

James G. Clynes
Chairman

Latha Thompson
District Manager



505 Park Avenue
Suite 620
New York, N.Y. 10022
(212) 758-4340
(212) 758-4616 (Fax)
info@cb8m.com- E-Mail
www.cb8m.com – Website

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

VENDOR TASK FORCE COMMITTEE MEETING
Ramaz School – Riklis Social Hall
125 East 85th Street
May 22, 2017
MINUTES

Michele Birnbaum and Marco Tamayo (Co-chairs)

Michele Birnbaum gave a summary of what the committee is about and the issues it seeks to address stressing that while we value all the stakeholders involved in this issue, we need to mitigate certain concerns in order to address the quality of life issues impacted by street vending. We want to address the issues of business on the streets and the concern of more empty store fronts.

Agenda Item I sites a new Rule of the DOT, as follows:

New York City Department of Transportation TRAFFIC RULES
Title 34, Chapter 4, Rules of the City of New York (February 21, 2017)
Section 4-12 MISCELLANEOUS

(g) Peddlers. No peddler, vendor, hawker, or huckster shall stop or remain or permit any cart, wagon, or vehicle owned or controlled by him/her, to stop, remain upon or otherwise encumber any street in front of any premises if the owner or lessee of the ground floor thereof objects. No peddler, vendor, hawker, or huckster shall permit his cart, wagon, or vehicle to stand on any street when stopping, standing, or parking is prohibited or on any street within 25 feet of any corner of the curb or to stand at any time on any sidewalk or within 500 feet of any public market or within 200 feet of any public or private school.

Captain Gallagher from the 19th Precinct was in attendance to address the inclusion of this rule and its future enforcement. This rule was enacted in February, but a mechanism has not yet been created for ticketing and enforcing enforcement. Because no violation code or enforcement has yet been created, upon inquiry and outreach, Michele found that the DOT, DOH, and DCA were not aware of this rule. The main enforcement mechanism that is available to the Police Department is the enforcement of traffic and parking laws. How available is the Conditions Unit ticket book to the foot patrol or car patrol? Captain Gallagher sought the counsel of his legal department who assured him that the city was working on an enforcement protocol of the new rule, but he could not anticipate how long this would take. Michele asked the Captain about enforcement of State Law 35A and veteran vendors. Captain Gallagher explained that some of the state and city laws overlap, or state law may apply only to cities with over 1 million people. In state law, vendors are limited to two per block face. In city law, the amount is unlimited. A compromise was made at the Metropolitan Museum which now has 8 vendors in front of it.

Marco Tamayo asked if there were statistics on how many vendor summonses the precinct issued per month, and the Captain said he has these numbers and will forward them to us. Michele added that the repetition of summonses is a major issue. How much man power can you dedicate to repetition? Captain Gallagher said it's a high priority and stressed that traffic agents can also issue tickets for illegal parking by vendors. Because of safety considerations, they don't want traffic agents pulling over cars or trucks. Captain Gallagher said he could bring feed-back on repeat offenders to the Precinct to direct the meter people to be aware and to ticket wrongly parked truck vendors.

Captain Gallagher said that with regard to this new rule, they are working on a code so that the vendor can be ticketed. At the moment, there is no code. Barbara Livenstein reported that the food vendor on the corner of Madison and 89th Street has many violations. Captain Gallagher encouraged her to call the police or 311. Michele suggested that people with food complaints about odors, trash, noise, and smoke should call the Department of Environmental Protection.

Valerie Mason, of the 72nd Street Association, commended the officers for being on the street to enforce vendor laws on 2nd Avenue but remains concerned about vendors setting up in the cross-walk. She asked that the precinct concentrate on enforcement of that on 2nd Avenue. The Captain wanted feed-back on the adjudication of tickets, and Michele explained that we have requested that in one of our resolutions, a packet of which was handed out to all. The DOT Rule was also handed out to all attendees and was included in a Board e-mail blast in order to get the word out about this rule.

The new rule is not in the Administrative Code in New York, but is a new Rule in the DOT.

A resolution was formulated, as follows :

Whereas, the DOT is addressing the adverse effects of vending vehicles in the street in front of businesses without their consent in New York City Department of Transportation TRAFFIC RULES, Title 34, Chapter 4, Rules of the City of New York (February 21, 2017), Section 4-12 MISCELLANEOUS and

**|
Whereas, such adverse effects can also be present if vending apparatus is on the sidewalk in front of street level storefronts and businesses,**

Therefore Be It Resolved, that Community Board 8 Manhattan advises the DOT RULE be amended as follows:

New York City Department of Transportation TRAFFIC RULES, Title 34, Chapter 4, Rules of the City of New York (February 21, 2017), Section 4-12 MISCELLANEOUS (RED indicates wording addition.)

(g) Peddlers. No peddler, vendor, hawker, or huckster shall stop or remain or permit any cart, wagon, **table or vehicle owned or controlled by him/her, to stop, remain upon or otherwise encumber any **sidewalk or** street in front of any premises if the owner or lessee of the ground floor thereof objects. No peddler, vendor, hawker, or huckster shall permit his cart, wagon, **table** or vehicle to stand on any **sidewalk or** street when stopping, standing, or parking is prohibited or on any **sidewalk or** street within 25 feet of any corner of the curb or to stand at any time on any **sidewalk or street** or within 500 feet of any public market or within 200 feet of any public or private school.**

And Be It Further Resolved that the DOT implement an enforcement protocol for this RULE as soon as possible.

Yes: Michele Birnbaum, Marco Tamayo, David Menegon, and Monica Sanchez (Public Member) No:
0 Abstain: 0

Agenda Item 2 : Review of CB8 Vendor Resolutions from 2006 to 2017

In an effort to get our Resolutions into public discourse, I requested of our Board Chair, Jim Clynes to present our resolutions to the Chairs of other Community Boards at the Borough Board meeting and ask for their support of our efforts. He graciously agreed.

Ann Seligman, Head of the Street Vendor Task Force of Community Board 6, spoke on this issue and explained that they will have an intern this summer that they will ask to go through their resolutions and determine which have been acted upon. She explained that her task force was formed in response to City Council Intro #1303 and their concern that the number of vendors was being increased.

Michele explained some general points made in our resolutions. **Resolutions are attached.**

Michele then read the “*Therefore Be It Resolved*” portions of each of the resolutions, so as to inform the attendees and to encourage their support. Each attendee was given a copy of all of the resolutions, and some asked questions and asked for clarification.

A man from Broadway in the 70’s is very distressed about being over-run by book vendors in his area. While they are 1st Amendment vendors, they should still obey the table size laws, etc. He stated that he will work towards encouraging others to support all of our resolutions.

Agenda item 3: A Review and discussion of State Law 35A/State Vendor Law: State Law 35 is attached.

How does State Law comport with City Law? State Law overrides City law. All general veteran vendors were eliminated from mid-town Manhattan. Dan Rossi, a Veteran Street Vendor, spoke to the group about State Law 35A which defines the streets that are open to veteran vendors and disabled veteran vendors to vend and the difference between the blue and yellow licenses and who is permitted in the mid-town corridor and elsewhere in the city.

He proposed that there could be two vendors on either end of each block, and that would be helpful in dealing with crowding.

Because it’s State law, the police have no jurisdiction and do not have the ability to determine the order in which each vendor got his license which would entitle him to be in a spot in advance of a veteran who got his license at a later date. This dispute has to be solved by the State Labor Department. The location concerns and the law deal only with general vendors.

The food carts are built to the size and the design of the City DOH. Rossi says that 20 disabled vendors in NYC have food vending permits. Any disabled veteran can get a general vending license, and to get a blue or yellow license you have to be disabled.

Specialized vending licenses applies to a disabled veteran entitled to a blue or yellow license.

A vendor can have a helper, but the helper cannot handle money.

Rossi confirmed that there is nothing in our resolutions that would hurt him as a veteran vendor.

A disabled general merchandise vendor spoke and affirmed that he needed his helper in order to vend. Rossi is not against a helper, but is against renting or selling the license, which is illegal.

Meeting was adjourned at 9:15 P. M.

Respectfully submitted,

Michele Birnbaum, Co-chair