. It is also of no wordiness that the levies in Ireland were put to exemplary for environmental use, it was a state-run initiative, but something that can be considered here further down the road. Very importantly people felt they were doing good, it gave people an opportunity to moralize but also to do something tangible on behalf of the environment and it was buoyantly and brazen but graceful. The lady from the farmers market, to my knowledge in 16 years there has never been a contamination issue, indeed before woman in Ireland drove cars they went to supermarkets for decades with their wheelie carts that they never laundered and contamination is a very serious issue, but I don't think it results from the reusable bags because the meats are packaged securely prior to you placing them in those bags. Take this chance, the US is really behind the rest of the world now and you would be part of that leadership and it's a wonderful opportunity for you guys. I would love to be sitting up there with this in my hands, so over to you.

Supervisor Sweeton – Thank you for your comments, we could listen to you all night with the accent.

Michael Helme – Resident, Warwick, NY 10990 – I'm a member of the Sustainable Warwick BYOB Committee and thank you for considering this proposed law and for giving everyone an option to share opinions on it. I wanted to express my appreciation for the Town Board members and Supervisor Sweeton who are charged with doing the best thing for the residents of Warwick even when residents have different prospectives on what politics are the best. Some citizens have boldly expressed a short-term view that goes

something like this, New Yorkers are being nicked and dimed with taxes and fees so we shouldn't add fees to bags. We can all imagine when a bag fee first goes into effect that some people will feel quite upset when they learn they have to pay for their bags and we should be concerned about those people and respect those feelings. There is a broader long-term view for us to consider our custom to giving bags to anybody who wants them means we are being nicked and dimed to pay for those bags. Under our present custom residents are asked if they want paper or plastic and following this custom the residents of Warwick use an estimated 11 million plastic bags annually and we all share indirect costs for those bags. Those indirect costs may be hard to determine but they are real and they include the overhead of the shop keepers which raise the prices of items we buy. There's the long term environmental cost of the bags which will accumulate over centuries and there are the public health costs associated with the plastic pollution which are not fully understood. Charging the bag fee will introduce a new custom, instead of offering paper or plastic we essentially ask do you want a bag and residents will be asked do you need a bag. In this new system we will discover that shoppers actually need many fewer bags, perhaps 60-70% less. The overhead cost to shop keepers for carryout bags will disappear and the long term environmental and public health costs that we share related to plastic bags will also be reduced. In conclusion some citizens of our town will have short term problems with adapting to a new charge on carryout bags, but if the proposed law is adopted and acted I'm confident in the long run all of the citizens of Warwick for generations to come will benefit from the leadership and foresight behind this law.

Supervisor Sweeton – Thank you.

Bruce Wittels – I think you can see by the people that are here this evening no matter what their opinion is on this it's not all the representatives of 30,000 plus citizens in the Town of Warwick. I've spoken to a number of people about this evenings meeting and they didn't even know anything like this was going on. Many of them don't get the Warwick Advertiser, it's not presented in their mailbox or however they would get it. The only reason I saw it was because it was on the front page of the advertiser and I really feel this is not the proper venue for the vast majority of the citizens in the town to know about it. I think it should be put on a ballot for a vote and there's really no rush to implement this my recollection is by April 26th I maybe mistaken.

Supervisor Sweeton – It was talk of wanting to get legislation passed in time for Earth Day and that clearly is not going to happen.

Bruce Wittels – I still think it should go before the citizens that are going to be paying this 5-cents. It's not necessarily up to you or me or anybody here to determine what the majority wants.

Supervisor Sweeton – In reality we have a representative government and we are elected by the people, so in reality it can happen here that's how local laws get passed, but I'm not arguing your position.

Bruce Wittels – It's still my position. The other thing I would like to say is that in the County of Orange, in New York State the plastic bags have not one iota to the land. All of our garbage is collected and moved to Scranton, Pennsylvania. There are no landfills in this area. We use to have landfills but no more because people didn't want landfills in their towns, or homes or wherever they were. All of this stuff gets moved, if I throw this stuff in the garbage it doesn't have one iota in the Town of Warwick. It's going to Scranton, Pennsylvania and then to fill in the old mines that were dug down, not so much underground but on top of the ground and then these are being filled in and turned into areas that the public in Pennsylvania can utilize. It's not such a bad thing if it stays there for a 1,000 years that's ok. In reality if we dig a foundation for our homes and we drill a well we are hurting the earth, so how far are we going to take this. I don't think in my opinion this is specifically impacting Orange County especially Warwick. Again, my main thing is that not everybody knows this is in fact something that's happening.

Supervisor Sweeton – That's why we've extended hearings to try and get the word out.

Bruce Wittels – I appreciate that and that's why I'm here.

Supervisor Sweeton – That's why we want input, so thank you very much.

Leonard DeBuck – Resident, Warwick, NY 10990 – First I want to thank you Michael and the rest of the Town Board on your previous public hearing, it's exciting that PDR is continuing to have traction in the town. In the past it has changed our town considerably so that our ancestors would have been proud of us and I think our children after us will be very proud of the action your taking preserving farmland. I know if Seymour Gordon was here he would be extremely proud of what you're doing. It's exciting that you're able to leverage money with other people that have the same kind of goals preserving farmland. I wear a couple of hats tonight as well one being the Chairman of the Ag and Farmland Protection Board at the County level and I will touch on that later when I show you a sample bag made from hemp. What I wanted to do now is give you my personal opinion and some of it came from the dining room table with the next generation there and the next generation there because our grandchildren were there too. They asked what I was going to town hall for and I said there's this hearing about charging a nickel and how do you feel about a nickel on a bag every time Shop Rite gives you a bag or Price Chopper for only a gallon of milk or ice-cream and the next thing you know you have 15 of them. The consensus around my dining room was that a nickel is an incentive and the bag they give you isn't worth a penny, it's such a lousy bag. The thought was if you try to incentivize someone by penalizing them with a stick, like we are going to get you for a nickel I don't believe it's going to work. I did hear the astounding number tonight of 11 million and that really surprised me, I'm learning a little bit by being here this evening myself, but my thought before even coming tonight or asking my family about it was that they shouldn't receive the entire nickel if they are already giving you a bag, why don't they give you a bag that's worth having. Why don't you make it 25-cents and then instead of us being a little behind Ireland we can be a little ahead of Ireland and ask the people in the bag business because they are in the produce business of selling so many products they can make a bag

that's worth 25-cents. You might only need 6 or 8 of them and because it's such a high-quality bag you'll use it again. The bag they give you now creates litter and it's really an unsightly thing and I hate litter and no one likes litter. Markets drive things here in America and that's what they do. Now when we went to Aldi's when I was away we knew we were going to buy strawberries and a few other things in Aldi's and they said it was cheaper than at the farmers market, by the way and I thought that was interesting. We went to Aldi's prepared with a bag because Aldi's doesn't supply you with a bag and Sam's Club is the same way. The grocery industry has to come along with the rest of us saying that we don't like these really super cheap bags, they aren't worth a nickel or a penny the notion is you need to use a bigger stick and ask them to provide a better bag. I heard these good for nothing bags only can really be used once because they breakdown so fast that when you try and use them a second time they are economically feasible, I don't know how true that research is. If a better bag was provided I think it would be better and even if you pass a law with the nickel I think it should be a recommendation that I don't know how you police them or account for their accounting that they do a give back of 50% to the town to be used for a dedicated thing or two like the enhancement of our parks or the enhancement of the Purchase of Development Rights. With that you have a check and balance with it and it comes back to the people that are paying anyway. Lastly going to Ag Prodigy in Pennsylvania this is a sample of a cloth bag and I don't know if Sustainable Warwick is going to next ask for a proposal that might outlaw disposable diapers. I have 8 grandchildren and we talk about the landfill and the convenience of having diapers that fill up landfills as well. I'm hopeful that we can do even better than Ireland by coming up with someone who grows hemp and comes up with their own fabric for the supermarket and not only for the groceries you carry home but for the diapers we use on our children. I will give you a hemp bag as a memento of my business. We continue to think about our future and think about our environment.

Supervisor Sweeton – Thank you Leonard appreciate you being here.

Rachel Chaput – Resident, Warwick, NY 10990 - I really like the idea of the 25-cent fee I would be very supportive of that. Thanks for letting me talk again some of the people here know I work for the environmental protection agency and I want to say I'm not representing the agency tonight just as a private citizen. This is an EPA thing that I work with in my program the waste management hierarchy, from the environmental perspective and the perspective of the conserving natural resources and saving greenhouse gases and energy there are different options you have to deal with when you come to waste management. The worst here down at the bottom is to simply landfill it then you can burn it to try and get some of the energy back then you can recycle it and the best option that you have is to prevent the generation of the waste in the first place. That's what the bag fee would be, it would be preventing the production of all those bags, so it's really kind of a holy grail and I'm very much in support of it. One other thing a whale was found dead with more than 30 plastic bags in its stomach just last year. This is a gruesome picture of all the plastic bags that came out of the whales stomach. I feel that we have a moral imperative to act on this issue.

Supervisor Sweeton – Thank you.

Steve Pennings – Owner, Pennings Farm Market, Warwick, NY 10990 – Good evening, there's a lot of great ideas out here for the future of Warwick. What you guys have been doing for the past several years I do commend you and the preservation of farmland here in Warwick, as we own a couple of them ourselves and try to sustain that is important for our future, for the next generation and our future children. We've tried to participate with Sustainable Warwick by using a reusable bag at our farm. We had 20,000 printed the first year and we didn't necessarily give them away we offered them at our cost which was about at a \$1 for customers that were buying \$20 worth of groceries or more. We were giving them away for people who bought \$40 worth of groceries. The process has worked somewhat and I see that it would be good to get a town wide initiative to ban plastic but I don't know if the nickel is going to do it. I think in general what you're really trying to create is an environment where people are naturally bringing their own bags for their groceries. Whether its Shop Rite putting their own advertisement, Price Chopper, Pennings or whoever it is whatever supermarket or minimarket there is in the area in the future I think it's about getting the brain to think in a manner where plastic is not really an option. If you don't bring your recyclable or your reusable bags to the store you will be charged 5-cents or 10-cents and that 10-cents makes you alert to the fact that next time I need to bring my bags the next time I shop. There are a lot of great ideas out here and I think something great will come of it and I think we will move forward in another direction in the near future through all of the advice. Leonard was talking a little bit about hemp bags and with all the farms that are being preserved in Orange County, the State and Warwick in particular we are a model for most of the State. I think the amount of farmland we preserved here compared to the rest of the State is quite a big percentage compared to most other towns in the State. I think one of the things we really need to look at in the future through Sustainable Warwick or through Community 2,000 is how to make these farms profitable, so that new generations of farmers and people who want to buy them and do something constructive with them and if it's make hemp bags let's make hemp bags. Let's do something.

Supervisor Sweeton – Thank you Steve I appreciate it.

Victoria DeAngelo – Owner, Dream Green USA – I'm a poly development specialist in eco products. We deal with companies that make environmentally helpful products and we help develop them and take them to market. I couldn't help but come to demonstrate another aspect of what could be done using plastic and how it can be effective for the environment. I think when I listen to people talk about what they think can be done using or not using bags or bringing your own bags. Mostly people that are bringing their own bags already are going to continue to and then you have a population who forgets them every time they come to the store. In combination with using plastic and your own bags there's a possibility of reduction. The thing is people are usually very concerned about what happens to plastic bags once they are used and disposed of and they are a fully disposable product. I think what I hear is that it's a concern of all this waste going into landfills whether its eventually used in some beneficial way or not. I recently went to India

and spoke about this with some companies there and their concern is plastic bags are migrating into the population to the extent that even the holy cows are eating them as demonstrated by the situation with the wale eating the plastic bags. The cows are dying from them and they are a very holy animal to them and the children are being poisoned because the plastic is being broken down in the cow's stomach and a lot of very poor people use that cow's milk as food for babies. What we have with one of our product lines is an additive that goes into plastic and what it allows the plastic to do is breakdown into soil when it goes into a landfill, debris pile, a compost pile, water, so why do we have to still use plastic and eliminating plastic maybe a partial solution in certain areas. One of the things that maybe helpful is to have a solution for the end of life cycle of the plastic that's more beneficial than what we have now, which is nothing. I know some people maybe be familiar with oxi-degradable or corn-based PLA, there have been several attempts at things that have not proven to be fully successful. A lot of store chains have stopped using them, but there is a product that can be added to plastic production that allows it to break down to soil. It's a bacterial based product that stays in the bag until it reaches an environment where the bacteria can be attracting microbes and different normal environmental elements that would normally consume petroleum. It converts the polymers in the bag back to something eatable and recognizable, so what happens when the culprit which is a bag like this or any kind of plastic we deal with goes into a landfill instead of it taking 500 to 1,000 years to phragmite and them possibly migrate back into our environment or the food chain, it actually converts it to soil and a little bit of methane. The methane is harvested which is normal for decomposition, but the bag itself within 3-5 years it disappears and becomes soil which in turn helps the landfill environment. It isn't offered as a finished product like this particular bag or it's offered as a program for manufacturers to put into their plastics so they can convert their plastic over. This doesn't affect the production, color, weight or strain, the shelf life.

Supervisor Sweeton – Are you in favor of this legislation because I'm not going to be able to get a manufacturer to do this here in Warwick. Do you have a position on the bill tonight?

Victoria DeAngelo – My suggestion is that if the stores are in tune of having a way of handling not using plastic it maybe a failsafe to use a plastic bag that has a better life cycle. While we are still putting plastic into landfills at least we know plastic is having a better cycle than the ones we are using right now.

Supervisor Sweeton – Thank you.

Jacqui Gessner – Manager, Price Chopper, Warwick, NY 10990 - Thank you so much for letting me speak today I am the Store Manager of the Price Chopper here in Warwick. I am here tonight to confirm that we consider ourselves partners with local government, other retailers, environmental advocates and customers affecting legislation like this giving its noble intent in the intricate role that we play. As a company Price Chopper is committed to reducing the number of disposal bags in the waste stream. In our eyes those thin filmed single use plastic and handleless paper bags are disposable waste. Paper maybe

easy to recycle but the carbon footprint to produce and distribute it is inefficient and expensive not to mention the havoc it reaps on our forests and wildlife. As a company we are encouraging and measuring reuse and recycling for over 20 years. We as a company and a store if a customer uses a recyclable bag at the register we give them 3-cents per bag for every recycle bag that they use. I know there's a lot of Shop Rite customers here and some people don't know that. Heavy duty bag discounts or promotions and consumer education is something that we've been behind from the very beginning. I have over 30 years with Price Chopper and recycling and our environment has always been extremely important to us. Even though our recycling numbers are higher than the state-wide average all of these efforts combined have failed to engage more than 10% of our customers and communities in which we operate. Fewer than 10% of our customers are currently using heavy duty reusable bags, totes or boxes. Unlike many retailers we are not opposed to the bag fee program which like the one we comply with in Western Mass but given that 90% of the community must change its behaviors in order to comply we believe that a fee program would jump start the progress and leverage behavior change in the right direction. A fee program is less about collecting the nickels its more about discouraging customers from relaying on disposable bags and encouraging them to invest in the long-term solution that best suits them and the family whether it's a heavy duty reusable bag, tote or a box. Isn't the whole point to encourage the selection of a long term heavy duty reusable solution preferably one that will last and not require any additional investment for years. We're motivated not by the nickels but rather by the opportunity to neutralize our investment in disposable bags any portion of the nickel revenue beyond that which is used to purchase, warehouse, distribute, collect and recycle the bags we provide we will be investing in the growing cost of ways to energy management systems, recycling, crush, recovery and other sustainable initiatives and the discount of heavy duty bags before and after the legislation is passed in an effort to encourage behavioral changes in selections of long term solutions. If more customers gravitate towards more long-term solutions then disposable bags would start to become obsolete. The bag fee program can decrease disposable bag uses by more than 50% as it has in other counties including Long Beach in Suffolk New York and we would like to think it would perhaps help us move the needle here in Warwick. Thank you.

Supervisor Sweeton – I want to thank you and I am a Price Chopper Customer and I have to say I was in the store on Saturday and I heard over the loud speaker your encouragement to use reusable bags, so I know that you are doing that and we appreciate your commitment to take the proceeds and use them to help recycle and also to reduce the cost of someone getting a reusable bag. We appreciate that commitment and I thank you very much.

Jay Peltz – General Counsel & Vice President of Government Relations, Food Industry Alliance of New York – We do government relations for supermarkets, drug stores and convenience stores throughout the state. At the February 22nd public hearing I believe my statement was entered into the record, so I'm not going to read through it again. If you have any questions I will be happy to answer them. I wanted to speak to a couple of points though. I'm approaching my 6th year on this job and I've often heard it said that retailers

already build the cost of goods or the cost of the bags to the prices therefore a fee is a payment on top of a payment. That's not true, so if every penny of every cost could be passed through by every business through every customer and country no business would go out of business. To survive businesses, have to charge market prices over time, they have to be at or about market if you are too high or too low you won't stay in business. That's what's happening in the retail food industry once upon a time it was dominated by traditional grocers like Price Chopper and Shop Rite. Their share of the mortgage has been squeezed by the nontraditional retailers, the super centers like Walmart, Target and warehouse clubs like Sam's Club, Costco, there's drug stores like CVS, there's internet grocers which now have 10% of the market, there are dollar stores. So, retailers margins are getting squeezed, now if you're doing well you're making a penny on the dollar 1%, that means less and less of the cost of goods that would cost and operating a grocery store or actually being passed through. The second issue is why is the retailer keeping the money and the answer is very simple if any locality could get a bill out of the state legislatures signed by the governor authorizing this locality or any other locality to enact a bag tax then you could do it that way. The money would be collected by the retailers remit it to government and retailers would probably get a penny or two to reimburse them for their costs and the government will keep the rest but you can't get that here out of Albany. At the same time there are adverse environmental impact on all three types of character bags paper, plastic and reusables. What to do is shift away people from disposable, paper and plastic and paper by the way is far worse for the environment than the plastic so you don't we want to shift people from plastic to paper instead we want to advise people to shift to reusables. In Washington, DC after their tax was enacted, but it worked the same way it was a nickel fee on the plastic and the paper and reportedly the plastic bag distribution went down to 85% and that will address the environmental impacts from the use of plastic bags. In terms of what's going on locally in Long Beach enacted a very similar law in Nassau County with a fee of a nickel on plastic and paper with the proceeds kept by the retailers. We have two stores operating in the City of Long Beach and one doesn't give out any paper at all and they were giving away 1,500 to 2,000 paper bags a month once upon a time, zeroed out, which is a great outcome. In terms of the retailers keeping the money the amount of money that the retailers get is entirely up to the customers to the extent that they shift the reusables they're going to get less money. Our hope is that we don't take in a whole lot of money from this because people don't buy their reusables but they are reusing them, so everybody wins. That way the customer avoids the nickel fee for the reusable bags, they're reusing their reusable bags more and more so there are environmental benefits to that. The last point is that the bag fee proceeds can be used to fund the cost of reusable bag giveaways and the bill might be amended to allow that and to fund the cost of discounting the reusable bag. Suffolk County enacted a similar law in October of 2016 it was effective on January 1, 2018. In the month of January one of our members that operates a dozen stores in Suffolk County sold 93,000 reusable bags at a deep discount. For two weeks it was buy 1 get 2 free and for one week it was buy 1 get one 1 free. Sold 93,000 reusable bags incurring a \$27,000 loss in order to launch the law properly and make a splash and send a message. Now that \$27,000 loss they aren't going to make that back with nickels for a very long time. The overarching issue is besides the loss of business to the non-traditional grocers you have a \$15 minimum wage that's been phased in over time.

In order to be able to fund a living wage whatever nickels that are coming and counted by the grocers it would help to defray those costs. I would be happy to answer any questions you might have.

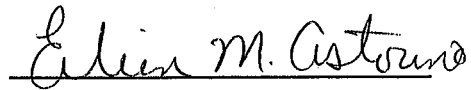
Supervisor Sweeton – I don't have any tonight. Thank you for coming tonight.

Brian Baird – Resident, Warwick, NY 10990 – I asked my 16 year old daughter if she would be willing to come and say what she feels about the bag fee and she said absolutely not. The generation that she comes from feels that the damage has already been done and there's not much that can be done to turn it around. I would like to send them a message that's not true, that our generation can do something constructive so I'm very much in favor of this bag fee and creating the incentives for people to change consumer behavior to allow us to make a positive impression for our younger generation and also serve the environment.

Julia Calderon – Resident, Warwick, NY 10990 – we've come to the end of the second public hearing and we've covered a lot of ground and a lot of differing opinions. One opinion that we almost never heard was that plastic and the environment is not a problem. Everyone agrees that plastic garbage is not good and many people already realize how vast and serious the problem is. Now single use bags are not the sum total of the plastic problem, but they comprise a great part of it and they are the easiest thing to control. Most towns who want to do something begin here. Sustainable Warwick feels this is a good comprehensive ordinance that offers the consumer the most choice of all the models and still gently encourages shoppers to avoid using so many plastic bags. We understand that no law can please everyone, but we hope that everyone will give it an open-minded chance. In all the jurisdictions where such an ordinance has been implemented even though there may have been some opposition at first once gotten used to it did not seem inconvenient after all. It gave local people a sense of pride doing the right thing, as well as greatly reducing the 11 million shopping bags that come out of the Warwick stores every year. Also, we hope that our law will raise understanding of excess plastic use in general and that each citizen will try to lighten their plastic footprint individually. We hope that this ordinance will lead the way for other Orange County Towns and we know that each town in New York that enacts a bag law is encouraging the State Government to one day pass its own uniform law, because 23 billion is a lot of bags. Sustainable Warwick wishes to thank everyone who came to these hearings to offer their input and again we would like to thank the Warwick Town Board for designing this proposal and making these hearings happen.

Supervisor Sweeton – Thank you Julia. This hearing is going to remain open and the next time the Town Board meets is two weeks from tonight in this room. We've heard a lot of things and we need to look at that and the context of the law. There were a couple of things pointed out that need to be incorporated in the law, a carve out for giveaway days and it doesn't penalize the store because crafting this has been an attempt to work with the providers of the bags so they do not get penalized. We are trying to do this collaboratively and we will continue this in two weeks and I thank you all.

**ADJOURN PUBLIC HEARING: Motion Councilman DeAngelo, seconded Councilman Gerstner that the public hearing be adjourned until the March 22nd Town Board Meeting. Motion Carried (3 ayes, 0 nays & 2 absent – Councilman Kowal & Councilman Shuback absent) 8:20 p.m.
02-22-18 CP**



Eileen Astorino, Town Clerk

PLEASE TAKE NOTICE that the Town of Warwick will be holding a Public Hearing to consider an Introductory Local Law regarding "Carry Out Bags". Said public hearing to be held on February 22, 2018 at 7:15 p.m. or soon thereafter as the matter may be heard at the Town Hall, 132 Kings Highway, Warwick, NY

All interested persons will be given the opportunity to be heard.

DATED: February 14, 2018

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF WARWICK
EILEEN ASTORINO
TOWN CLERK**