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**The City of New York
Community Board 8 Manhattan
Vendor Committee
June 13, 2023 – 6:30 PM
*Conducted Remotely on Zoom***

Minutes

Present: Michele Birnbaum, Valerie Mason, Monica McKane Sanchez *, Marco Tamayo

*Public Member

Item 1: A representative of the Department of Sanitation, as the new enforcing agency, will explain the current protocol for over-seeing street vending rules, regulations, and compliance.

Mr. Okotieuro, Assistant Commissioner of the Department of Sanitation (DOS) addressed the attendees and described how the DOS will proceed as the new agency for vendor enforcement and compliance.

Michele Birnbaum introduced Mr. Okotieruo and gave a bit of background as to past enforcement protocols as carried out by other agencies, i.e. DOHMH and the police and the precincts.

Ghubemi Okotieuro said that although DOS is the lead agency now, others will continue to play a role, i.e. DCA issuing licenses and the DOH which can ticket for health violations.

The DOS is focused on compliance and is complaint driven. It is concerned about the disposal of garbage around the vendor areas and also impediments to the pedestrian way, hydrants, and subway stations. He is particularly concerned about vendors who do not go to the commissaries every 24-hour period for sanitary compliance and concerned about other vendors who dump grease down the sewers and leave grease stains on the streets. He will also enforce non-compliance resulting from the use of oversized tables.

Permitted vendors are inspected, but if a vendor is not permitted, he will be ticketed for that. Mr. Okotieuro explains that he mainly conducts enforcement of the permitted, but for the non-permitted, he will give summonses, and if need be, he will take merchandise. If there is a too big table he will give a warning, and if the infraction is not corrected, he will give a fine. If they take food, they will donate to the neighborhood pantries. If it's cooked food, they do compost.

The Sanitation police are well trained and the most involved officers in enforcing compliance. The Sanitation police are the ones that can have a confrontation and are trained to exercise judgement so that a confrontation does not escalate into an unmanageable situation.

The NYPD still has a role and can enforce any law on the books and so they have a role here. NYPD has the right to engage.

The DOS works across all 5 boroughs and works in Times Square area and jurisdictions where veteran vendors are licensed to operate. The DOS is complaint driven. They currently have a small sanitation police force which is growing. The Department is hoping for the budget to expand the force. They encourage citizens to call 311 to file a complaint and get a complaint number, which is then reported to the DOS. Mr. O cautions that when a

person calls 311 to be sure to have them forward the information to the DOS. He told the group that if we call and get a 311 #, we can forward that complaint to him, directly.

Robin Ostrow reported a long-time concern about which she reported to 311 multiple times. It is a taco truck 69th Street on the west side of 2nd Avenue. She has recorded 6 years of complaints about one vendor who never leaves the spot to go to commissary. She has come to meetings, called 311, followed up, etc. but to no avail. She expressed concern about so little compliance in the city, in general. This truck never goes to a commissary. Additionally, she reported about a fruit stand on 2nd Avenue @ 64th Street that fills a tree bed with their food items.

Michele Birnbaum reflected that attending the commissary is so important. Because individual owners of the commissaries do not take attendance, we have no evidence that a vendor takes their garbage to the commissary at the end of the day, as is required by law. Carts often remain on the street overnight, chained to a post, so that they don't lose their vending spot.

Michele Birnbaum talks about the use of computer chips to track vendor trips to commissaries. Mr. Okotieuro is very concerned about vendors not going to commissaries. Mr. O will inspect the locations we reported to him.

Christopher Stevens clarifies that the complaint driven 311 system allows you to file on-line. He finds that talking to an operator is not necessarily the best way to make your details clear. Mr. O calls 311 and finds that it is the best way when he files his complaints. He gave the group his email address so that each of us can send him a copy of the service request that we filed with 311. He will follow up. He explains that the officers usually give warnings first and then ticket if the vendor doesn't correct their infraction. If the vehicle is non-compliant, the DOS could take the vehicle.

Christopher Stevens reported the fruit vendor on 1st Ave and 86th street who has lined up tables that stretch down the block. Christopher feels that the interface makes it difficult to report. Online reporting allows you to upload a picture which is helpful so that the inspector knows what he is looking for.

Mr. O says there are many who are not permitted. Permitted are not allowed to block the sidewalk or entrances.

Mr. O offered to do a walk-through in the area.

Michele Birnbaum asked if there is a protocol for follow-up. Mr. O explained they advise vendors of what they need to do to comply, and the officer may come back at the end of the day or within the next couple of days.

A vendor on York Ave and 86th Street has a display that stretches about 30 feet. Marco reported that a vendor on Third Ave and 86th also has too many tables.

Christopher Stevens suggested that the DOS should work with Environmental Control Board to make sure the ticket is made out correctly. He shares that wrongly filled out tickets are tossed out.

Valerie Mason reported that Commissioner Tisch said that the primary concern would be cleanliness. What is the outreach for cleanliness? She reports that buildings are getting tickets even though the dirt is being caused by street vendors. Napkins fly all over the sidewalk. What's the DOS education protocol to vendors to inform them they must keep the street clean? SBS also has responsibility for the education of the vendors and to advise them about their responsibilities. Some vendors put their garbage in public cans, but they're supposed to go to the commissary. Valerie suggested that the DOS should walk up 1st Ave to see lots of non-compliance.

Michele Birnbaum explains that the vendors have their own inventory trucks. She explained that in a study the Committee did years ago, we called numbers on inventory trucks for their distributors, but they would never talk to us. We suspect that vending is a much larger and wide-spread business than the one person servicing a cart on the street.

She reported that cut fruit is not allowed on a vending cart, as it is a health hazard, yet cut fruit vendors abound.

She asked if Mr. O can also enforce the 20-foot rule. Can you enforce all the vendor rules that are not sanitation but are under your jurisdiction? Mr. O responded that the DOH still has a role to play.

Mr. O will follow up about whether computer chips are being used in the process of enforcement, as they can be very useful in determining legal siting, return to commissaries and tracking ticket adjudication.

Michele Birnbaum asked about vendors on bridges, batteries on carts and weed trucks. Mr. O did a sweep of the Brooklyn Bridge – a pedestrian walkway, which is permitted for veteran vendors, but not the others. He enforces the bridge often. Mr. O will look into the batteries that are used on some carts. Weed trucks are handled by DOH.

The DOH gets the DOS 311 info, and SBS is doing education outreach.

Boaz Galil mentioned the Brooklyn Bridge as a premium place for vendors. Vendors claim First Amendment rights when they sell certain items.

Marco spoke about difficulty in enforcement as shown when in the Bronx the enforcing agency confiscated the food of a non-compliant truck vendor. He is concerned about confrontations, i.e. The Bronx incident and in the train stations and is concerned about the training that the DOS police have which enables them to handle enforcement safely and stay safe. Mr. O says the DOS police are kind and gentle and are very strategic, so as to avoid confrontations, especially when the community reacts in opposition to the enforcing agent.

Mr. O reminded us that this is always civil enforcement, and that is why the DOS likes to answer specific complaints, rather than walking around and finding infractions. But they have an obligation under the law to act.

Marco suggested that rather than confrontation on the street, it might be safer and more prudent to just deny renewals which would act as a strong deterrent. This is called being de-permitted. Mr. O will take that suggestion back.

Item 2: No Old Business was raised

Item 3: No New Business was raised

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