

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 17, 2012

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Blazar, Rice, Merrill, Fischman and Baker; Also Present: Ald. Swiston

Others Present: Dori Zaleznik (Commissioner, Health and Human Services), Amanda Stout (Economic Development Commission), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#287-12 JOSEPH FRASSICA, 123 Spiers Road, Newton Centre appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 8-0**

NOTE: Mr. Frassica addressed the Committee. He said is head of the Oak Hill Park Association and he and his children have gone to Newton schools and he would like to be more connected with the issues of the City. He has deep community roots and feels he is in a position to give back to the community. Ald. Fischman said that he has seen Mr. Frassica working with people in the neighborhood, and saw that he was very effective. He likes that he is very plugged-in to the community. Ald. Rice asked Mr. Frassica if he had any ideas about issues at Crystal Lake. He said that he didn't really know much about the issues at this point, but was looking forward to learning more and doing what he could. Mr. Frassica said he was also very interested in the history of the city and working with the Commission to preserve it. Ald. Sangiolo asked Mr. Frassica to keep Crystal Lake issues, fees and dog parks in mind. Ald. Fischman moved approval of this appointment and the Committee approved.

Appointment by His Honor the Mayor

#293-12 ARIC PARNES, 43 Beverly Road, Newton Highlands, appointed as a member of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for a term to expire January 31, 2016 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **APPROVED 8-0**

NOTE: Dr. Parnes joined the Committee. He stated that the reason he asked to join the Advisory Council is he would like to contribute to the community as a whole. He is an oncologist, working at Beth Israel Hospital and his focus for the past 15 years has been on one patient as a time. He would like to expand that focus to helping people in a broader way. Ald. Fischman asked is Dr. Parnes has been involved in the public arena before and he said this will be his first experience; he has no public health background. He met with the Commissioner of Health and Human Services and told her he was not coming in with an agenda. He wanted to scope out what was happening and jump in to help in an immediate way, whether it be issues surrounding West Nile Virus, swimming in Crystal Lake, or wellness programs for children.

Ald. Linsky asked Commissioner Zaleznik what the Advisory Council is looking for in the upcoming term. She said that they were looking for people who want to be active in promoting current programs, or brainstorm about other programs to sponsor. Two of the members of the Advisory Council are required by ordinance to be physicians and that many qualified people applied to be on the Council. They had wonderful candidates to choose from.

Ald. Rice informed Dr. Parnes of his involvement with the Hyde Community Center. Dr. Parnes said that the Center was a wonderful asset to the community. Ald. Rice made a motion to approve Dr. Parnes' appointment and the committee voted to approve.

Re-appointment by His Honor the Mayor

#285-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12). [09-14-12 @3:04PM]

ACTION: **HELD 8-0**

NOTE: Mr. Johnson was not present and will be invited to the November 7th meeting. The Committee voted to hold this appointment.

#162-11(2) DIRECTOR OF PLANNING & DEVELOPMENT requesting a letter of support from the Board of Aldermen for the Draft *2013-2020 Recreation and Open Space Plan*. [08-06-12 @11:53AM]

ACTION: **REFERRED TO ZONING AND PLANNING COMMITTEE 8-0**

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

ACTION: **HELD 8-0**

NOTE: Ald. Hess-Mahan explained that he had been approached by many people asking about the possibility of having food trucks operating in the City. Currently, Newton does not have any ordinance that deals with this issue and he would like to work on getting some input to develop one. There are issues of public safety, sanitation and health. There would also need to be some guidelines specifying where food trucks would be allowed to operate. Boston has an ordinance that appointed a Committee that included the Commissioner of DPW, the Director of Food Initiatives, Fire Department, Special Services Department and Transportation Department. It was about a year long process to get this ordinance in place.

Ald. Hess-Mahan would like to make sure sites are chosen carefully and that all needed licenses and permits would be secured. A Hawkers and Peddlers license is needed for food truck operations (granted through the Weights and Measures Dept.) as well as other requirements on both the state and local level. Ald. Hess-Mahan noted that Blue Ribbon BBQ in Newton has a truck that goes to Needham, as they have a process for allowing food trucks.

Ald. Swiston said that food trucks aren't allowed anywhere in the City, not even in office parks. She did not feel comfortable having an ordinance that would just allow trucks everywhere in the City. She believes that Needham only allows them on private properties, like office parks, with the permission of the property owner. Canteen trucks are not considered food trucks. Food trucks are outfitted at quite an expense, for cooking, storage and serving food. Commissioner Zaleznik said that there are several coffee trucks in Newton and they go through a licensing process through the Health Department. NECN did a weekly series and brought in a different truck in their parking lot. Newton granted one-day permits for that because they gave out samples to people.

Commissioner Zaleznik noted that the Health Department had a fairly negative view of food trucks prior to her term. She felt it was time to review the process. She was concerned about competition with the restaurants in the City, but also felt it would be nice to see some of the underserved parts of the City (in terms of nearby restaurants) to have food readily available. She thought Wells Avenue would be an ideal place to allow some trucks to go in and see what kind of business they could generate, as well as locations near Newton-Wellesley Hospital. Ald. Hess-Mahan thought Halloran Sports Complex would be a good place as well. Ald. Swiston said she would like to see some of the sports teams allowed to run their concessions stands rather than have food trucks on site.

Commissioner Zaleznik explained that there have been some interdepartmental discussions around this topic already. The Economic Development Cluster which consists of John Lojek, Candace Havens, and herself, meets weekly. There have been a number of conversations about what might be some interesting ways to attract food trucks. Perhaps they could have a family night at rotating parks throughout the city with various food trucks, is just one thought. She did not feel there needed to be any objections to this idea, as long as it is approached thoughtfully. Avoiding very densely populated areas would be desirable. Ald. Hess-Mahan agreed as did Ald. Sangiolo. They would not want to cause detrimental competition with existing restaurants within the City.

Seana Gerehin from Dunn-Geherins Restaurant addressed the Committee. She said that it was difficult to think about the impact food trucks would have on her business. Wells Ave and Newton-Wellesley hospital are her customers and she said if she lost that customer base, it would be devastating. She pointed out that she employs a lot of people and pays meals tax; these are things that food trucks may or may not do and certainly not to the extent that her business does. Her overhead makes it impossible to compete economically with the very limited overhead costs of food trucks. Ms. Gerehin says she feels this will be a big threat to her operation. She asked that tremendous consideration be given before any allowances for food trucks are granted. She pointed out that her business is also solicited quite often for donations to various sports teams throughout the city. She would rather see the teams able to run their concessions stands rather than give that business to food trucks.

Vincent Errichetti , Executive Director of the Restaurant and Business Alliance also addressed the Committee. He said he has gotten a lot of concerned calls from all over the state. Very large, one season cities (like Miami) have a thriving food truck industry. But in smaller, older and seasonal cities, streets are narrower and problems arise. Food trucks in Boston don't create

nearly as many full-time jobs, or collect as much revenue in taxes as brick and mortar restaurants do. They are convenient for people but only perhaps during a two hour lunch period and when they run out of food, they leave. Worcester, for example, does not allow food trucks at all. They want to keep patrons for their restaurants to support local business. Mr. Errichetti said that a single day operation is a different story, for an event, or a day here and there. But trucks in Boston can park for \$25 a day in the Back Bay, whereas a brick and mortar restaurant is paying an exorbitant amount of money for a lease on that prime property. He would like to see a level playing field so that food trucks don't have the advantage over business owners in the city. The trucks do not have a vested interest in contributing to the City and may or may not have much to contribute to the overall betterment of the City or its citizens. Closing down one business in the City seems to be a high price to pay for allowing food trucks.

Mr. Errichetti noted that Boston has started to see some consequences that they did not anticipate. He recommended doing some research and looking at the experiences that cities like Chicago have had. A letter from the President of the Restaurant and Business Alliance, David Andelman, is attached.

Ald. Baker read from the MIT New Enterprise Forum. An article profiled the new model of many kinds of businesses on wheels, not just food trucks. He felt that Boston is very different in that it is trying to keep business people in town and eating. Newton is primarily a residential city and has different needs. Enforcement can be difficult as well. Boston has many departments and much more manpower than Newton does. He is concerned that there are limited resources and enterprises that can move at a moments notice make oversight difficult. Ald. Baker also felt that these trucks would not always necessarily be "mom and pop" enterprises. National companies could be sending out fleets of trucks into communities as they became more popular and more welcomed into cities and towns. He thought considerable care was necessary in thinking about this issue. Ald. Hess-Mahan said Boston had safeguards in place, for example, using GPS to know where the trucks are.

Ald. Hess-Mahan said he simply wanted to be forward thinking and prepared. Food trucks are becoming more popular and he wanted the City to be ready with some guidelines one way or another to deal with the inquiries. Ald. Linsky said there is a larger context here in terms of economic development. Commissioner Zalesnik said they would need input from the Aldermen in any further Economic Development Cluster conversations on this topic, then open it to any other departments that might need to be involved. Ald. Baker thought a Task Force could be useful made up of members of the other committees before which this item has been docketed.

Ald. Fischman said he can understand one-day events, or office parks with a trial period, or something at a park now and then. But he feels a need has to be defined. This is scoping the need, not scoping an ordinance at this point. He doesn't feel it's inevitable that trucks have to come to the City. If the City doesn't want them, they can prohibit it. Ald. Sangiolo agreed that they needed to have the conversation to decide how to move forward with this issue, and find out what the interest is.

Amanda Stout of the Economic Development Commission said that this is also a Planning Department concern. They meet weekly in development review team meetings with prospective

businesses. There have had multiple people come to them with an interest in food trucks so it will be very helpful to have a policy in place.

The Committee voted to hold this item 8-0.

The Committee met jointly with the Public Facilities Committee to discuss the following item:

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

ACTION: **HELD 5-0 (Baker and Merrill absent; Linsky not voting)**

NOTE: Please see the October 17th Public Facilities Committee report for the details of this discussion.

Respectfully Submitted,
Amy Sangiolo, Chairman

**SERVING UP SENSIBLE POLICY ON FOOD TRUCKS
BY DAVE ANDELMAN**

Food trucks are colorful and fun, and they serve good, inexpensive food. I support these hard-working entrepreneurs and their employees. However, we need sensible rules so that: 1) The food truck industry can be successful and 2) The food truck industry will not: discourage restaurants from opening and expanding, cause restaurants to end their leases, or force restaurants to fire employees.

Restaurants have been hit by a perfect storm of negative conditions including a weak economy, an increase of the meals tax from 5% to 7%, higher food and energy and health care costs, and escalating credit card use/fees. In July alone, our state lost 2,100 hospitality jobs. Restaurants signed five, ten, and twenty year leases, without knowing that trucks would soon be taking their customers (every one of two dozen chefs and owners whom I asked, who are now near a food truck, confirmed that this is the case). Because they don't build a store, pay rent other than a nominal fee such as \$50 per day, or hire many employees, the trucks sell food for significantly less than the restaurants. The restaurants can't just "step up their game"; it's impossible for them to meet the prices of their mobile competitors given the cost structure of these two types of business.

Why have we created this privilege only for food trucks? Will nail and hair salons on wheels set up on Newbury Street? How about busses that provide massage, or motorcycles that serve coffee? People are investing their life savings to start a business, and they can lose that business if a competitor with far less investment and operating cost is allowed to suddenly siphon away their customers. Companies want as much certainty as possible before risking their money, right now, the climate is uncertain. This means less construction, less jobs, less taxes, and less rent.

Red Bones is an excellent, multi-million dollar restaurant in Somerville. Why is it good for BOSTON that they prepare food, drive to Boston, then sell this food on the street in the Back Bay, some of the most valuable real estate in the country? Is this not discouraging to the restaurants that invested exponentially more in building cost and rent than Red Bones invested in a truck? Does Red Bones pay the local meals tax to Somerville or Boston? Why remove parking spaces for customers who want to visit Boston and patronize local businesses?

Food trucks should be allowed and encouraged at events like the SoWa Open Market, a wonderful weekly bazaar featuring food and shopping in the South End. Large public or private areas are ideal spots to host food truck events. Boston Common and the Esplanade should welcome the trucks, as they are big pieces of land with very limited options for food and drinks. However, a new rule should be added: The trucks should not be allowed within a one thousand feet walking distance of a restaurant. We are not alone in contemplating this sort of rule; San Francisco, Chicago, and Las Vegas are all currently debating how many feet should separate restaurants and food trucks. The trucks have big followings on social media, so it will be easy to recruit their loyal customers to walk a short distance to buy a tasty, inexpensive snack or meal. Alternatively, the limit may be lowered to five hundred feet if the truck sends a certified letter to every restaurant in the designated area, and the majority of the restaurants then approve issuing the permit to operate. This could mean that some areas of Boston will have no food trucks, but the trucks can still seek approval to operate in other parts of Boston, nearby cities, and anywhere in the state including the parking lots of large employers. Exceptions should also be made for events like Sowa Open Market or Food Truck Festivals, as such temporary events draw people to Boston and local restaurants/businesses benefit from the overflow. The "Food Truck Promotion

And Restaurant Protection Provision” will work for Boston or any city trying to balance between encouraging this emerging industry and preserving the existing restaurants, jobs, and taxes in a given community.

Dave Andelman is a Boston home owner and the President of the Restaurant And Business Alliance.