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**The City of New York
Manhattan Community Board 8**

Vendor Task Force
Tuesday, May 29, 2012
Marymount Manhattan College, 221 East 71st Street
Regina Peruggi Room, 2nd Fl.

Minutes

Present: Michele Birnbaum, Nicholas Viest, Barbara Rudder, Rita Popper, Peggy Price, Teri Slater

Excused: Matt Bondy, Cos Spanoletti, Debbie Teitelbaum, Monica-McKane-Sanchez (public member)

The meeting began at 6:35 P. M. at Marymount Manhattan College in the Regina Peruggi Room.

The premise for the meeting is that vendors often have an adverse affect in our communities and that their presence presents difficulties that need to be dealt with. We've heard complaints about visual blight, non-compliant displays, crowded pedestrian ways, inventory and inventory trucks, and vendors in front of stores selling like merchandise,

Mr. West, the Managing Agent for 185 E. 85th Street, complained about the vendors that flanked the east side of his building on Third Avenue at 85th Street. He reported that it cost him money in fines and sidewalk repairs. He can't clean often enough and adequately. He has to repair sidewalk because the vendors dirty and ruin his streets. They crowd his pedestrian way, and this string of general merchandise vendors have their inventory around their tables, chairs against his wall, trucks feeding meters and clothing racks assembled along with tables. Mr. West is concerned about how many vendors there are in one place. He understands that the Precinct now tickets non-compliant vendors, but because there is such a proliferation and crowding, he has an additional major concern. He wants the number of vendors on a given street to be limited to a certain number per block.

A discussion ensued about where vendors are restricted which include bus stops, hydrants, twenty feet from an entrance, back door or service entrance of a residential building or storefront.

Residents and stores are getting ticketed for garbage left by food and truck vendors.

Awatef Ibrahim is a hot dog vendor who, when she started, was just given a list of permissible locations, and she chose 53rd and Madison. She found that she was not welcomed by the store owner. She was reminded that she needed to be 20 feet from the entrance. Ms Ibrahim is law abiding and wants to work with us. She said she knows that vendors are selling licenses for exorbitant fees or getting licenses with fraudulent documents. She says she has first hand knowledge of these actions.

Michele Birnbaum, Chair

Comments by our attendees led us to believe that it is safe and fair to say that, as a group, **we might want to limit the number of vendors on a street, keeping in mind that some streets should have no vendors.** With reference to general merchandise vendors, the focus of this meeting, there was consensus that a number count would be helpful in mitigation of concerns.

A discussion arose regarding location issues, and the following questions were raised for consideration: Should the city decide, should the Community Boards decide, should there be request for RFEs which would come through the Mayor's contract office? Should we use the sidewalk cafe process and evaluate locations based on community access and need.

Judith Segal expressed that she felt the city should not be involved, and that the decisions should rest with community boards and with residents who are familiar with the community.

Ms Ibrahim, the hot dog vendor thinks assigning a spot it's a good idea so as to avoid fighting for a spot, which she has personally faced. She would like to be assigned a spot. Her relative had his hand cut, because he was fighting with another vendor over a location.

Teri Slater expressed frustration at the lack of enforcement of existing regulations and expressed that a return to the Vendor Review Panel would be helpful, as it would mediate between residents, businesses and vendors

Residents and Vendors expressed that they would be comfortable to reinstate this panel.

Mr. Brad Beckstrom, Director of Community and Government Affairs at Mt. Sinai Hospital, expressed real concern about all the vendors outside of the hospital vending in front of a hospital entrance.

Michele Birnbaum was at the Council hearings and reported that Vendors expressed opposition to this Intro. She asked Sean Basinski, a former vendor and now the Director of the Street Vendor Project, representing 1400 members of all kinds of vendors, about this vendor opposition. He said that his organization did not take a position on that Intro. which also included a restriction on vendors abutting taxi stands. He said that this Intro and the taxi stand Intro don't have a big impact on the vendors. We encouraged him to support this as it was an easy give. Nick Viest highlighted this problem for the hospitals, and Sean said he would look into it and acknowledged that it is an area that he could give some ground.

Lolita Jackson verified that there were many complaints from the hospitals about vendors blocking entrances and the traffic issues.

There was strong feeling about having a specific site assigned.

Lo van der Valk, Pres. of Carnegie Hill Neighbors, is in support of the Intro that prohibits vending in front of hospital entrances. He verified that the issue of vendors has come up in every meeting he has had with the hospital, and that residents have complained of congestion on sidewalk and inhibiting drop offs for hospitals, schools and residences.

Michele Birnbaum asked Sean to support this bill when it comes up for a vote.

Michele Birnbaum introduced the concept of a **dedicated vendor enforcement squad.** Helping to identify legal or illegal, compliant or non-compliant street furniture could be addressed by **requiring standardized street furniture.** It would help a consumer to know that they are buying from legal, compliant vendors. William Hargwoth is in favor of this. He reports that the appearance of kiosks

Michele Birnbaum, Chair

and tables need to be upgraded to address visual blight. Sean is concerned about it not satisfying everybody's esthetic, and concerned about who would pay for this. Michele pointed out that the Design Commission would be responsible, and they would come up with an appropriate design, and this could add to the professionalism of the vendors. The standardized covers could be modeled after those that appear at art and antique shows and would be of universal taste. She pointed out that there are areas in which a series of stores have the same awnings, compliant signs, etc. Sean B will look into this.

A member of the public stated that taxi cabs' appearance is regulated, and everyone lives with it happily. Standardization makes non-compliance more obvious, and so it becomes easier to enforce the laws.

Sean B said that we can agree about improving the aesthetics of the city of New York and noted that there is government money given to bids for shopkeepers to upgrade their facades. If there could be programs that could help fund vendors to upgrade their tables or carts, it would be helpful. Michele Birnbaum expressed concern that each vendor would then make his own decision, which would not lead to the uniformity that would be preferable

John Harding of the 34th Street Partnership would fully support any kind of standardization. He expressed that there is a major issue with vendors on 34th St. and Bryant Park. One of his main concerns is that the playing field be leveled so that every regulation that a bricks and mortar business has to comply with, a vendor would have to comply with. We need sanitation, signage, scroll of supplies, etc. uniformity and regulation. He fully supports this committee's effort. He helped convert Bryant Park into a welcoming, attractive shopping plaza. He states that we need cooperation from the vendors who are in big business owned by the same conglomerate, not usually owned by a lone individual. They operate carts as a chain store.

A discussion ensued about formulating a plan that would lead to compliance of existing law.

Two of our CB8 resolutions recommended a separate vendor enforcement squad, the members of which would be fully conversant with vendor law, and the squad would have appropriate ticket books and would be revenue generating. The 19th precinct conditions squad enforces vendor law now, but they don't have the man-power to put on the streets or to educate in vendor law. The Precinct supports such a squad. **A REQUEST FOR A VENDOR ENFORCEMENT SQUAD SHOULD BE HIGHER UP ON OUR BUDGET LIST.**

At our past meetings, the vendor community said most of the issues have to do with compliance and enforcement, and to that end, Michele Birnbaum believes they would welcome a separate enforcement squad.

Sean B is strongly in favor of a separate enforcement squad, because he believes that police resources should not be used for vendor enforcement

The hot dog vendor in attendance verified that an officer that she dealt with didn't know the law with respect to vendors.

Lolita Jackson, of the Mayor's office, expressed that some communities want vendors, which might speak to the fact that communities should decide.

A discussion ensued about the issue of a vendor license tied to a location. The hot dog vendor would like that. Sean expressed that some locations are better than others. What happens if you don't get a prime location? Michele offered, what about if the permits were priced differently for different locations? It would be a natural course of things to build up the business in accordance with

Michele Birnbaum, Chair

being a starter business with less resources and build to a business that could afford a “better” location, i.e., through the bidding process, a lottery, or fixed pricing of a specific spot.

Sean would consider some vendor permits being at one low price, with some others to be priced by location, but acknowledges that the devil is in the details, but he would be open to look at such a process. This would help to spread the vendors out and help with enforcement, and would give more opportunity to vendors.

Teri discussed vendor cartels that exploit their employees. Sean regretted that he doesn't have the time or resources to protect the employee, but he will try to in the future. He said that Giuliani broke up cartels some 20 years ago, but other commentary verified that cartels exist today.

Theresa Boemio from Dan G's office stated paying an owner to rent a cart is not legal, but we have heard testimony, at the Council hearings, from a cart renter that this is, in fact, happening. This is up to the state to enforce, but we have no evidence that there is any enforcement mechanism for this. Sean says he addresses this in a way other than state compliance.

The hot dog vendor stated that she knew about permits being sold for \$5000 or \$10000.

Sean encourages employers to be better to their workers, but they don't see this as a main problem and would spend more time on this if they had more resources. Michele suggested that if we solved some of the other issues and had livable guidelines, it would free up time to deal with employee exploitation.

The next topic was how to bring community groups into our dialogue to get the ball rolling, ie. outreach, education, publicity, legislation.

The question of how to address the like merchandise issue was addressed by Lolita Jackson who reported that there was a law dealing with this years ago that had to be rescinded, possibly because of the Commerce Clause. We'll look into this.

It was agreed that we can pass all the bills we want, but without enforcement, they have no teeth.

The consensus was that this Community does not want more vendors.

Lo van der Valk of Carnegie Hill Neighbors would like, if possible, for the tape of this meeting to be transcribed and distributed so that we can bring people together to find common ground. He also suggested that a vendor should be identifiable so that people know that if they complain, it goes somewhere.

Board members suggested more extensive posting and reaching out to Our Town, CB8 Speaks and community organizations; it was discussed that a forum could come following a series of meetings would address food carts, fruit stands, and truck vendors, along with veterans vendors and free-speech vendors.

Nick Viest thanked everybody for coming and the meeting was adjourned.

Michele Birnbaum, Chair