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**The City of New York**  
**Manhattan Community Board 8**  
**Vendor Task Force Committee**  
Monday, May 23, 2016, 6:30 PM  
*Lenox Hill Hospital, Einhorn Auditorium*  
131 East 76<sup>th</sup> Street

**MINUTES**

The meeting began at 6:30 P. M., with Michele Birnbaum informing the audience that she put an index card on each seat so that each attendee could write a specific suggestion or a specific location that they wished to be looked at and hand it in to her at the end of the meeting.

She explained the role of the Vendor Committee and how it has functioned over the past four years and gave some history of the research it has done and imparted to the community re vendor categories and vendor law. We do an on-going accommodation to concerns raised by the community and are a sounding board for the community that tries to find solutions. *New Yorkers for Street Vending Reform* was formed to address community concerns, and we work with Council Members and other agencies to effect vendor law and reform.

She reversed the order of the agenda to accommodate the schedules of the speakers from the city agencies and be considerate of their time.

Officer Mike Lombardi of the 19<sup>th</sup> Precinct Community Affairs Unit addressed the attendees and explained the effort and role of the police as an enforcing body for non-compliant vendors. New Commanding Officer, Deputy Inspector Clint McPherson, has dealt with vendor issues when he was with the 17<sup>th</sup> Precinct and takes them serious and is willing to address them here. Officer Lombardi addressed the concerns of residents who reported carts being left unattended overnight and sent a team to remove these. He addressed the wide spread concerns about 86<sup>th</sup> Street and said that Commanding Officer McPherson is considering putting 2 foot patrol officers on 86<sup>th</sup> Street who would have the appropriate ticket book and be responsible for ticketing illegal or non-compliant vendors. They would enforce all quality of life issues on 86<sup>th</sup> Street.

He invited the public to give him specific locations where they see non-compliance. Andrew Fine, a resident of 84<sup>th</sup> Street, complained about Third Avenue between 85<sup>th</sup> and 86<sup>th</sup> Street, a location that we have been addressing for many years. Mr. Fine reported that there are lines of multiple tables so that the vendor set-up exceeds the permissible 8 foot table. Mr. Fine suggested restricting vending on Third Avenue between 85<sup>th</sup> and 89<sup>th</sup> Street and restricting

vending within 5 feet from a tree pit. He further suggests 12 foot unobstructed pathways so pedestrians to walk down a street.

Officer Lombardi reported on the van used by the fruit vendor on 86<sup>th</sup> and Third and will ticket it.

Chris Stephens reported a food truck parked in front of the fire hydrant on the South east corner of 86<sup>th</sup> and Lexington. He had an exposed propane tank. A police officer was present, but no ticket was given. Environmental Control Board summonses are not carried by a foot patrol officer, only by officers in the Conditions Unit, a circumstance we would like to remedy.

A member of the public reported that traffic is stopped every morning starting at around 8:20 AM on Fifth Avenue because trucks are pulling on the sidewalk in front of the Met Museum to deposit their carts. Officer Lombardi said that the Conditions Unit will go there to observe the action and issue tickets.

Fran Stewart talked about 75<sup>th</sup> and Madison where planters were put in front of the Apple Store, and that helped to discourage vending. She reported that the Hot Dog vendor in front of the Met Breuer empties his dirty cooking fluids in to the street at the end of each day. A vendor selling masks in front of the Met Breuer parks his truck in front of the Museum all day and gets no tickets. Officer Lombardi said the Conditions Unit will check on these events.

Mallory Spain reports the danger of the use of propane tanks by cooking vendors. Currently, there are no restrictions on the use of propane.

A gentleman reported on the vendors on the South side of 86<sup>th</sup> between Park and Lexington saying that they are in front of hydrants, and their inventory trucks are parked illegally all day. Illegally parked fruit drink trucks are in front of Best Buy, H & M and Game Stop in the bus stop.

Zac Stone, a vendor spoke in opposition to restricting streets and offered a suggestion that individuals call 311 to report their concerns. Michele Birnbaum asked for the vendor to put his suggestions down on the cards provided and we will address them. The solution he offered was to call 311. Chris Stephens said when he calls 311, the information is reported to the 19<sup>th</sup> Precinct, but too much time passes before an officer can respond. They are low priority calls for the Precinct.

James Middleton from the Department of Health next reported on the progress that the DOH is making on our requested changes to the Commissary Rules which would improve the control and interaction between vendors and their Commissaries by requiring sign in and sign out of garbage and keeping tabs on food carts that do not return to the Commissaries for cleaning. There are no rules on the hours that a cart can be working on the street. The DOH has no real monitoring of carts and trucks that stay on the streets and the DOH would have to monitor a specific cart to see if it goes to the Commissary. We suggest that the Commissary be required to take attendance and report to the DOH, which does not have the man-power to monitor attendance at the Commissary. There are also Depots and Approved Facilities at which carts can be stored.

There are concerns about food delivery to carts. Sometimes, the food is delivered to a location before the cart or the vendor arrives. The food preparation is done at a

Commissary. There is cutting and prep done at the Commissary and is not permitted on the street. There are about 90 to 100 Commissaries that operate legally in the city and those that are not licensed, are closed down. Commissaries have to have a separate cleaning room, refrigeration and storage. We suggest that the Commissary be responsible to check attendance for carts and garbage, and should have liability. Mr. Middleton reported that they have put some additional record keeping rules in place and will start issuing tickets as soon as the infrastructure is in place to do so. Now, the inspections are electronic and the data is being collected. Michele Birnbaum expressed that the link that is missing is that the Commissary needs to be responsible for accounting for his vendors. Mr. Middleton said that it's possible that this may fall under small business agencies.

There are many show cause hearings against vendors who do not report the names of the Commissaries they are using or the vendors working the carts are not the ones named in the paper work.

Our area is scheduled for 4 sweeps a year coordinated with the 19<sup>th</sup> Precinct.

A Depot needs a Commissary permit and is only allowed to store 4 carts. An Approved Facility is for the individual permittee like a green cart vendor. He could use his garage or other locations for cleaning, but is not be permitted to bring food in to an Approved Facility. It was created to alleviate the cost of a Commissary for a small vendor.

Restricted Streets was the third agenda item. The Vendor Review Panel existed in the past which resolved disputes between vendors and the public. It is no longer operational, and so now there is no vehicle for dealing with disputes or with anyone who might want to request a new restricted street. One of the Community Board's resolutions included a request for the activation of this Vendor Review Panel. At the moment, the Board office is receiving requests for information on how to apply for restricted streets. Michele Birnbaum reported that she spoke to every agency that was originally on the Panel, and was advised that there now exists no such mechanism in the city of New York. Memorial Sloane Kettering is requesting that their frontage on York Avenue be a restricted street. She spoke to the DCA, the DOT, the Mayor's office and the Borough Director of the Mayor's office, and could get no information about getting restricted streets.

Marco Tamayo presented a color map indicating the restricted streets in our district and showing the proportion of restricted streets to those where vending is permitted. We have a very small percentage of restricted streets. We would recommend coordinating vending locations with the City Zoning Resolution to restrict commercial activity in residential areas, but we are not proposing that because you would have to do that in conjunction with restricting the numbers of vendors in any given location in commercial or mixed-use areas, or you would have the avenues over-run with vendors. There should be some restrictions on numbers everywhere. There have been proposals for truck vending spots, but there was no specificity as to how many blocks apart they would be or what affect they would have on over-all vending.

Dan Rossi, a veteran vendor, said that Small Business Services handled the Vendor Review Panel, and claimed that he played a role in shutting it down, and he would be in favor of it being re-opened, but suggested using the formula that is used for granting sidewalk café licenses as criteria for getting a restricted street. There are Restricted Streets and Prohibited Streets. Some streets have specific hours when vendors can be there.

**Marco Tamayo, Tricia Shimamura and Michele Birnbaum, members of the Committee, formulated a resolution, as follows:**

**WHEREAS, businesses, hospitals and individuals have made requests to the Community Board asking how a street becomes restricted to vending, and**

**WHEREAS, there was, in the past, a mechanism called the Vendor Review Panel that provided a mechanism for anyone to make application to have a street restricted to vending, and**

**WHEREAS, the applicant for a restricted street had to present evidence and rationale for such a request, and**

**WHEREAS, the Vendor Review Panel is no longer operational, and**

**WHEREAS, currently there is no such mechanism in the City of New York for making application for a street to be restricted to vending,**

**THEREFORE BE IT RESOLVED that Community Board 8 strongly requests that such a mechanism be put in to place by the City of New York that would provide clear guidelines as to how to make such an application for a street to be restricted to street vending and that it would be heard and acted upon in a timely manner.**

**Yes: Michele Birnbaum, Marco Tamayo, Tricia Shimamura**

**No: 0 Abstentions: 0**

The forth item on the agenda was a discussion of the Manhattan Chamber of Commerce. Director Jessica Walker was not able to attend as it was her birthday. The MCC represents small businesses and advocates for them. It offers guidance and information.

It is important that we talk about street vending as business and how it impacts the rest of the business community. As the City Council is talking about lifting the caps on the number of vendor licenses, it is important that we address the impact of such a change.

This is not yet before the Council because it is getting a lot of opposition from residents, businesses, the retail community and organizations such as BIDS, Block Associations and *New Yorkers for Street Vending Reform*, a city- wide coalition that was formed as an outgrowth of a forum that our Committee held a little over a year ago. They are advocating for enforcement and control of street vending. To put more vendors on the street without addressing the enforcement and compliance issues makes no sense.

Council Member Garodnick and the Borough President's office feels that the legislation might not come before the Council this year.

The meeting was adjourned.

Respectfully submitted,  
Michele Birnbaum and Marco Tamayo, Co-Chairs