

1 TOWN OF WEST HARTFORD

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3 TOWN COUNCIL PUBLIC HEARING

4

March 28, 2017, 6:45 p.m.,

5

Legislative Chambers

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Re: Ordinance (Van Winkle) Establishing

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Definitions for Permitting of "Food Trucks

9

and Food Truck Parks."

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1 A p p e a r a n c e s:

2 Town Council Members Present:

3 MAYOR SHARI CANTOR

4 LEON DAVIDOFF

5 DENISE HALL

6 CHRIS BARNES

7 CHRIS WILLIAMS

8 BETH KERRIGAN

9 JUDY CASPERSON

10 DALLAS DODGE

11  
12 Alternate:

13 DANA GORDON

14  
15 RONALD VAN WINKLE

16 Town Manager

17  
18 PATRICK ALAIR

19 Corporation Counsel

20  
21 KIMBERLY J. BONEHAM

22 Deputy Corporation Counsel

23  
24 KRISTEN GORSKI

25 Economic Development Specialist

1 PRESIDENT CANTOR: I'd like to  
2 call to order our 6:30 substitute ordinance  
3 establishing definitions for and permitting  
4 of food trucks and food truck parks.

5 We'll start with roll call,  
6 Ms. Labrot.

7 MS. LABROT: Mr. Barnes.

8 COUNCILOR BARNES: Present.

9 MS. LABROT: Ms. Cantor.

10 PRESIDENT CANTOR: Here.

11 MS. LABROT: Ms. Casperson.

12 COUNCILOR CASPERSON: Here.

13 MS. LABROT: Mr. Davidoff.

14 COUNCILOR DAVIDOFF: Here.

15 MS. LABROT: Mr. Dodge.

16 COUNCILOR DODGE: Here.

17 MS. LABROT: Ms. Hall.

18 COUNCILOR HALL: Here.

19 MS. LABROT: Ms. Kerrigan.

20 COUNCILOR KERRIGAN: Here.

21 MS. LABROT: Mr. Williams.

22 COUNCILOR WILLIAMS: Here.

23 MS. LABROT: And Mr. Wenograd

24 is absent, but we have Mr. Gordon as an  
25 alternate.

1 MR. GORDON: Here.

2 PRESIDENT CANTOR: Thank you.

3 A presentation by Ms. Boneham.

4 MS. BONEHAM: Hi. For the  
5 record, Kimberly Boneham, Deputy Corporation  
6 Counsel.

7 I wanted to make sure before  
8 we started that you are actually looking at  
9 the substitute ordinance in front of you.  
10 The substitute basically made a few  
11 grammatical changes, a few slight wording  
12 changes. There was also, after TP and Z met  
13 at their last meeting, they suggested that  
14 one electrical outlet be provided for each  
15 truck parking space and so we included that,  
16 but otherwise it's essentially the same.

17 So the ordinance that you have  
18 in front of you came about when staff was  
19 approached by somebody who was interested in  
20 opening a food truck park, and staff has also  
21 been approached in the past by people looking  
22 to have food trucks in town. Food trucks can  
23 currently be in town, but they can only stop  
24 long enough to serve patrons, and only for  
25 ten minutes maximum.

1                   So staff ended up doing some  
2 looking at the concept. They looked at the  
3 critical components and areas where food  
4 truck parks have been quite successful and  
5 where food trucks have been successful. And  
6 they married it with the current outdoor  
7 dining ordinance sort of to create a hybrid  
8 approach, and that is what is in front of you  
9 now.

10                   So the first part of the  
11 ordinance addresses food trucks. Basically  
12 the primary change is that if a street is  
13 entirely within an IG zone and it's  
14 considered a local street, in other words  
15 it's not an arterial street. Food trucks can  
16 be present between 7 a.m. and 10 p.m.

17                   Essentially the locations that  
18 we are talking about would be off of New Park  
19 Avenue, south of Flatbush and off of South  
20 Street, south of New Britain Avenue. I've  
21 got more specific streets if you want, but  
22 those clusters of streets off of there, they  
23 also need to be at least 20 feet  
24 from intersections. So they couldn't park,  
25 like, on the corner of New Park and Flatbush,

1 for example.

2                   You can't have more -- the  
3 proposal says no more than two food trucks  
4 next to each other. So you couldn't have,  
5 like, a cluster of three or four on the  
6 street. And if you do have two next to each  
7 other, then the next truck would have to be  
8 at least 500 feet away from that group of two  
9 and they can't be within 500 feet of a  
10 restaurant. So that's the food truck aspect  
11 of it.

12                   There is also a proposal in  
13 front of you that would allow food trucks as  
14 an accessory use. Somebody could come and  
15 get a zoning permit to have a food truck or  
16 food trucks as an accessory use within the  
17 parking area of an existing business, and  
18 that would be provided it doesn't interfere  
19 with the safe circulation of vehicular and  
20 pedestrian traffic.

21                   As part of the application  
22 with the zoning department they would need to  
23 include a parking plan so they could look at  
24 whether or not there would be a negative  
25 impact, and if so then the permit wouldn't be

1 issued.

2                   You wouldn't be allowed -- you  
3 wouldn't be able to have the food trucks more  
4 than three days a week. It couldn't be more  
5 than two food trucks on the property, and  
6 again, not within 500 feet of the restaurant.

7                   And so an example of this  
8 would be the new brewery that opened up on  
9 New Park. So they could come in and apply to  
10 have food trucks as an accessory use.  
11 Basically the idea is to sort of work in  
12 tandem, the food trucks and the business to  
13 help promote foot traffic to that area.

14                   And the final part of the  
15 ordinance has to do with food truck parks.  
16 That would require a special use permit.  
17 There would need to be a public hearing with  
18 planning and zoning, full neighborhood  
19 outreach and notification.

20                   There are really limited  
21 spaces in town that could work right now  
22 short of demolishing existing buildings in  
23 certain parcels, and the proposal that was  
24 initially presented to staff was on New Park  
25 Avenue across from the 610 New Park Avenue

1 housing development, actually on a private  
2 road off of there.

3 But again, there would be a  
4 maximum of five food trucks. It would sort  
5 of function as a single business. It would  
6 need to be at least 500 feet from any  
7 restaurant measured along the street line.  
8 It would need to be at least 200 feet from  
9 any residentially zoned property. If they  
10 were between 200 and 500 feet then there  
11 would need to be a complete visual screening  
12 from the property, and they would be allowed  
13 to be open between 10 a.m. and 11 p.m.

14 There are many other details  
15 associated with the ordinance, but I mean, I  
16 can go through each one of them if you like.  
17 But those are the highlights and I'm happy to  
18 answer any questions or go into more details  
19 about the requirements or the regulations if  
20 you'd like.

21 PRESIDENT CANTOR: Thank you,  
22 Ms. Boneham.

23 I have a couple of questions.  
24 One is hours on the residential that would be  
25 non-arterial streets, the two food trucks



1 that could be parked on a street. Is there a  
2 limit of just between those hours? Or is  
3 there a limit of four hours, or anything?

4 MS. BONEHAM: It's just  
5 between those hours. You're talking about  
6 the food trucks, not the park?

7 PRESIDENT CANTOR: Yes.

8 MS. BONEHAM: Yeah, it's just  
9 between the hours of 7 a.m. and 10 p.m.

10 PRESIDENT CANTOR: Okay. And  
11 can you just go over the regulations and  
12 requirements regarding the health district  
13 and the other requirements that they would  
14 need to go through?

15 MS. BONEHAM: Yes. The food  
16 trucks would be considered an establishment  
17 that serves food, obviously. And so they  
18 would need to comply with the public health  
19 code. It would need to comply with all of  
20 our sanitation requirements.

21 And so Steve Huleatt, the  
22 director of public health has informed us  
23 they would be very involved in that, both for  
24 the food trucks and also the food truck park  
25 aspect of it.

1 PRESIDENT CANTOR: And is  
2 there any fire review of any of that, or an  
3 establishment from the fire department?

4 MS. BONEHAM: I don't think  
5 so, not within the ordinance anyway. There  
6 may be requirements as part of their fire  
7 code, but not something that we've  
8 specifically ordered.

9 PRESIDENT CANTOR: Okay. All  
10 right. Are there questions for Ms. Boneham?  
11 Mr. Williams.

12 COUNCILOR WILLIAMS: Thank  
13 you, Madam Mayor.

14 Ms. Boneham, I take it that we  
15 have the limitation in the resolution --  
16 excuse me, the ordinance, to keep food trucks  
17 500 feet from restaurants because we don't  
18 want to adversely impact restaurant business  
19 with the current restaurants we have.

20 How did we come to the  
21 500-foot number? What's that based upon?

22 MS. BONEHAM: That, Todd  
23 Dumais, our planner, town planer was very  
24 involved in drafting up the ordinance. That  
25 is something that he came up with. I know

1 that 500 feet is something that's fairly  
2 standard when you're looking at trying to  
3 create a sufficient distance without negating  
4 every single possible area, for example, the  
5 food truck base. So I can't speak exactly  
6 how we came up with 500 but I suspect that it  
7 was just sort of a happy medium, so to speak.  
8 Not too close and not too far.

9 PRESIDENT CANTOR: I actually  
10 did a lot of reading and research and most  
11 are 200 feet. So this is a little bit larger  
12 than most.

13 I have a stack -- nobody wants  
14 me to get into this stack -- but most  
15 ordinances seem to have a 200-foot buffer.  
16 So I'm sure it was probably what worked for  
17 this particular situation.

18 Did you have another question?

19 COUNCILOR WILLIAMS: No.

20 PRESIDENT CANTOR: Mr. Barnes?

21 COUNCILOR BARNES: Thank you.

22 Just a couple questions. Earlier you  
23 mentioned that there are a couple different  
24 ways that food trucks can provide this  
25 service and the first one was that they could

1 at any location serve patrons at no event for  
2 no more than ten minutes on any calendar day.  
3 And so can you just explain to me what that's  
4 intended to encompass or capture? How does  
5 that work?

6 MS. BONEHAM: Well, that's the  
7 way the ordinance is currently written. And  
8 so the idea was just that food trucks  
9 couldn't come and just park in a parking  
10 space all day long, for example, in the  
11 center. And so the idea was they can only  
12 stay for a maximum of ten minutes.

13 MR. ALAIR: Being the old guy  
14 I can actually say that this is the classic  
15 ice cream truck ordinance. This is the  
16 ordinance that in some form or another most  
17 towns in the state have had since the  
18 fifties.

19 And it is -- you can have an  
20 ice cream truck patrolling the streets, but  
21 it can only stop long enough to serve the  
22 kids and then it has to move on. It can't  
23 sit there outside your house and play, you  
24 know, the Drinking of the Straw nonstop. And  
25 they have to be so many feet from schools and

1 parks and playgrounds. That's what's on the  
2 books now, and we're not changing that, but  
3 it prevents food trucks from doing what  
4 they'd like to do, which is park in one place  
5 all day, and that's what gets us to the next  
6 pieces.

7 COUNCILOR BARNES: All right.  
8 Thank you. And so the exception is unless  
9 you're in an IG zone, an industrial zone --  
10 and you identified two off of New Park and  
11 off of New Britain -- and so under this  
12 ordinance with these proposed changes those  
13 would be the only two places that would  
14 satisfy these restrictions. So it's not  
15 within 500 feet of a restaurant, et cetera,  
16 all of these other conditions. Those are the  
17 two areas. Is that right?

18 MS. BONEHAM: Correct.

19 COUNCILOR BARNES: So for  
20 example, on New Park, you know, I'm thinking  
21 of the new Chick-fil-A there. And I'm just  
22 trying to visualize what 500 feet would be  
23 and where the location at 45 -- where the new  
24 brewery is. Are we sure that that's  
25 500 feet, or is that close to 500 feet?

1 MS. BONEHAM: It's greater  
2 than 500. Is it 600?

3 MS. GORSKI: Kristen Gorski,  
4 economic development specialist. And so we  
5 actually did calculate that. And so if you  
6 use the 20-foot setback from New Park Ave and  
7 you're going on a route where a car basically  
8 would travel in traffic. So it's not as the  
9 crow flies.

10 So if you're calculating that,  
11 Chick-fil-A is actually about 630 something  
12 feet away. So we did calculate that just  
13 knowing that that was a project that  
14 Chick-fil-A was there and the upcoming New  
15 Park brewery was wanting to do, or have food  
16 trucks, we kind of tried to calculate that.  
17 And that's part of the reason why I think  
18 that they came up with the 500 feet knowing  
19 that that was greater than 500 feet away.

20 COUNCILOR BARNES: And is  
21 Chick-fil-A the closest restaurant in that  
22 area?

23 MS. GORSKI: Correct.

24 COUNCILOR BARNES: And with  
25 respect to the New Britain Ave location, do

1 we know what the closest restaurant is to  
2 that location?

3 MS. GORSKI: The closest  
4 restaurant would be the Corner Pug.

5 COUNCILOR BARNES: And how  
6 close would that be?

7 MS. GORSKI: Greater than  
8 500 feet, but I'm not specifically sure. And  
9 then also the next closest beyond that would  
10 be the Hartford Baking Company. And again,  
11 that's also greater than 500, but I'm not  
12 sure of the exact amount.

13 COUNCILOR BARNES: Okay. And  
14 we've received at least one communication,  
15 and some of us have had other communications  
16 with other restaurant owners in the area.  
17 And they're concerned about, you know, the  
18 competition, of course, because it is  
19 competition.

20 And so some of the issues that  
21 were raised include, you know, comparing a  
22 truck to a brick-and-mortar type restaurant.  
23 How does that compare to make sure that there  
24 is, you know, equity or fairness between the  
25 two operations?

1                   And so I think we talked about  
2 the health code compliance. So the truck  
3 would have to comply with all of the health  
4 codes just like a restaurant would. Correct?

5                   MS. GORSKI: Correct. Uh-huh.

6                   COUNCILOR BARNES: And then  
7 for example, with respect to taxes. Would  
8 they have to pay? You know, how would that  
9 work? Would they be taxed like a restaurant  
10 is taxed? Do we know?

11                  MS. BONEHAM: Ask Mr. Alair.

12                  MR. ALAIR: They certainly pay  
13 taxes on their motor vehicle wherever it's  
14 registered. It may not be registered in West  
15 Hartford. The owner of the property that is  
16 the location of a food truck park pays taxes  
17 on the property, which in part is driven by  
18 the rent they might receive from the food  
19 trucks that park there.

20                  But the food truck is not  
21 going to be taxed, if you will -- I suppose  
22 taxed on sales like anybody else, but it's  
23 not going to be paying property tax like a  
24 brick-and-mortar restaurant. That is a  
25 distinction.



1 COUNCILOR BARNES: And the  
2 example that you just gave would fall under  
3 the truck park?

4 MR. ALAIR: Yes. Right.

5 COUNCILOR BARNES: Which is  
6 the last part of this ordinance if somebody  
7 were actually to set up an operation with  
8 that brings electricity, so additional  
9 parking, all of those things.

10 MR. ALAIR: Correct.

11 COUNCILOR BARNES: And with  
12 respect to that, that would have to come  
13 before us?

14 MR. ALAIR: Before TP and Z,  
15 especially this part of it.

16 COUNCILOR BARNES: So it  
17 wouldn't come before the Council.

18 MR. ALAIR: No, it would be a  
19 public hearing before the TP and Z.

20 COUNCILOR BARNES: And just  
21 one last question with respect to the food  
22 truck park that we were just talking about.  
23 The hours of operation, I just noticed  
24 that -- noted that, you know, the hours of  
25 operation are limited to 10 a.m. to 11 p.m.,

1 and the trucks may arrive an hour before and  
2 stay an hour after to cleanup.

3 MS. BONEHAM: Correct.

4 COUNCILOR BARNES: And  
5 depending on the location and the proximity  
6 to residential areas I thought, you know,  
7 having them out of there by midnight was  
8 late. And I would just note that for  
9 everyone's consideration.

10 I think it is -- maybe we  
11 could, you know, I understand that, you know,  
12 probably -- actually it wouldn't apply to the  
13 brewery because we're talking about a food  
14 truck park. Maybe we would, you know, set  
15 the time earlier than midnight for that.

16 Thank you.

17 PRESIDENT CANTOR: Thank you,  
18 Mr. Barnes.

19 Ms. Kerrigan.

20 COUNCILOR KERRIGAN: Thank  
21 you, Madam Mayor.

22 I'm just curious about the  
23 process. Let's say I have five food trucks.  
24 I own five food trucks under one business.  
25 So the three days per week, does that mean

1 each of my trucks can be there for three days  
2 per week, which means I could occupy the  
3 entire space the entire week, working the  
4 five-day week anyways? And I'm kind of  
5 curious, who's going to enforce it? Who's  
6 going to control it? Who's going to monitor  
7 it.

8                   Who's going to -- is it a  
9 dog-eat-dog-world? Whoever gets there first  
10 owns it, gets that space? And just kind of  
11 walk me through the process here.

12                   MS. BONEHAM: Well, as far as  
13 the number of trucks, it is no more than  
14 three days a week and it's no more than two  
15 trucks per property.

16                   And so this would be a  
17 situation where, for example, the brewery on  
18 New Park, he would be inviting trucks to  
19 come. So presumably it wouldn't be like all  
20 five. All five couldn't show up because  
21 you're limited to two anyway a maximum of  
22 three days a week.

23                   MS. GORSKI: Correct.

24                   MS. BONEHAM: As far as the  
25 regulations go, that would be a zoning issue.

1 And so Brian Pudlik would be the zoning  
2 enforcement officer.

3 MR. ALAIR: I think you may be  
4 mixing two pieces. One is the food truck  
5 park. You can have five trucks there seven  
6 days a week. And the other piece is  
7 accessory use to say the brewery or some  
8 other business. You can have two trucks  
9 three days a week, but you can't have five  
10 truck seven days a week.

11 So think of the brewery.  
12 Think of the parking lot and the brewery.  
13 That parking lot could have two trucks in it  
14 at any one time, but for no more than three  
15 days a week.

16 COUNCILOR KERRIGAN: And so  
17 it's by invitation?

18 MR. ALAIR: Yes.

19 PRESIDENT CANTOR: Mr. Dodge.

20 COUNCILOR DODGE: Thank you,  
21 Madam Mayor.

22 Just one other question, and I  
23 think another distinction between, you know,  
24 food trucks and for restaurant liquor  
25 permitting. And my question is really in

1 connection with the park that would be near  
2 the new brewery.

3 I assume our open container  
4 laws would still apply in that situation so  
5 you couldn't have an open beer outside while  
6 you were enjoying the food truck. You have  
7 to get food in the food truck and then go  
8 inside the brewery if you wanted to enjoy,  
9 you know, a beer and your sandwich together?

10 MS. BONEHAM: Our open  
11 container laws would still need to be  
12 followed.

13 PRESIDENT CANTOR: Thank you,  
14 Mr. Dodge.

15 Mrs. Hall.

16 COUNCILOR HALL: Thank you.

17 Could you touch base on the  
18 distinction with the industrial zone and why  
19 it's being confined to that area? I'm just  
20 thinking we don't really have a lot of  
21 industries left in our industrial zone, and  
22 certainly a lot of business that don't make  
23 it all that much different from some of our  
24 other business districts. So what was our  
25 thinking there?

1 MS. GORSKI: Sure. So I think  
2 that the reason as to why staff determined  
3 the industrial zone was due to, although we  
4 do have a great mix of businesses within the  
5 industrial zone, we do have less restaurants.  
6 And so you know, we don't want to take away  
7 from and compete with our current restaurants  
8 that are in the industrial zone.

9 However, given the fact if  
10 you're comparing an industrial zone over off  
11 of New Park Ave versus a West Hartford  
12 Center, you know, there is no comparison in  
13 the amount of restaurants you have. So we  
14 were thinking that that would be the best  
15 zone in order to have these located within --  
16 for us to not have as much competition.

17 COUNCILOR HALL: I guess I  
18 would argue that we've got restaurants every,  
19 you know, 30 feet in West Hartford Center and  
20 they don't seem to be suffering from, you  
21 know, the competition there.

22 MS. BONEHAM: Well, there's a  
23 couple of other reasons, too, that went into  
24 the decision. When it comes to zoning here  
25 we try to group similar uses together. A

1 food truck essentially is a commercial  
2 vehicle, and in industrial zones there tends  
3 to be a higher intensity of parking of  
4 commercial vehicle. So it's sort of a better  
5 fit for there.

6 Also food trucks take up a lot  
7 more parking spaces, and there is a lot of  
8 demand in the Center for parking. And so to  
9 have food trucks in the Center would take up  
10 more parking spaces. So there were a  
11 multitude of reasons, the primary one being  
12 what Kristen was mentioning.

13 COUNCILOR HALL: I guess I was  
14 just thinking that, would it make more sense  
15 to have it be contingent upon a space  
16 requirement as opposed to confining it to the  
17 industrial zone? I'm just always concerned  
18 that, your you, we say, oh, we can do this in  
19 Elmwood or New Park, but we're not going to  
20 do it in Bishops Corner or something like  
21 that. And I want to make sure we're treating  
22 all of our neighborhoods fairly and  
23 consistently and that we're not saying, okay.  
24 We can do this but only over here.

25 Because I would look at

1 Bishops Corner and they've got that big  
2 parking lot in back of Big Y, and the other  
3 side of the street we've got Marshalls. You  
4 know, that might be an appropriate place for  
5 them to set up the food truck afternoon, too.  
6 So just throwing that out there for  
7 consideration.

8 Do we want to confine it here?  
9 Or do we want to say, let's have a space  
10 requirement? Pat, you look like you've got a  
11 thought.

12 MR. ALAIR: Well, I guess I  
13 would offer a couple of thoughts. First of  
14 all, this isn't necessarily banned. This is  
15 a start and we're doing something that we  
16 have never done before. So I think part of  
17 the reason you start small is make sure that  
18 you pick up all of the problems, and then if  
19 it's not a problem you expand it, number one.

20 Number two, the areas you just  
21 talked about at Bishops Corner are eligible  
22 to use the two trucks three days a week  
23 option. So in those areas you could have two  
24 trucks. They could park there, and if  
25 they're successful that might be part of the



1 reason why you'd look at expanding the food  
2 truck park idea to that area at some point  
3 down the road. You know, it's incremental  
4 steps, I guess, is what we're trying to say.

5 PRESIDENT CANTOR: I was also  
6 going to second that.

7 Mrs. Casperson.

8 COUNCILOR CASPERSON: Thank  
9 you, Madam Mayor.

10 One of my questions sort of  
11 piggybacks on Ms. Hall's comments. So say we  
12 have lots of business owners on that stretch  
13 of road. Communicating and wanting to have  
14 two trucks here, two trucks across the street  
15 where Appletree is and maybe a couple down,  
16 you know.

17 Is that something then that  
18 with a coordinated effort you could have an  
19 event down there? And is that something that  
20 we would be -- how would we monitor that?

21 MS. GORSKI: Are you  
22 talking -- I'm sorry. I'm wondering if  
23 there's two -- go ahead.

24 COUNCILOR CASPERSON: Yeah.  
25 So if they were all working in conjunction,

1 you know, as many of the business areas do  
2 and they're deciding they're going to create  
3 an impromptu food truck park, you're having,  
4 you know, two across the street at the  
5 brewery, two over here by Appletree and  
6 you've got some down the street. You could,  
7 you know, considerably have a whole road of  
8 food trucks in one day, thereby creating a  
9 food truck event.

10 MS. BONEHAM: Well, they would  
11 need to --

12 COUNCILOR CASPERSON: On the  
13 weekends or something like that.

14 MS. BONEHAM: Right. I'm sort  
15 of having a hard time visualizing on the map.  
16 But you still wouldn't be able to have more  
17 than two next to each other. The next group  
18 would still need to be at least 500 feet  
19 apart. You'd still be looking at at least  
20 20 feet of the intersection. So there's  
21 still requirements that would need to be met.

22 I suppose hypothetically, if  
23 all those people, if they all met those  
24 requirements then yeah, you could sort of  
25 have -- I guess it would be an impromptu

1 gathering.

2 MS. GORSKI: Right, as a  
3 special event. But I think this special  
4 event would still, you know under this  
5 ordinance it would still need to follow those  
6 regulations.

7 MS. BONEHAM: Uh-huh. Right.

8 PRESIDENT CANTOR: Thank you,  
9 Ms. Casperson.

10 Mr. Gordon.

11 MR. GORDON: Mr. Alair?

12 MR. ALAIR: Madam Mayor, two  
13 things. First of all, I misspoke and  
14 Attorney Boneham pointed out my error. The  
15 two trucks three days a week is also limited  
16 the IG zone. So it would not apply to  
17 Bishops Corner. I apologize. I had  
18 forgotten that. I am sorry.

19 And the second thing is  
20 through the magic of technology I was just  
21 asked in response to Mr. Dodge's question --  
22 and I think you used the term "open container  
23 law." The open container law that I think  
24 you were referring to is the permit or the  
25 license for the premises, as opposed to the

1 law that prohibits somebody from walking  
2 around in public drinking a beer.

3 As long as they stay on the  
4 private property of the brewery, technically  
5 they're not violating the open container law.  
6 That's distinct from their permit which may  
7 limit them to having liquor within what's  
8 called the premises in the permit, and that  
9 may be the building itself.

10 So there are two different  
11 things and I think the answer we gave you is  
12 correct, but not using the term "open  
13 container." That's a different statute.

14 PRESIDENT CANTOR: Thank you,  
15 Mr. Alair.

16 Mr. Gordon.

17 MR. GORDON: Mr. Alair, that  
18 was a good clarification. But my question  
19 now, when it's the two trucks it's by  
20 invitation of the business only. Correct?

21 MR. ALAIR: (Nodding in the  
22 affirmative.)

23 MR. GORDON: So even if it was  
24 up in Bishops Corner and on the IG zone a  
25 business would have to invite the truck to be

1 there. Correct?

2 MR. ALAIR: Correct.

3 MR. GORDON: Okay. So that's  
4 always a consideration. I want to get back  
5 to Mr. Barnes' point, which was taxes. Okay?  
6 If I'm a business owner or a restaurant owner  
7 in this town I'm paying a pretty high rent.  
8 A food truck's rent is probably zero.

9 Like as you referred to,  
10 Mr. Alair, and knowing this having worked  
11 with the assessor's office, that unless the  
12 truck is owned by a person who lives in West  
13 Hartford they do not pay personal property  
14 tax on it in the town of West Hartford. They  
15 may pay the Bloomfield, Avon, Hartford,  
16 wherever.

17 So that's a consideration  
18 because our restaurant owners are  
19 contributing to our tax base here in West  
20 Hartford. Just something to think about.

21 MR. ALAIR: And I don't  
22 disagree with you in the least, and I didn't  
23 mean to suggest otherwise. I'm looking at a  
24 room -- and I think there are people here, so  
25 I'm guessing they may be here actually about

1 this ordinance. You may hear from a food  
2 truck operator.

3 You might not know it by  
4 looking at me, but I have dined regularly at  
5 food trucks. And I think what you would hear  
6 from some food truck operators and from some  
7 cities where we've seen trucks be very  
8 successful, the rent that you pay for that  
9 fixed space is a barrier to entry for very  
10 small business operators who really want to  
11 get a start.

12 And that food truck is their  
13 start that then leads them to starting a  
14 restaurant and gives them the income to start  
15 that. That's the countervailing argument.  
16 I'm not trying to pitch it one way or the  
17 other. I'm just saying there's another side  
18 to the argument.

19 MR. GORDON: But contra to  
20 that would be that, you know, the food  
21 trucks, again are temporary. They come in  
22 and, you know, I'm not trying to say they  
23 shouldn't come in and do business, but also  
24 there, in a lot of towns and cities they're  
25 in, I don't think they quite have the

1 concentration of restaurants that West  
2 Hartford has. I mean, and that's something  
3 that's a concern to restaurant owners in West  
4 Hartford.

5                   And Ms. Hall, not to pick on  
6 you at all, but you said there's a lot of  
7 competition in the Center, but we've also  
8 lost a lot of restaurants in the Center  
9 that can't sell a lot of meals to pay that  
10 rent and sell a lot of drinks.

11                   And as a former business owner  
12 in this town I think you really have to be  
13 cognizant and sensitive to that fact. But  
14 again, I'm not saying that food trucks  
15 shouldn't come into this town. I do have an  
16 open mind.

17                   PRESIDENT CANTOR: Thank you,  
18 Mr. Gordon.

19                   Ms. Hall.

20                   COUNCILOR HALL: I guess along  
21 sort of the same lines of that is, what would  
22 the permitting process entail? What type of  
23 fee is that for every use? For annual? What  
24 does that encompass, and have we considered  
25 whether that covers our cost in, you know,

1 supporting this in town and any inspections,  
2 the type of thing?

3 MS. GORSKI: So the food truck  
4 as an excessive use, they do have a fee to  
5 pay with the police department. I am not  
6 sure what that fee is. And then regarding  
7 the food trucks in a food truck park, you  
8 know, the food truck park, the owner of that  
9 park would have to go through a site plan  
10 approval process with the TPZ. And  
11 so they -- I'm unsure about that fee  
12 structure of that, but that is the process  
13 they would have to go through for approval.

14 MS. BONEHAM: All food trucks  
15 need to have a license from the police chief.  
16 And actually when Kris and I were talking  
17 earlier we were going to try to get that  
18 license amount, but it was a little but too  
19 late in the day to contact anybody --

20 MS. GORSKI: Because they  
21 close at four o'clock.

22 MS. BONEHAM: But they are  
23 required to get a license from the police.

24 PRESIDENT CANTOR: Thank you,  
25 Ms. Hall.



1 MR. ALAIR: The special use  
2 permit fee is \$200 plus \$50 for every 1,000  
3 square feet of changed use. So it would be  
4 depending somewhat on the size of the parcel.

5 On top of that there are also  
6 state surcharges that are mandated on any  
7 land-use application fees. So the fees can  
8 be in the several hundred dollar range, not  
9 all of which comes back to us. And I believe  
10 that our town manager demands that on a  
11 regular basis we review them to make sure  
12 we're covering our costs.

13 MR. GORDON: I have kind of a  
14 follow-up question to that.

15 PRESIDENT CANTOR: Thank you,  
16 Mr. Alair.

17 Mr. Gordon.

18 MR. GORDON: I know that in  
19 the recent last, I think five to six years,  
20 say, the fire department has started charging  
21 a use tax to all business based on your  
22 square footage. Would that be applicable to  
23 trucks if they're here in town X amount of  
24 days a year?

25 MR. ALAIR: To be clear, it's

1 not a use tax. It is not a tax. It is a fee  
2 for a review of your property which is  
3 required by the state fire code. And the  
4 distinction is important because there are a  
5 lot of churches and synagogues that don't pay  
6 tax, but do pay that fee. So it's something  
7 that some people in the community get a  
8 little upset about.

9 MR. GORDON: I understand.

10 MR. ALAIR: No, not you.

11 The -- because there's no building here I'm  
12 not sure whether -- the fee is charged based  
13 on fire code categories. And since these are  
14 vehicles and are basically portable,  
15 transportable, I'm not sure they fall into  
16 any of those categories. So the short answer  
17 is, I don't think they pay those fees.

18 The property as a whole, when  
19 there's a site plan -- or excuse me, a  
20 special use permit review, that process  
21 entailed shipping the application to the fire  
22 department for review, but this is one where  
23 they may look at it and go, there's nothing  
24 here for us, and send it back.

25 MR. GORDON: Okay.

1 PRESIDENT CANTOR: Thank you,  
2 Mr. Gordon.

3 Mr. Davidoff.

4 COUNCILOR DAVIDOFF: Thank  
5 you, Madam Mayor.

6 I just want to go over the  
7 scenario for the food truck so I have a  
8 complete understanding on how this whole  
9 thing works. So if I'm reading this right it  
10 says that a food truck can park on any street  
11 which is located in our industrial zone, and  
12 the sales are permitted between seven and  
13 ten.

14 MS. GORSKI: For the food  
15 trucks?

16 COUNCILOR DAVIDOFF: We're  
17 talking about food trucks.

18 MR. VAN WINKLE: Food trucks.  
19 A, 4A in addition shall not be parked 20 feet  
20 from an intersection and only on streets  
21 categorized as local. So not in an arterial  
22 street, a collector street. New park Avenue  
23 would be an example of those types of  
24 streets. So it's the small streets that  
25 serve, the sidestreets, those sort of things

1 would apply.

2 COUNCILOR DAVIDOFF: And  
3 that's where I was going.

4 So a food truck comes to a  
5 location on a local street and it can park  
6 there as long as it's 20 feet from an  
7 intersection. The street is determined to be  
8 local. Correct?

9 MS. GORSKI: Correct.

10 COUNCILOR DAVIDOFF: That also  
11 has to be no closer than 500 feet near a  
12 restaurant. Correct?

13 MS. GORSKI: (Nodding in the  
14 affirmative.)

15 COUNCILOR DAVIDOFF: And there  
16 cannot be any more than two of them parked  
17 adjacent to each other. Correct? And then  
18 there's other things that says this about it.

19 What happens if somebody is in  
20 violation of those three parameters? Are we  
21 going to be out there measuring whether  
22 somebody is 500 feet from a restaurant? Or  
23 is there going to be some type of signage  
24 posted saying that this is the distance  
25 that's far enough away?

1                   Because we really don't have  
2 the personnel there to go out and monitor  
3 this on a daily basis. So this would  
4 probably be complaint worthy and it would be  
5 a complaint driven to our zoning  
6 department -- Mr. Alair is saying no. To our  
7 police department?

8                   MR. ALAIR: Exactly. The  
9 first piece of this is not a zoning  
10 ordinance. It's a police regulation which  
11 would be enforced by the police department.  
12 The on street -- traditionally we say zoning  
13 ends at the street. So the private property  
14 piece of this is zoning. The on-street is  
15 police.

16                   COUNCILOR DAVIDOFF: Okay. So  
17 we would dispatch a police officer to tell  
18 the person, you're not in compliance with our  
19 ordinance and you would need to relocate your  
20 food truck operation for the day. That's how  
21 we would anticipate this thing taking place.  
22 Correct?

23                   MS. BONEHAM: Correct.

24                   COUNCILOR DAVIDOFF: Where  
25 does it say that you could park these food

1 trucks on the property of, like, 485 New  
2 Park? Where would that be a permitted use?

3 MS. GORSKI: So in the  
4 attached schedule for -- it's a schedule of  
5 permitted accessory uses, number 27. That's  
6 where that explains it. Food truck permitted  
7 as an accessory use within the parking area  
8 of existing business provided that the  
9 location does not interfere with the safe  
10 circulation of the vehicular and pedestrian  
11 traffic.

12 No more than two food trucks  
13 shall be permitted on any one property at the  
14 same time, and shall not be permitted within  
15 500 feet of any building which houses a  
16 restaurant.

17 Sales from any food truck  
18 shall be permitted between the hours of  
19 7 a.m. and 10 p.m. on any calendar day, and  
20 shall be limited to not more than three days  
21 per week, and that is allowed in an IG zone  
22 and that would be under a building and/or  
23 zoning permit.

24 COUNCILOR DAVIDOFF: Okay.  
25 And the definition of restaurants in our

1 definition portion of this ordinance, and I  
2 think it's in our code, is a restaurant is  
3 defined as something that serves a hot meal.  
4 So I know that at 485 there's a bakery and  
5 the bakery doesn't really serve what is  
6 considered a hot meal currently, being the  
7 little something bakery compared to some  
8 other type of bakery that may serve  
9 sandwiches and things of that nature.  
10 Correct?

11 MS. GORSKI: Correct.

12 COUNCILOR DAVIDOFF: But  
13 should that change, should there become an  
14 operation that did serve food there, then  
15 that no longer will be a permitted parcel to  
16 allow someone to park in that lot. Correct?

17 MS. GORSKI: Correct.

18 COUNCILOR DAVIDOFF: Okay. I  
19 just want to get these things on the record  
20 so I have a good understanding. To touch on  
21 Mr. Dodge's point with respect to the open  
22 container, the drinking of alcohol. So if  
23 somebody was at the 485 brewery and there was  
24 a food truck parked out there, if they were  
25 drinking their beverage within the confines

1 of the private property close to the building  
2 while eating their sandwich outside, that  
3 would be permitted and not unlawful.

4           However, if they stepped onto  
5 the sidewalk along New Park Avenue, then I  
6 believe they would be in violation of our  
7 drinking in public statutes. That's my  
8 interpretation of it. I just want to make  
9 sure the record is clear.

10           MS. BONEHAM: Yeah, I would  
11 want to quickly review our -- because I know  
12 a few years back we had made some adjustments  
13 to that.

14           COUNCILOR DAVIDOFF: Well,  
15 when I went on a drive along with our police  
16 department there were two gentlemen carrying  
17 beer bottles and they were walking across the  
18 street over by Harry's. The officer pulled  
19 them over and said, that is not a permitted  
20 thing on a public sidewalk here --

21           MS. BONEHAM: Yeah. So -- and  
22 if I recall when we -- sorry.

23           COUNCILOR DAVIDOFF: -- so I'm  
24 certain that that would be the same thing.

25           MS. BONEHAM: Yeah, that



1 sounds right. I mean, just going from memory  
2 I believe when we made the change it had to  
3 do with, for example, if there was a  
4 gathering at a house and you wanted to be  
5 able to step on the sidewalk while you're,  
6 you know, meeting with all of your neighbors.  
7 And so we didn't want to have it take an  
8 issue with that as I recall, but I would need  
9 to look it up directly. But in your  
10 scenario, yes.

11 COUNCILOR DAVIDOFF: So as a  
12 brick-and-mortar retailer myself, I'm sensing  
13 competition and things that may hamper  
14 transactions within the confines of my  
15 business, but I also realize that there are  
16 things that may act as draws to by business  
17 if somebody thinks, wow. This is a really  
18 cool neighborhood. I can get something to  
19 eat over here and I can maybe go shopping  
20 over here.

21 And the dining is totally  
22 different, one, in a restaurant for the most  
23 part from the ones that are brick-and-mortar.  
24 People sit down and can have an entire meal  
25 while -- not sit. Because normally we don't

1 have a lot of take out, although Chick-fil-A  
2 is probably the most take-out. I stand  
3 corrected.

4 So there, there's two sides to  
5 that experience as to whether or not it would  
6 prove to be positive or negative, I guess.  
7 My question is, when this was brought before  
8 the TPZ was there testimony from any  
9 restaurants with respect to any type of  
10 impact that they may experience with respect  
11 to their businesses?

12 MR. ALAIR: The TP and Z  
13 doesn't hold a public hearing. They do a  
14 review and make a recommendation to you. So  
15 there was no testimony before them at all.

16 COUNCILOR DAVIDOFF: I think I  
17 received one piece of correspondence with  
18 respect to this, this ordinance. I don't  
19 know if there was anything else that was  
20 received on it in terms of for the record.

21 MR. ALAIR: If I could get  
22 back to your alcohol question for a moment,  
23 because I found the ordinance? You'll recall  
24 a few years ago we had some people approach  
25 us and say, you know, we want block parties

1 in town. And technically they're violating  
2 the open container law because people are  
3 having a drink in the street outside their  
4 house. And we amended our ordinance.

5 In general you can't have --  
6 you're violating the open container ordinance  
7 if you're in possession of an open container  
8 in parked vehicles within or upon parked  
9 areas, or on a highway or sidewalk. That's  
10 the general rule. Then there's an exception  
11 that says during functions festivals, et  
12 cetera, et cetera, we carve it out within a  
13 hundred yards of your home. So if you take a  
14 beer and you walk up the street to your  
15 friend's house within a hundred yards you're  
16 okay.

17 And if you're within the  
18 public sidewalk immediately abutting your  
19 premises you're okay -- your own property,  
20 you're okay. So there are some limited  
21 exceptions there, and the one that might come  
22 into play is the public festivals and parades  
23 piece where there's an exception there, but  
24 generally, yes, you would be violating it.

25 COUNCILOR DAVIDOFF: So back

1 to where these trucks can be parked, and  
2 parked on non-major roads. So the person  
3 that would patronize the food truck  
4 operations would either be people who work  
5 nearby who on foot went there, or others who  
6 were driving. And then there would need to  
7 be a safe place for them to park their  
8 automobile to go up to the truck, to order  
9 their meal and possibly take it with them to  
10 do whatever they want to do. Correct?

11 MS. GORSKI: Correct.

12 COUNCILOR DAVIDOFF: Okay.  
13 And I think if it got to the point where it  
14 was disturbing to those who -- because there  
15 are some residential homes that buffer this  
16 zone. I'm just trying to remember. I think  
17 there is one -- I can't remember the name of  
18 the street. There is one. There's a few  
19 homes. It's off of Talcott. There's a  
20 street that runs down that way. There are a  
21 few homes there. And I guess that those  
22 people had a complaint, I guess. I'm trying  
23 to remember the name.

24 MR. VAN WINKLE: Going down  
25 the extension?

1 COUNCILOR DAVIDOFF: I know  
2 there's a street that has some homes on it.  
3 They would notify the person saying, listen,  
4 this is disturbing my enjoyment of my  
5 property per the next -- was already being  
6 disrupted with respect to the commercial  
7 activities that take place on a daily basis.

8 And I think there would be  
9 some type of meeting of the minds and then  
10 hopefully the problem would resolve itself to  
11 be in the best interests of the food truck.  
12 But I don't really see a lot of places where  
13 these things can park adjacent to --

14 MS. BONEHAM: Well, if you --  
15 like, Mr. Dumais did give me a list of  
16 potentially eligible streets based  
17 on restaurants that exist right now. And  
18 there's not a lot of them. I can read them  
19 into the record if you'd like to know.

20 There's a portion of Jefferson  
21 Avenue, a portion of Oakwood Avenue, a  
22 portion of Reed and Vanderbilt and Dexter,  
23 portions of those. And then he had Brixton  
24 Street, Tolles Street, Grassmere Avenue, a  
25 portion of Chelton Avenue, Jansen Court,

1 Shield Street, a portion of the Shield Street  
2 extension, Hurlbut Street, Sherman Street,  
3 Cody Street and a portion of Custer Street.

4 COUNCILOR DAVIDOFF: I think  
5 Grassmere was the one that I --

6 MS. BONEHAM: Okay. Yes.

7 COUNCILOR DAVIDOFF: So other  
8 than that I don't believe there's a lot of  
9 single-family or multifamily housing units on  
10 those streets that you mentioned, but I do  
11 want to get that into the record that those  
12 are the streets that we're really talking  
13 about with respect to where these food trucks  
14 can park. So thank you.

15 MS. BONEHAM: Yes, I do  
16 believe you were asking about feedback. I  
17 did speak to Mr. Dumais earlier to ask if he  
18 or his office had received any feedback on  
19 the ordinance. He said that they haven't  
20 received any inquiries other than the letter  
21 that everybody received today. He says there  
22 have been some phonecalls and feedback based  
23 on press articles, but it's been verbal.  
24 Nothing in writing. So --

25 COUNCILOR DAVIDOFF: Thank

1 you. I appreciate your answers.

2 PRESIDENT CANTOR: Thank you,  
3 Mr. Davidoff.

4 Ms. Hall?

5 COUNCILOR HALL: Thank you. I  
6 just had another question. Is there anything  
7 in our code that would allow us to say we  
8 want to allow this for a six-month time  
9 period so that we could study it and see  
10 whether this is working well, that it isn't  
11 negatively impacting?

12 Because I'm just concerned if  
13 it does have a negative impact on a  
14 residential neighborhood we can then change  
15 it, but then anybody else would have been  
16 grandfathered. Right?

17 So I'm just wondering whether  
18 it's worth considering having a, you know, to  
19 Mr. Alair's comment of, geez, we want to  
20 start small and make sure we analyze this  
21 before, you know, allowing it elsewhere.

22 MS. BONEHAM: As far as food  
23 truck parks are concerned there's a special  
24 use permit application, as we discussed. And  
25 so there would be a look back that the

1 planning and zoning commission could require,  
2 at which point they could institute  
3 additional conditions if this were proving to  
4 be problematic, but I'll let Mr. Alair  
5 elaborate on anything else.

6 MR. ALAIR: So there are three  
7 components, or three different answers. With  
8 respect to the on-street, it's not a zoning  
9 ordinance, so there's no grandfather. You  
10 could just repeal it. If you decided it  
11 wasn't working you can repeal it and it would  
12 be as of that point in time.

13 For the accessory use piece,  
14 because that's on a temporary basis that's a  
15 zoning permit and arguably somebody could  
16 claim, well, you know, my right to do this.  
17 Once I started it I'm allowed to continue it.  
18 It's grandfathered, and that would happen  
19 whether you repealed it or not, because under  
20 zoning law once you've started use you're  
21 entitled to continue it. So repealing the  
22 ordinance would stop new ones, but not  
23 anything in existence.

24 For the food truck parks, as  
25 Attorney Boneham just indicated, our special



1 use permit ordinance contains a look back  
2 which is a standard provision when a new use,  
3 particularly something unusual like this  
4 comes into town. The TP and Z imposes a  
5 one-year period, and it doesn't give them the  
6 ability to go back and say, we changed our  
7 mind. You're out of here, but it does give  
8 them the ability to go back and impose  
9 additional conditions.

10 So in that case a special use  
11 permit would be allowed to continue. It  
12 would be grandfathered. The look back would  
13 give us the opportunity to fix some problems,  
14 but at the same time if it was something that  
15 was really dire you could also repeal that  
16 ordinance. So I'm not sure there's a whole  
17 lot to be gained by a sunset provision of any  
18 kind.

19 COUNCILOR HALL: So you're  
20 comfortable with the way it is?

21 MR. ALAIR: Yeah.

22 COUNCILOR HALL: Thank you.

23 PRESIDENT CANTOR: Thank you,  
24 Mrs. Hall.

25 Mrs. Kerrigan.

1 COUNCILOR KERRIGAN: Thank  
2 you, Madam Mayor.

3 It says here the license  
4 application to operate a food truck within  
5 the public right-of-way must be accompanied  
6 by a map showing the proposed parking  
7 location or locations. So if I own a food  
8 truck, so I come and I get an application.  
9 At the time of application does it state the  
10 one road or streets that I'm going to have  
11 permission to park my truck on?

12 And a follow-up question. If  
13 that's the case, then if there are three  
14 truck owners vying for the same spot, there's  
15 a particular spot, like in New York. You  
16 know, there's certain hot dog places that are  
17 popular. Everybody wants to be on that spot.

18 And so it's a way you must  
19 monitor it such that one individual isn't  
20 always getting their truck there at, you  
21 know, five minutes to seven so they can throw  
22 it in park and sit there. So again, I hate  
23 to revisit my initial question, but I'm kind  
24 of concerned on how this is going to be  
25 monitored.

1 MS. GORSKI: So I think that,  
2 you know, to Mr. Alair's point earlier, that  
3 the police will monitor it. But you know, I  
4 think that that might be part of the special  
5 use permit where we kind of put that into  
6 there, that you know, what's the monitoring  
7 process?

8 MS. BONEHAM: The food trucks  
9 themselves, they don't need permission from a  
10 property owner to park on the street. Just  
11 for the food trucks. I'm talking about the  
12 accessory use, or the food truck park.  
13 That's just so that they can park on the  
14 street as long as all the other conditions  
15 are met.

16 So I think the intent is to  
17 show -- have the map showing the proposed  
18 parking location or locations so that way  
19 zoning can determine, and the police can  
20 determine that that is something that meets  
21 the requirements of the ordinance. That  
22 it's, you know, not within 500 feet of a  
23 restaurant and any other requirements.

24 MS. GORSKI: And the police  
25 department has reviewed the proposed

1 ordinance. So they're familiar with where  
2 the places that food trucks would be allowed  
3 are, and they've been allowed to have their  
4 comments and input in here as well.

5 COUNCILOR KERRIGAN: So we're  
6 not exposing ourselves to a situation where  
7 multiple trucks could be vying for the same  
8 spot on the same day?

9 MS. BONEHAM: Well, again  
10 they're only permitted 7 a.m. and 10 p.m.  
11 I'm not really sure how --

12 MR. ALAIR: So if that food  
13 truck number one shows up at the police  
14 station with an application and says, I want  
15 to be in this spot; food truck number two  
16 shows up 20 minutes later with an application  
17 saying, I want to be right next to them; food  
18 truck number three comes along and says, I  
19 want to be next to these guys. And the  
20 police say, sorry. You can't be. You have  
21 to be at least 500 feet away. We've already  
22 had applications for those trucks.

23 At some point it is entirely  
24 possible that you would have three food truck  
25 operators who show up and are trying to vie

1 for that spot, in which case the police  
2 department will have a record of the two who  
3 have been issued permits for that location,  
4 and the one who's been denied, and that's the  
5 guy who's going to be told to move down the  
6 street.

7 COUNCILOR KERRIGAN: So every  
8 time they want to use that spot they need  
9 make an application --

10 MR. ALAIR: It's an annual  
11 application, but they've got to tell us where  
12 they're going.

13 COUNCILOR KERRIGAN: So  
14 someone could go there and apply for all  
15 these streets and kind of pluck them up if  
16 they chose to be so mean and unfair?

17 MR. ALAIR: I'm not sure  
18 they'd get permits for all of those spots.  
19 If they have one truck and they applied for  
20 all of those spots I think the police  
21 department could deny the ability to block  
22 out everybody else from having it.

23 PRESIDENT CANTOR: Thank you,  
24 Ms. Kerrigan.

25 COUNCILOR DODGE: I'm sorry.

1 Mr. Alair, your comment about grandfathering  
2 actually sort of relates to a question for  
3 me. As far as for the accessory use, would  
4 it restrict a restaurant from opening within  
5 500 feet? What happens in that situation  
6 where -- and maybe I'm just getting too --

7 MS. GORSKI: So if a  
8 restaurant were to open within 500 feet then  
9 the food truck would no longer be allowed in  
10 the previous space. So you know, regardless  
11 of where, you know, the food truck is to  
12 begin with, if we have a new development or  
13 some type of new business coming in that  
14 would, you know, impact this ordinance then  
15 you know, the food truck would not be  
16 allowed.

17 COUNCILOR DODGE: So this  
18 wouldn't restrict in any way the ability of  
19 brick-and-mortar restaurants to open within  
20 the zone around it?

21 MS. GORSKI: No, because it's  
22 an accessory use.

23 Yes, primarily.

24 PRESIDENT CANTOR: Mr.  
25 Williams.

1 COUNCILOR WILLIAMS: Thank  
2 you, Madam Mayor.

3 As I read the ordinance, it  
4 also encourages the food trucks to have  
5 seating umbrellas. Is that right? Tables --  
6 and permits them to do that?

7 MS. GORSKI: In the food truck  
8 park.

9 MS. BONEHAM: In the food  
10 truck park.

11 COUNCILOR WILLIAMS: So my  
12 concern is with the existing restaurant that  
13 we have. I mean, they're fighting  
14 competition on two fronts. The first is  
15 we're not going to have the food trucks on  
16 Park Road, Bishops Corner, Corbins Corner and  
17 the Center.

18 And also I mean, these are  
19 food trucks, but especially the food truck  
20 park. It's like a mobile restaurant. It's  
21 not even, you know, traditionally what you  
22 would think of in Hartford where people are  
23 going up to a truck. These are literally  
24 restaurants that people can go to where the  
25 kitchen happens to be in a motor vehicle and

1 then there's shaded seating outside.

2                   So I think we have to proceed  
3 with caution, because particularly in the  
4 case of the Corner Pug they've had some  
5 issues in the last couple of years dealing  
6 with the busway and construction, and they  
7 held tight. So I think we have to be  
8 cautious about sort of experimenting with  
9 food trucks in an area where there's this two  
10 front competitive game that they're playing.

11                   Thank you, Madam Mayor.

12                   PRESIDENT CANTOR: Thank you,  
13 Mr. Williams.

14                   Mr. Barnes.

15                   COUNCILOR BARNES: Just  
16 clarification following up on Ms. Kerrigan's  
17 point about, it looks like four -- so B-4H,  
18 about having to show on a map where you're  
19 proposed to park, and part of Mr. Alair's  
20 explanation of that. I always assumed that  
21 if you had a license that you could go park  
22 in any of the permitted areas as long as  
23 there was no more than one other truck at  
24 that location.

25                   And so what we're saying is



1 when you -- when a food truck owner goes to  
2 apply for the license they have to indicate  
3 the spot that they want to occupy. And  
4 they're going to get that spot assuming, you  
5 know, during the hours of 7 a.m. to 10 p.m.  
6 on the days of permitted operation.

7 So if the truck isn't there  
8 that day we're saying that somebody else  
9 can't go to that spot.

10 MS. GORSKI: No, they can.

11 COUNCILOR BARNES: No, because  
12 they're going to have an application.

13 MR. ALAIR: They're going to  
14 have to have shown a map, and we won't have  
15 given them --

16 MS. GORSKI: So my  
17 understanding and how I read this would be  
18 when you apply for your food truck permit  
19 through the police department you're  
20 providing a location or locations that you  
21 would possibly go to as long as it abides by  
22 the ordinance as proposed.

23 And so whichever food truck  
24 has applied for those locations, whoever gets  
25 there first that's who would have the spot

1 for the day. That's my understanding.

2 COUNCILOR BARNES: So everyone  
3 that applies is going to say for all  
4 permitted locations in the zone. Right?  
5 Because you're not going to say, I'm only  
6 going to park in spot A. Everyone that's  
7 going to apply will say for every spot that  
8 is a permitted use under this ordinance  
9 that's where I could possibly park, which  
10 makes sense.

11 And then everybody that wants  
12 to park there is going to have to potentially  
13 line up or stand at the edge and race their  
14 truck to the spot, you know, at that moment  
15 to secure that spot. And so, one, you know,  
16 that could be a potential problem.

17 I'm not as familiar with, you  
18 know, kind of the running of the food truck  
19 operation, but it seems like, you know, in  
20 Bushnell Park in Hartford or other locations  
21 the trucks want to be in the same location  
22 each day because they're going to have  
23 customers that want to frequent that truck.  
24 And so this creates a situation where they  
25 may not be able to get that spot every day or

1 every other day depending on how they all  
2 queue up and not end up on these locations.

3 And potentially the third  
4 truck has got to be 500 feet away, et cetera,  
5 and as we've already talked about there are  
6 not that many places to be able to do this  
7 particularly with sufficient walk-up traffic  
8 that would frequent these types of trucks.

9 Mr. Davidoff was talking about  
10 people driving up and possibly using them,  
11 but for the most part it's in areas where  
12 there's not a lot of restaurants, and you're  
13 providing a walk-up service for employees of  
14 businesses that are in that area that want  
15 to, you know, use that as an option. And so  
16 it seems like that it's going to create a lot  
17 of competition for those handful of spots  
18 that, you know, one, we need to be aware of.

19 My second comment is -- or a  
20 question is, restaurants I assume are not  
21 precluded from opening a food truck. So  
22 let's say a restaurant in town decided that  
23 they wanted to compete in this space. Then  
24 they create -- start and get a food truck and  
25 apply for the license, and go and take their

1 services on the road. Correct?

2 MS. BONEHAM: Yes, that's  
3 correct.

4 COUNCILOR BARNES: Okay.  
5 Thank you.

6 PRESIDENT CANTOR: Thank you,  
7 Mr. Barnes.

8 Just a followup on that  
9 question that was one of my questions. Their  
10 food truck could not be parked in front of  
11 their restaurant at all times?

12 MS. BONEHAM: Correct. They  
13 would still need to comply with the  
14 requirements of the ordinance, yes.

15 PRESIDENT CANTOR: Okay.  
16 Thank you.

17 Mr. Davidoff.

18 COUNCILOR DAVIDOFF: Thank  
19 you, Madam Mayor.

20 I just want to clarify this  
21 subsection H. So I heard what with Mr. Alair  
22 said, but could it not be that when you  
23 submit your license application, attached to  
24 it would be the map showing you the proposed  
25 parking locations or location, not your

1 particular location, but that's what you're  
2 getting when you apply.

3 That's how I sort of read  
4 that. I didn't read that I was getting spot  
5 X or spot Y. I was getting -- with my  
6 application there was a map attached as an  
7 addendum that said these are the permitted  
8 things.

9 I don't know if that needs to  
10 get reworked by some language there, but I  
11 think that would be a better intent of what  
12 we're trying to do than tell somebody, well,  
13 I'm sorry. Spot X is taken for the next  
14 year. You can't have that, and I don't think  
15 that's the intent at all.

16 MS. GORSKI: Right. And I  
17 think that to that point, Mr. Davidoff, I  
18 think that this was -- and correct me if I'm  
19 wrong -- a section that was maybe added by  
20 the police department. So I agree,  
21 clarification there would be helpful.

22 COUNCILOR DAVIDOFF: So  
23 perhaps before we can take a vote on it we  
24 could rework some wording in our substitute  
25 ordinance to clarify that we're going to have

1 an application, these are the areas, these  
2 are the streets that are permissible  
3 locations, and you then file it. So be it on  
4 any given day, that's what you're going to  
5 do.

6 I do agree that, like, I think  
7 what Mr. Martin said, that if you're  
8 successful in spot A then over time people  
9 are going to look for you at spot A. Okay?  
10 And you will know that you need to get to  
11 that location at a particular time -- so if  
12 this thing is adopted.

13 I'm certain that the people  
14 who are involved in this particular industry  
15 understand the rules of the game of  
16 engagement here on how to be successful and,  
17 you know, I don't think we can micromanage it  
18 any more than what we're trying to do here.

19 PRESIDENT CANTOR: Thank you,  
20 Mr. Davidoff.

21 Actually in the City of  
22 Boston, and I know that Chicago also -- I  
23 just read this -- certain spots are  
24 done through a lottery system if they prove to  
25 be popular, and that's how they handle them.

1 Mrs. Casperson.

2 COUNCILOR CASPERSON: Well,  
3 I'm looking at this -- I've been to both the,  
4 you know, the food truck park in Boston and  
5 in other cities. And you know, I can see the  
6 appeal for both, but always wanting to keep  
7 in mind and understand what the impact it's  
8 going to have on our business owners in West  
9 Hartford. Thank you.

10 PRESIDENT CANTOR: Thank you,  
11 Mrs. Casperson.

12 Anybody else?

13 (No response.)

14 PRESIDENT CANTOR: Okay.  
15 Let's go to the sign-up sheet. Thank you  
16 very much. We may need you back, but let's  
17 hear from the public.

18 Thank you. The first speaker  
19 is Chris Foley. Please state your name and  
20 address for the record.

21 CHRISTOPHER FOLEY: Thank you.  
22 My name is Christopher Foley and my address  
23 is 1046 New Britain Avenue in West Hartford.  
24 Good evening, everyone.

25 I am the manager of the Corner

1 Pug Restaurant. And as Councilor Williams  
2 alluded to, we had fought the recession, the  
3 New Britain Avenue two-year construction and  
4 the Connecticut Fastrak construction, all of  
5 which is making the neighborhood much  
6 greater.

7 I am a hundred percent behind  
8 the free enterprise system and capitalism. I  
9 believe in food trucks. I believe everyone  
10 should have an opportunity to earn a living.  
11 My opposition is twofold.

12 The first is I'm opposed to a  
13 food truck park. We employ 33 employees at  
14 the Corner Pug. Some 8,000 to 9,000 dollars  
15 a year in personal property taxes. Our  
16 landlord probably pays double or triple that  
17 on the property taxes.

18 And a food truck park, we're  
19 trying to figure out where the money would  
20 come from to pay a similar amount of taxes.  
21 The food trucks don't pay personal property  
22 tax on the grill. We pay personal property  
23 tax on the grill. The property owner doesn't  
24 have the building, so his tax is going to be  
25 lower. So that's an uneven playing field.



1                   As far as the brewery down on  
2 New Park Avenue, I hope they are very  
3 successful and I have no opposition to a food  
4 truck being out there when they have their  
5 tasting room open, as most breweries do now.

6                   The other point I have is if  
7 it's fair in the industrial district for the  
8 six restaurants, that according to the recent  
9 article don't create a -- Mr. McGovern said,  
10 but it's not a restaurant district per se.  
11 McGovern said it was -- allowed another  
12 commercial district with a lot of restaurants  
13 that could create a competitive challenge and  
14 concern amongst others. Well, if you put a  
15 food truck park in the middle of our six  
16 restaurants it's a competitive challenge, and  
17 it's an uneven playing field.

18                   I think you have a lot of cans  
19 of worms listening to tonight's conversations  
20 that you haven't gotten into. Is every food  
21 truck operator going to be a qualified food  
22 operator? Are they going to have, you know,  
23 a certificate filed with the health district?

24                   Is the fire department going  
25 to inspect the propane? Who is going to make

1 sure the truck is safe? What happens if a  
2 truck blows up, and then the six trucks blow  
3 up?

4 And I wasn't quite clear as to  
5 the location of the food truck park. The  
6 lady mentioned 610 New Park Avenue. And then  
7 she said, across from the new apartment  
8 building that's being built. That's right in  
9 between all of our restaurants.

10 There's Chick-fil-A. There's  
11 Pho 68. There's the Hartford Baking Company  
12 and there's Corner Pug. There's Hot Basil.  
13 We're all struggling, and having an uneven  
14 playing field with a food truck right in the  
15 midst of us I don't think is fair to these  
16 businesses and the people that work at them.

17 Thank you very much for your  
18 time.

19 PRESIDENT CANTOR: Thank you,  
20 Mr. Foley.

21 The next speaker is Tate  
22 Norden.

23 TATE NORDEN: Good evening.  
24 First and foremost, I just want to thank  
25 everybody who played a part in crafting this

1 ordinance. I can say I think there was a lot  
2 of time and thought put into it to make sure  
3 that it had the best interests of the Town,  
4 from protecting the existing businesses that  
5 are currently here, but also with an eye  
6 towards growth.

7 I think that this is a great  
8 opportunity for the Town of West Hartford to  
9 cement itself as the progressive place that  
10 it is, and also to further cement itself as a  
11 true foodie destination, not just throughout  
12 Connecticut, but throughout New England.

13 Food truck parks are not  
14 something that we're, you know, breaking  
15 ground on as far as like a new concept.  
16 These are happening throughout the entire  
17 country. These are businesses that are  
18 deeply entrenched with supporting small  
19 business.

20 I can speak for at least three  
21 chefs that I know of that are in the crowd  
22 tonight that are professionally trained  
23 chefs that are incredibly talented at their  
24 craft, and they are small business owners and  
25 entrepreneurs that would be benefiting from a

1 food truck park and this ordinance as it's  
2 currently stated.

3 So I think it's a huge  
4 opportunity for West Hartford to support  
5 small businesses and also to support the  
6 local food scene. A lot of these trucks are  
7 deeply committed to supporting local farmers  
8 and other local artisans.

9 I'm a local food truck  
10 owner as well here in West Hartford. I live  
11 on 183 Webster Hill Boulevard, and we buy a  
12 substantial amount of our bread from Hartford  
13 Baking Company. So we're all about  
14 supporting local. That being said, I think  
15 that our goal is to create a business,  
16 especially a food truck park business that's  
17 going to help all the businesses in New Park  
18 succeed.

19 I have a contact, or a friend  
20 I guess I should say, who is affiliated with  
21 the ownership and operation of Red Robin.  
22 And not too long ago Shake Shack was, you  
23 know, it was made public that they're going  
24 to be going into that same plaza. And I went  
25 to them and I said, man, are you worried?

1 Like, basically that's a different process,  
2 but the same exact offerings of you.

3 He said, no. Not at all.

4 When you put more food restaurants and  
5 establishments together, that creates more of  
6 an attraction to bring people into the area.  
7 He cited Chipotle. He said when Chipotle  
8 opened up they had some of the highest sales  
9 that they have ever had.

10 So I definitely think that --  
11 obviously, I understand where some small  
12 businesses are coming from. I think that  
13 with a food truck park and 616 New Park, and  
14 all the great development that's happening in  
15 this area, it's only going to make it that  
16 much more attractive for young business  
17 professionals, millennials and families,  
18 people that we want to be attracting into  
19 town and people we want to be able to keep in  
20 town.

21 And just to address some of  
22 the things, because obviously I realize some  
23 of this is speculation about what may or may  
24 not happen. Our goal is to open up a food  
25 truck park in that area, and there would be

1 an existing building on the property. That  
2 building would of course pay tax, and we  
3 would of course pay taxes to the Town for,  
4 you know, the sales and use of our own  
5 business. Food trucks would pay us a fee,  
6 and then would essentially obviously trickle  
7 down through tax revenue for the Town of West  
8 Hartford.

9 So again, I appreciate  
10 everybody's time and consideration on this  
11 matter. I'm very hopeful that I think we can  
12 kind of, you know, continue to keep West  
13 Hartford moving forward and create something  
14 that can be really great and help support  
15 small business here in town.

16 Thank you.

17 PRESIDENT CANTOR: Thank you,  
18 Mr. Norden.

19 The next speaker, Roxanne  
20 Drolet. Just a reminder to state your name  
21 and address for the record.

22 ROXANNE DROLET: Hi, I'm  
23 Roxanne Drolet and I live at 4 Owings Road,  
24 West Hartford.

25 I'm in favor of this idea. I

1 think that more is better. I agree with Tate  
2 that more is better. I agree with Tate that  
3 West Hartford could be -- I mean, West  
4 Hartford is a food destination, you know.

5 Before I moved here five years  
6 ago I had a job interview. And the woman  
7 said, where are you planning on living?

8 And I said, West Hartford.

9 And she goes, oh, I'm always  
10 there. It seems like I'm always in a  
11 restaurant in West Hartford. That's where  
12 it's at.

13 And this is -- I see this more  
14 of an expansion of West Hartford's foodiness.  
15 Every time I go to Home Depot I see the Thai  
16 restaurant over there. And I think, I should  
17 go there, but I don't go to Home Depot all  
18 the time. So I think, yes, more over there  
19 is better for all those existing restaurants.  
20 I think it would be a win, and I like the  
21 idea personally. And I'm in favor.

22 Thank you.

23 PRESIDENT CANTOR: Thank you,  
24 Ms. Drolet.

25 Mike Damato.

1 MIKE DAMATO: Mike Damato, 12  
2 Lemay.

3 I own a food truck called  
4 Brasato. Speaking specifically to the food  
5 park aspect of this, it's something that's  
6 in, as you said, major cities, very  
7 successful and it definitely draws people to  
8 your city.

9 And I don't really see it as  
10 competition to other restaurants just because  
11 we're mobile. It's an awesome opportunity  
12 for people to come to your city and have  
13 different types of food different nights.  
14 You know, if a restaurant opens up down the  
15 street from another restaurant it's not  
16 really competition. West Hartford is seen as  
17 having amazing restaurants, and that's what  
18 brings people here.

19 So just because you're having  
20 a park where I don't have to pay taxes in  
21 your town, you know, as Tate said, he's still  
22 paying taxes on that property here. So I  
23 don't really get the difference between a  
24 restaurant paying taxes and his paying taxes.  
25 I mean, I don't know if I'm right on that,



1 but --

2                   And as this gentleman said  
3 earlier, it's an opportunity for people like  
4 me who would love to open a restaurant  
5 someday to get into the business. I own a  
6 food truck because financially I can't do a  
7 restaurant right now. So that's how people  
8 get into it and hopefully can open up a  
9 restaurant in West Hartford one day.

10                   Thank you.

11                   PRESIDENT CANTOR: Thank you,  
12 Mr. Damato.

13                   Next is Linda Howley.

14                   LINDA HOWLEY: Hi. My name  
15 is Linda Howley. I live at 3 Kingswood Road  
16 in West Hartford.

17                   I'm here in favor of the food  
18 truck park, and that's one of the things I  
19 wanted to talk about. I actually want to  
20 talk about the fact that it seems to be  
21 something that would bring a community  
22 together.

23                   I happen to be one of my only  
24 neighbors who could come tonight, and maybe I  
25 have to get a petition together, but everyone

1 seems to be pretty excited about the idea of  
2 coming with their families to a place where  
3 you can be outside, where you can have a  
4 different variety of food, and where you can  
5 hopefully walk when it's nice outside. So we  
6 like the idea of West Hartford becoming a  
7 more unique place.

8 I love West Hartford. It has  
9 some of the best restaurants, and coming from  
10 New York City I felt like this was a great  
11 place to raise my family. And I can also --  
12 I love going out to eat, so it's someplace I  
13 can also get to experience different types of  
14 restaurants, different types of an experience  
15 walking around. So I really like the idea.

16 The reason why I'm not -- I  
17 mean, I've seen West Hartford even from 15  
18 years ago grow in the restaurant -- the  
19 restaurants keep growing. And what I've  
20 noticed is some of the retail seems to be  
21 being replaced by restaurants, but the  
22 restaurants don't seem to be hurting from  
23 this. They just -- I have a hard time  
24 getting into the restaurants, to be honest  
25 with you. So I don't see it as a negative

1 competition.

2 I agree with somebody here who  
3 said it tends to draw people and become more  
4 of a destination, and it's a unique  
5 experience. It's not the same thing as going  
6 to a restaurant sitting down. It's -- you  
7 get something different. I don't think  
8 someone is going to pick this restaurant over  
9 another if they really want that experience.  
10 So I like it from the uniqueness of it.

11 I hadn't thought about, like,  
12 I like the idea of food trucks and that's  
13 secondary to what I came here to talk about,  
14 but as I was listening to everyone I thought  
15 how my husband and I love to go to Hartford  
16 where he works and eat at the food trucks  
17 that are always out in Hartford, and that's a  
18 really fun thing to do. So we love to do  
19 that and if there was a place that happened  
20 here in West Hartford, that we would go  
21 there. So those are my thoughts.

22 Thank you.

23 PRESIDENT CANTOR: Thank you,  
24 Ms. Howley.

25 The next person that signed up

1 is Clover Marsh. Again, please state your  
2 name and address. If you're not a West  
3 Hartford resident we can suspend the rules to  
4 hear you speak.

5 CLOVER MARSH: I'm not a West  
6 Hartford resident.

7 PRESIDENT CANTOR: I make a  
8 motion to suspend the rules for residency.

9 COUNCILOR DAVIDOFF: Second.

10 PRESIDENT CANTOR: Motion is  
11 made and seconded. All those in favor?

12 THE COUNCIL: Aye.

13 PRESIDENT CANTOR: All those  
14 opposed?

15 (No response.)

16 PRESIDENT CANTOR: The budget  
17 carries.

18 Go ahead. You have three  
19 minutes.

20 CLOVER MARSH: Okay. My name  
21 is Clover Marsh. I live in East Hartford. I  
22 have a mobile food truck called Quick Bites.  
23 I started recently. I'm one of the vendors  
24 down by -- in Hartford down by the Bushnell.  
25 And I hear some questions about how these

1 food trucks run.

2                   You do have a license, and you  
3 have to have a food handler's permit, which  
4 lasts for five years. You have to set that  
5 exam. You have to, you know, go through all  
6 that stuff.

7                   We do have a fire marshal. I  
8 have -- you have to have a fire marshal check  
9 your generator, your gas line. You know, you  
10 have the fire marshal that comes out to check  
11 your propane lines, your water lines. You  
12 know, you have the electrical guy. You have  
13 everybody that comes out and checks these  
14 trucks before they go out -- or you even get  
15 a permit for it. And the funny thing about  
16 it, you pay for the permit before they check  
17 these things.

18                   So if you don't pass -- I  
19 mean, and it's \$500 for this permit. And the  
20 permit is different from paying the Town,  
21 because a spot is \$1350 for the year. But by  
22 all means, I mean, we're out there and we're  
23 small business. And most of us like me, I  
24 can't afford my own restaurant. And I come  
25 up with the idea because I was hating the

1 fact that going to work and not sure if I'm  
2 going to be hired tomorrow or not. You know,  
3 I mean, I used to fear that being a single  
4 parent at the time. So I decided to start my  
5 own business.

6 And I used to run an ice cream  
7 truck and I did that for many years in  
8 Hartford, also living in East Hartford, but  
9 I've always been doing business in Hartford.  
10 Then I saved that money to make my own food  
11 truck. I couldn't afford to buy one for 50  
12 or 60, 75 thousand.

13 So I bought my truck and  
14 actually built it slowly myself. It takes me  
15 about five years to do that, and I started  
16 that way. And I mean, you have to have all  
17 the requirements because you have random  
18 checks.

19 And I was listening about the  
20 spots. You have a designated spot. That  
21 spot is tagged and you have a number for that  
22 spot. You are dedicated to go to that spot.  
23 I mean there's no one else that can park in  
24 your spot if you're sick and you didn't show  
25 up because everybody has a designated area

1 when you go there.

2                   It's not, okay. I'm going to  
3 park my car overnight so I can hit the spot  
4 tomorrow. It's not like that, because you  
5 pay your money just like everybody else and  
6 you get a spot that belongs to you throughout  
7 the season. After the season goes away, then  
8 you know what I mean? You have to renew your  
9 spot.

10                   And you still have to go every  
11 year and renew everything else also just like  
12 a restaurant. On June 30 you have to get a  
13 new food handler's permit. They have to go  
14 through the truck again, the handwashing  
15 sinks, all that good stuff.

16                   It's set up just like a  
17 restaurant with the hood system and all those  
18 things. It's not like we just get a truck  
19 and go out there and just sell food. It's  
20 actually set up like a real restaurant. The  
21 only thing is it's mobile. And the thing is  
22 it's so nice because you have a different  
23 variety.

24                   I'm a Jamaican, so I have a  
25 Jamaican cuisine. And down there, I mean,

1 I'm the only Jamaican truck that's down  
2 there. And I mean, you have the fish guy.  
3 You know, you have the Italian. You have all  
4 different stuff and people like to come  
5 there. The same person who buys from me  
6 today might not buy tomorrow because they're  
7 not feeling for jerk chicken. You know what  
8 I mean? They might want a taco tomorrow, but  
9 they have their options of this.

10 And when I thought about this  
11 food truck park, I mean, if somebody wants to  
12 go to Chick-fil-A there's no way they're  
13 going to buy some jerk chicken or jerk pork,  
14 because it doesn't sell at Chick-fil-A and  
15 that's not what they want. So I mean, I know  
16 the restaurants are, you know, probably  
17 worried that we're taking business from them,  
18 but if somebody really wants your food today  
19 they're going to have your food today.

20 If you want fried chicken,  
21 you're not going to have oxtail. You know  
22 what I mean? So it's like what you're  
23 feeling. And it's just, I mean, it's just  
24 natural. You want McDonald's, you're not  
25 going to pull up at Burger King. You know



1 what I mean? And it's just like that with a  
2 food truck.

3 In that area, you know what I  
4 mean? It's like we're secluded in a park.  
5 If the people don't want to drive down to the  
6 park they're going to come to your  
7 restaurant. And if they don't want to come  
8 to your restaurant they're going to come down  
9 to the park, you know, where the food trucks  
10 are.

11 So it's not about -- and  
12 definitely I don't want to know that I'm  
13 taking from another business, because I'm not  
14 in the game for that. And I like the  
15 idea we're away from business, 500 feet or  
16 however feet it is. The fact that, you know,  
17 we just want everybody to come together and  
18 be happy.

19 I mean, if it's a fact that  
20 it's going to cause an issue, I mean to be  
21 honest, I don't want to be a part of it.  
22 That's why I'm here tonight. I want to hear  
23 how people feel about it, because people  
24 should be happy coming to, you know what I  
25 mean? To have food or something to eat. I

1 mean, I don't want to be in a situation where  
2 I know that the Town really don't want us to  
3 be here, but we're here.

4                   We want to be loved and, you  
5 know, want to just -- because when you're  
6 doing food you have to put love in it.  
7 That's the only way it's going to taste good.  
8 You know what I mean? You have to feel that  
9 love and want to -- and knowing that you need  
10 it. And once you need it, oh, you put your  
11 foot in it. You know what I mean? So it's  
12 all about that we all come together and, you  
13 know what I mean? Set us in an area that we  
14 don't affect other businesses and everybody  
15 will be happy.

16                   And those are my few words.  
17 Thank you.

18                   PRESIDENT CANTOR: Thank you,  
19 Ms. Marsh.

20                   The next person that signed up  
21 is Norma Mathis. Also not an address -- so  
22 if you are not a West Hartford resident, same  
23 thing.

24                   NORMA MATHIS: Hi. I'm Norma  
25 Mathis. I'm from New Britain. I own Hot

1 Pizzazz Pizza.

2 PRESIDENT CANTOR: Motion to  
3 suspend the rules?

4 COUNCILOR DAVIDOFF: Second.

5 PRESIDENT CANTOR: Motion made  
6 and seconded. All those in favor?

7 THE COUNCIL: Aye.

8 PRESIDENT CANTOR: All those  
9 opposed?

10 (No response.)

11 PRESIDENT CANTOR: Okay. Go  
12 ahead. Three minutes. Thank you.

13 NORMA MATHIS: And I'm here in  
14 favor for the food trucks. And Clover  
15 covered a whole lot of information that I  
16 wanted to say.

17 But I think just bringing  
18 people together, the restaurants in West  
19 Hartford. I work normally in West Hartford.  
20 I meet a lot of my clients at the restaurants  
21 in West Hartford. And you're talking a whole  
22 big different thing of having service sitting  
23 at a table compared to a food truck.

24 The food is different. The  
25 money is different. The atmosphere is

1 different. I'm not going to talk to one of  
2 my clients for the business that I do at a  
3 food truck, so I would go to a restaurant.  
4 But if I'm out with my family, it's a nice  
5 day out, we're going to the food trucks,  
6 because you don't know who wants to eat what  
7 at what time, especially if you have kids.  
8 Somebody may want pizza. Somebody may want,  
9 you know, Jamaican food, a sandwich or  
10 whatever it is.

11 So I think it's going to be a  
12 good thing for the city and I hope the Town  
13 of West Hartford does consider this  
14 ordinance.

15 Thank you.

16 PRESIDENT CANTOR: Thank you,  
17 Ms. Mathis.

18 That is the end of the people  
19 that signed up to speak on the sheet that was  
20 left out, but if there's anybody in the  
21 audience that would like to speak to this  
22 public hearing, please feel free to come up.

23 (No response.)

24 PRESIDENT CANTOR: Okay. I  
25 don't see anybody. So if there are any more

1 questions from the Council on anything?

2 Okay. Mr. Barnes.

3 COUNCILOR BARNES: I think  
4 following up on, I believe it was  
5 Mrs. Marsh's comment about the spot being  
6 tagged if you pay X amount of money and no  
7 one else can park in your spot. That seems  
8 inconsistent with the conversation that we  
9 just had. And so can we talk about how that  
10 works.

11 MR. ALAIR: I think she's  
12 talking about how they do it in Hartford.

13 COUNCILOR BARNES: No, I  
14 understand.

15 MS. BONEHAM: Well, actually  
16 one of the things Kristen and I commented to  
17 each other is that could be something that if  
18 it proved to be popular, that if enough  
19 people were coming, that food trucks were  
20 coming we could amend the ordinance so that  
21 you would have the ability to reserve a spot,  
22 or perhaps a lottery as Mayor Cantor had  
23 mentioned. We were saying that we thought  
24 that that would be a good possibility  
25 depending on the success of the ordinance.

1 MR. ALAIR: And because great  
2 minds think alike, as they were commenting on  
3 that I was jotting a note. One thing you  
4 could do now is add a provision under H. We  
5 had talked about that, and Attorney Boneham  
6 had whispered to me earlier that we might  
7 want to add a sentence saying that just  
8 because you provide us with a map of these  
9 spaces, it's not a guarantee that any space  
10 is going to be reserved for you on any given  
11 day.

12 We could also add another  
13 sentence to that that says that the police  
14 department is authorized to adopt regulations  
15 pursuant to the ordinance to manage spaces in  
16 the event it's necessary to ensure the safety  
17 of the public right-of-way, and that would  
18 allow them themselves.

19 There is a provision in our  
20 code for departments to issue regulations,  
21 which get approved by the Council. But they  
22 could manage it without us having to formally  
23 amend the ordinance.

24 COUNCILOR BARNES: So we would  
25 be creating a situation where the food truck

1 owner would have to decide whether they  
2 wanted to participate in basically the  
3 business structure environment that we set up  
4 here?

5 MR. ALAIR: Yes.

6 COUNCILOR BARNES: We're not  
7 going to do a tag. It's going to be first  
8 come, first serve. And if you get the spot  
9 that day, and if they don't like that then  
10 they'll choose to park somewhere else.

11 MR. ALAIR: And if six years  
12 from now we have a dozen streets where you  
13 can do this, but there's one block on one  
14 street that everybody wants to be on, the  
15 police could implement a lottery system or  
16 something like that pursuant to the reg that  
17 they would adopt in furtherance of the  
18 ordinance, just to be equitable about it. If  
19 that proved to be necessary and it probably  
20 won't, but if it did they could do it.

21 COUNCILOR BARNES: Okay.  
22 Thank you.

23 PRESIDENT CANTOR: Thank you,  
24 Mr. Barnes.

25 Ms. Hall.

1 COUNCILOR HALL: I think also  
2 as a followup to Mrs. Marsh's comments, I  
3 just want to be sure that the Town's expenses  
4 are being covered and the safety features  
5 that you spoke of are covered.

6 So are we saying that the  
7 inspections that they were talking about in  
8 regard to propane and water and all of that,  
9 and the fire, is that something that our  
10 public safety would be supplying? Is that  
11 covered in this?

12 MS. GORSKI: I believe so.  
13 And specifically, you know, for anything that  
14 would need a special use permit or, you know,  
15 a site plan review you will need the fire  
16 marshal to do his typical checks, routine  
17 checks for the vehicles, which I believe they  
18 do as well as, you know, there's an  
19 additional permit that needs to be paid for  
20 the health department for them to do their  
21 inspections as well.

22 MR. ALAIR: The only piece  
23 that I'm a little unclear about is because  
24 we're dealing with motor vehicles here. It  
25 may be the motor vehicles department and not



1 the individual town that inspects the vehicle  
2 for fire code and other things. That I'm not  
3 certain about.

4 COUNCILOR BARNES: They're all  
5 shaking their heads.

6 MR. ALAIR: Okay. Good. I'm  
7 just not clear and I didn't want to sit here  
8 and nod and say, yeah. No problem. If we're  
9 doing an inspection we're getting a fee for  
10 it. If we're not doing the inspection,  
11 obviously we don't get the fee for it, but  
12 somebody else is doing the inspection.  
13 That's what I was trying to say.

14 COUNCILOR HALL: Okay. And I  
15 just want to make sure if we have trucks here  
16 somebody is inspecting them to ensure the  
17 safety, maybe.

18 MR. ALAIR: And the answer is,  
19 certainly as far as the food establishment  
20 license goes, yes.

21 As far as the fire department,  
22 I'm not sure what inspections are required.

23 PRESIDENT CANTOR: I would say  
24 again, some of my research in looking at food  
25 trucks when this, the interest started to

1 circulate, it is a standard practice for a  
2 fire marshal to have an inspection process.  
3 That propane connection is very important and  
4 I think that's done by their own fire  
5 department of the city or town. And there is  
6 a permitting fee that's associated with that,  
7 or a fee that is included in the permitting  
8 process, and they're agreeing with that.

9                   So maybe we need to do just  
10 some research. Maybe we put a caveat in  
11 there consistent with a standard of, you  
12 know, food truck practices that we permit,  
13 inspect and permit fire. That was a concern  
14 that I had.

15                   And I think that is also true  
16 for -- that's the gas line, or propane line  
17 if it's hooked up to, you know, from gas or  
18 propane. And then I think the water, too,  
19 would also be done by the fire department.

20                   CLOVER MARSH: No, that's the  
21 health inspection.

22                   PRESIDENT CANTOR: All right.  
23 So anyway I think we need to amend the  
24 ordinance to include that requirement.

25                   Mr. Barnes.

1 COUNCILOR BARNES: Thank you.  
2 Just following up on one point on the tax  
3 question. The gentleman mentioned that  
4 there's a, you know, proposed location for a  
5 food truck park. And that there's a  
6 structure there and there would be, you know,  
7 the trucks there, and that the owner pays tax  
8 on that property.

9 And so if the trucks are there  
10 and they're generating revenue from the sales  
11 of their goods, does that get factored into  
12 the value of the parcel at the time of tax?  
13 When the tax is assessed, does it take into  
14 consideration the success of all the trucks  
15 and the revenue that's generated on the  
16 parcel?

17 MR. ALAIR: I sense my next  
18 property tax appeal coming on. Indirectly at  
19 least. Let's put it that way. Any income  
20 producing property is valued at least in part  
21 based upon a review by the assessor of the  
22 revenue, the income stream from that  
23 property. This would be no different.

24 So the revenue that the truck  
25 is producing isn't directly the issue. The

1 issue is what revenue is the landlord  
2 receiving for renting the space to the truck?  
3 As the trunk's revenues go up and the  
4 landlord is looking at this and saying, gee,  
5 this is a moneymaker. That rent is going to  
6 go up. And that will then get factored into  
7 the value of the property. So it's not a  
8 direct ratio to the sales from the truck.  
9 It's a ratio of the rent for the spot.

10 COUNCILOR BARNES: Right. So  
11 the rent, not sale?

12 MR. ALAIR: Correct.

13 PRESIDENT CANTOR: Thank you,  
14 Mr. Barnes.

15 Ms. Kerrigan.

16 COUNCILOR KERRIGAN: Thank  
17 you, Madam Mayor.

18 Number five, it says that at  
19 least two permanent restrooms within 200 feet  
20 of each food truck must be accessible to the  
21 food truck park patrons while the food truck  
22 park is open. So restrooms accommodates --  
23 how many stalls are in a restroom?

24 MS. GORSKI: I believe it's  
25 based on the occupancy load. So how many

1 people you could fit on the site typically  
2 determines how many stalls you would need in  
3 both a men and women's room.

4 COUNCILOR KERRIGAN: So that  
5 would be the size of the park?

6 MS. GORSKI: I believe it  
7 would be the amount of employees as well as  
8 the number of seats.

9 MS. BONEHAM: And this is for  
10 food truck parks, and so it's at least 2  
11 permanent restrooms within 200 feet of each  
12 truck. So if you have five --

13 COUNCILOR KERRIGAN: So if you  
14 had 22 trucks do you need 40 --

15 MS. BONEHAM: Well, you're  
16 only allowed to have five food trucks in a  
17 food truck park. So you have to have at  
18 least -- if you had five, you have ten, at  
19 least ten permanent restrooms.

20 COUNCILOR KERRIGAN: Okay.  
21 And those restrooms, installing them is at  
22 the expense of whoever owns that park?

23 MS. GORSKI: Right, and they  
24 would have to be fixed restrooms. They could  
25 not be Port-O-Lets.

1 COUNCILOR KERRIGAN: Okay. So  
2 the question is, how many stalls? I know  
3 this sounds ridiculous. I'm trying to  
4 envision this. So the restroom is just --

5 MR. VAN WINKLE: I'm going to  
6 guess that the ordinance is not intending it  
7 to be a restroom the size of a room, but a  
8 facility. So if you need two, you need two  
9 toilets, not two rooms necessarily. So you  
10 need the number of facilities. It's not  
11 clear.

12 In the building code --  
13 restrooms are dictated by the building code,  
14 and it depends on, you know, the number of  
15 seats you have in a restaurant, how large the  
16 restaurant is. And that's how we show them  
17 how many restrooms to have by the state  
18 building code, not by a local ordinance.

19 In this case you don't have a  
20 building, and so I think this ordinance tries  
21 to provide some local ordinance for a park  
22 that people will need to use the restroom.  
23 And I guess that it's -- if it says two, it  
24 means two facilities.

25 MR. ALAIR: It's two.

1 COUNCILOR WILLIAMS: Thank  
2 you.

3 PRESIDENT CANTOR: Thank you.  
4 Mr. Davidoff.

5 COUNCILOR DAVIDOFF: I'm sorry  
6 to go back to Number 4H again, but we were  
7 talking about the license application maybe  
8 we could simplify that and say, as part of  
9 the license application there it would be  
10 necessary to show proof of obtaining the  
11 necessary fire department, fire department  
12 slash fire marshal approval as well as health  
13 district approval. That would be part of  
14 your license application.

15 If that's not in there, then  
16 the thing is not moving forward and it's not  
17 going to be granted. So maybe we can have  
18 some language that could just work in there  
19 that we've essentially thought about those  
20 things. We could just sort of enumerate them  
21 there and then go from there. I think that  
22 would make it clearer as to what our intent  
23 was. That's my suggestion.

24 PRESIDENT CANTOR: Okay. So  
25 that would be -- at the time that we are at

1 the table we would make a motion to amend and  
2 you would provide wording.

3 MS. BONEHAM: Yes. Yes. I've  
4 already started drafting. And I assume we'll  
5 take a short break so I can consult with  
6 Attorney Alair.

7 PRESIDENT CANTOR: Sure.  
8 Okay. Anybody else have any questions?

9 (No response.)

10 PRESIDENT CANTOR: Okay. I'd  
11 like to read in for the record two letters.  
12 A letter dated March 10, 2017, from TPZ  
13 recommending approval; a letter dated  
14 March 10, 2017, from CROG finding no apparent  
15 conflict. If there's no further comment from  
16 the Council or questions, or input from  
17 staff -- we're all set?

18 MS. BONEHAM: Yes, we're all  
19 set.

20 PRESIDENT CANTOR: All right.  
21 I'm going to close the public hearing.

22 (Whereupon, the above  
23 proceedings were concluded at 8:18 p.m.)  
24  
25



## CERTIFICATE

1  
2  
3 I hereby certify that the  
4 foregoing 96 pages are a complete and  
5 accurate computer-aided transcription of my  
6 original verbatim notes taken of the Public  
7 Hearing in Re: ORDINANCE (VAN WINKLE)  
8 ESTABLISHING DEFINITIONS FOR PERMITTING OF  
9 "FOOD TRUCKS AND FOOD TRUCK PARKS," held  
10 before the West Hartford Town Council, at  
11 Town Hall, 50 South Main Street, Room 314,  
12 West Hartford, Connecticut, on March 28,  
13 2017.

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16  
17 \_\_\_\_\_  
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