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Selectmen Continue Nip Ban Hearing, Ask Businesses To Suggest Solutions

By RYAN SPENCER

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The Mashpee Board of Selectmen is considering banning the sale of nip bottles in town.

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The Mashpee Board of Selectmen voted unanimously Monday, August 24, to continue a hearing on a proposal to ban the sale of alcoholic beverages in 50 milliliter bottles known as nips.

The proposal saw strong pushback from owners of liquor stores in town and drew the ire of the Massachusetts Package Stores Association, which penned a letter to the selectmen decrying the proposal as a “hardship for retailers.”

Selectmen Andrew R. Gottlieb, who introduced the motion to continue the hearing until Monday, November 2, said the continuation is “an opportunity” for the business community “to do something more broadly rather than just complain about what is on the table.”

“What I am struck by is this was raised as an issue, it’s been on our agenda for a couple of years and not a peep, not a word until there was a proposal, a concrete proposal, put on the table,” Mr. Gottlieb said.

“Address us with a proposal to deal with this issue,” he said. “In the absence of that, I would be prepared to move this question positively on November 2.”

The proposed nip ban has been a subject of conversation among the Mashpee selectmen since at least last winter, when Selectman John J. Cotton raised the possibility of bringing an article before Town Meeting to institute such a ban in an effort to reduce litter.

Subsequent consultation with town counsel led the selectmen to the conclusion that the ban could be implemented as a condition of licensing, as was done by the City of Chelsea in June 2018.

When Mr. Cotton became the chairman of the selectmen earlier this summer, he moved the proposal forward and scheduled the public hearing.

At the public hearing on Monday, Mr. Cotton said that while volunteering at town cleanups in years past he has seen firsthand the extent to which nips contribute to the litter problem in Mashpee.

He recalled walking with his two daughters less than a week previous.

“I walked 100 feet from the KC Coombs School, which [kindergarten to 3rd grade] attends and within 100 feet there were 100 pieces of trash and 50 were nips,” the chairman said. “That’s just a bad example of what young kids are going to see and that just breaks my heart.”

Having encountered nips littering the roadside for years, Mr. Cotton said, has led him to believe that the bottles are being thrown out of car windows and that the sale of the small alcoholic beverages “enables or it makes it so easy to drink and drive.”

“To be honest with you I would be disappointed if we didn’t take a vote and ban nips tonight,” he said. “At the same time I would support something to say, as Mr. Gottlieb said, to put you on notice if it doesn’t get better really quick.”

While opposition to the proposal flooded the phone lines during the public hearing, which was broadcast from the Waquoit Meeting Room but not open to the public due to the COVID-19 pandemic, some emails received by the selectmen expressed support.

“For many years, at least two or three times a year, I pick up multiple 55-gallon trash bags of garbage from the sides of the road and the conservation area. I find a majority of the trash items I pick up are nip bottles,” said Marisa Picone-Devine, a Mashpee resident who lives near Santuit Pond. “I wholeheartedly support a ban on nips.”

Alan Robinson, a Falmouth resident and a member of a group known as the Falmouth Litter Reduction Team, wrote to the selectmen stating that the group performed 52 litter count surveys along Falmouth roadsides between December 2018 and May 2019.

“Our principal finding: 32 percent of litter items along Falmouth roadsides are nips,” Mr. Robinson said. He noted that a proposal to ban the sale of alcoholic beverages in containers less than or equal to 100 milliliters will be before Town Meeting in Falmouth on Monday, September 14.

Other emails received by the selectmen expressed opposition to the nip ban, including the letter from the executive director of the Massachusetts Package Stores Association, Robert A. Mellion.

“Bans of this nature generate no measurable impacts on systemic littering or public intoxication, but they do directly harm local businesses,” Mr. Mellion said. “What works is private-public partnerships between retailers and municipalities.”

The ban could “do more harm than good,” he said.

Because “people will buy the next size up from nips,” Mr. Mellion said, a ban “has the irrational consequence of a town government publicly encouraging over-consumption of alcohol beverages.”

“Another likely consequence will be the development of an illegal market of nips in Mashpee,” he said.

These and other points of opposition were raised by the owners of liquor stores in Mashpee at the public hearing.

Bryan Anderson, a Falmouth resident and owner of Andy’s Market in Mashpee, criticized the selectmen for proposing the ban while public access to town hall is restricted and businesses are facing the effects of the COVID-19 pandemic.

“This ban will probably bankrupt a couple of the smaller stores,” Mr. Anderson said.

“I know we have a litter problem, I have worked on it for four years,” he said, citing his work to pass a bill proposed by state Representative Randy Hunt (R-Sandwich) that would put a deposit on the bottles.

The bill did not pass. Mr. Anderson equated the bill’s failure to a “total lack of support from any local selectmen.”

Mr. Anderson also said that since the bill’s failure he has worked with the Massachusetts Package Stores Association, other liquor retailers and the nonprofit Keep America Beautiful to launch an educational campaign.

“It entails bringing litter baskets in front of each store that say ‘Nip it in the bin, recycle your plastic bottles,’” he said. The campaign would also inform customers that if they drink in public or drink and drive, they will be permanently banned from the store.

Mr. Cotton criticized the idea of the waste bins in front of liquor stores.

“Whatever that plan is I think it is horribly wrong and there are a lot of ways to pick that apart,” he said. “You’re telling me to just drink the nip before you get into your car.”

Dena Rymsha, the owner of Liberty Liquors in Mashpee, also spoke via the teleconference line on Monday.

"I'm against littering but why are we banning one small percentage of that littering problem," Ms. Rymsha said. "What about Dunkin' Donuts, do we ban their coffee cups? What about Starbucks? What about Dunkin' Donuts bags? What about cigarettes?"

She noted that many people buy more than just nips when they shop at a business and that a ban on nips could mean entire transactions could be forced out of town.

"By banning nips now you're going to make people come to me and possibly lose the whole sale because I don't have nips anymore, go to Cotuit or go to Falmouth," she said. "There goes hundreds of thousands of dollars out the door."

Should the selectmen vote on the proposal to ban nips at the November 2 public hearing, the ban appears likely to divide the board.

While Mr. Gottlieb and Mr. Cotton expressed support for the ban, Selectman Thomas O'Hara said that he does not support the ban.

Selectwoman Carol A. Sherman said, "I'm not saying I'm for it or against it but we need to do something."

Selectman David W. Weeden did not state an opinion either way but said that he had read the emails submitted as public comment and that "they did initiate thought that I may have not considered."