

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

-----X

June 16, 2010

Start: 10:10 pm

Recess: 12:25 pm

HELD AT:

Hearing Room

250 Broadway, 16th Fl.

B E F O R E:

KAREN KOSLOWITZ

Chairperson

COUNCIL MEMBERS:

Karen Koslowitz

Charles Barron

Leroy G. Comrie, Jr.

James F. Gennaro

G. Olive Koppell

Michael C. Nelson

Julissa Ferreras

Jessica S. Lappin

A P P E A R A N C E S

Tesfalam Kiflu
Food vendor
Street Vendor Project

Derek Kay
Owner
Eddie's Pizza Truck

Hallie Kay
Business Owner

Daniel Biederman
President
34th Street Partnership

Robert Cohen
Manhattan Resident

Richard Juliano
VP of Operations
Lincoln Street BID

Thomas Yang

Grant DiMille
Co-owner
Street Sweets NY Inc.

Chrissy Michaels
Mobile food vendor

Ben Van Leeuwen
Artisan Ice Cream

Peter Van Leeuwen
Artisan Ice Cream

A P P E A R A N C E S (CONTINUED)

Jack Brucculeri
31st Merchant Association

Vadim Ponorovsky
Owner
Frites N Meats

Dan Rossi
Advocate

Oleg Voss
Owner
Schnitzel and Things

Yassir Z'raouli
Bistro Truck

Douglas Quint
Big Gay Ice Cream Truck

Kenny Lau
Rickshaw Dumpling Bar

Michele Birnbaum
Chair of Vendor Committee
East 86th Street Association

Mohammed Mohamed
Former food vendor

William Marquardt

David Weber
Co-founder
Rickshaw Dumpling Bar

Thomas DeGeest
Wafels & Dinges

Ernie Wong
Shanghai Steel

CHAIRPERSON KOSLOWITZ: Good

morning, my name is Karen Koslowitz. I am the chair of the Committee on Consumer Affairs. I would like to begin by acknowledging my fellow committee members who aren't here yet. We're in the middle of budgets so everybody is running around and doing other things. They'll be joining us. I'd also like to recognize the co-sponsor of today's bill, Council Member Jessica Lappin, who will speak momentarily.

Today, we'll be holding our first hearing on Intro 272, a Local Law to amend the Administration Code of the City of New York in relation to revoking food vendor permits for parking violations. This bill would increase penalties for food cart permit holders who commit certain traffic and parking violations. Specifically, feeding the meter and idling for more than three minutes.

It would require the commissioner of the Department of Health and Mental Hygiene to suspend the food cart permit of any food vendor who commits two such violations within a 12-month period and revoke the permit of any food vendor

1
2 who commits three such violations within a 12-
3 month period.

4 Although food trucks are popular
5 with many New Yorkers, concerns have been raised
6 about food trucks who park in metered locations
7 for longer than the permitted time in violation of
8 New York City parking regulations.

9 While many trucks may only stay in
10 a metered parking spot for a few hours at a time,
11 there have been reports of trucks remaining at
12 metered spots all day. It is a violation of
13 parking regulations to park in a metered spot for
14 longer than the allotted time and feed the meter.

15 This legislation seeks to ensure
16 that mobile food trucks remain mobile and do not
17 become semi-permanent fixtures in a parking space
18 in violation of the law.

19 Furthermore, it is well documented
20 that idling engines contribute to a variety of
21 environmental and public health problems. New
22 York City first restricted engine idling in 1971
23 and in response to numerous factors, including
24 skyrocketing asthma rates, further strengthened
25 the idling law in 2009.

1
2 In recognition of the serious
3 impact that idling engines have on all New
4 Yorkers, this legislation would increase penalties
5 for food trucks that violate the city's idling
6 law.

7 Now, I am aware that there are
8 strong opinions on both sides of this issue. One
9 of the reasons we hold these hearings is to
10 collect testimony from experts and stakeholders.
11 I promise you that my colleagues and I will be
12 listening to everyone who testifies today with an
13 open mind.

14 I ask that we maintain a level of
15 decorum during this hearing so that everyone may
16 be heard and with that, I will turn the microphone
17 over to my colleague, Council Member Jessica
18 Lappin.

19 COUNCIL MEMBER LAPPIN: Thank you,
20 Madame Chair. I want to thank you for signing
21 onto the bill. When I first discussed this issue
22 with you, you understood it right off the bat
23 because I understand it's an issue in Forest Hills
24 as well. I wanted to thank you for holding this
25 hearing so quickly after the bill was introduced.

As I said at the press conference a little while ago, food trucks are a part of what make this city vibrant. They are a part of our landscape. We hope that they continue to be part of our landscape. I have bought food from them before; I will in the future.

But there is a vendor on 86th and Lex who thinks that he owns the northeast corner and he doesn't. That bothers me. That's why I introduced this legislation. He has printed takeout menus that list 86th and Lex as his location, every day until 10:00 at night. He doesn't own that spot. I don't own that spot. That spot belongs to the public and to the citizens of New York.

So the legislation we're considering today is very narrow. It focuses on trucks and trucks only, not food carts. I want to be very clear because there has been a lot of misinformation out there. So if you have a food cart that's on the sidewalk, this does not apply to you. If you are a vendor that is not in a food truck, this does not apply to you.

This applies to food trucks who

1
2 park at the same metered spot all day long and
3 idle. If you get repeated violations for those
4 two things, then you could have your license
5 suspended or ultimately revoked.

6 The reason we're looking at
7 changing the enforcement of those existing laws is
8 because they're being absorbed as a cost of doing
9 business and obviously ignored. If you have
10 trucks parking in the same spot every day, seven
11 days a week for ten hours a day, then the
12 enforcement of the existing laws isn't working.

13 So our goal today is to have a
14 discussion about that and to return the public
15 streets to the public who they belong to.

16 So I want to thank you again,
17 Madame Chair, and look forward to hearing from the
18 folks who are here today.

19 CHAIRPERSON KOSLOWITZ: Thank you.
20 I also want to say that back in the 90s when I was
21 in the City Council, we helped the food cart
22 industry. I sat on a panel that actually placed
23 them. At that time, Mayor Giuliani wanted to get
24 rid of them and we fought to have these carts on
25 the street. So we are not against carts. It's a

part of New York City. As I said before, I had my breakfast from a cart this morning. However, the trucks in my community have become a problem also. We want to stop the problem before it just gets out of hand.

So with that, I'm going to call the first person; the Street Vendor Project, Tesfalam Kiflu, Derek Kay and Hallie Kay [phonetic].

[Pause]

CHAIRPERSON KOSLOWITZ: You may start.

TESFALAM KIFLU: Good morning. My name is Tesfalam Kiflu. I'm the vendor. I sell the chick gyro, lamb gyro with rice and East African food. I'm the vendor, member of the Food Project. It's a vendor organization which has more than 1,000 members. The Food Project Vendor, the organization, which they help us how to organize and how to understand the law, and they help us to fight for our rights. With this community we are stronger, you know, organize, try to understand not just supporting our family and making but we try to understand about the law, about supporting our family with the honest way.

What I understand about this law they try to pass is specific about the food vendors with the trucks. They call it mobile food truck but this business you build it in a specific area with the same customer on a daily basis. If you keep moving every two or three hours from place to place, you know people they don't know what kind of food you're serving. They don't know what kind of person you are.

It's like a restaurant. You open a restaurant; you know to be the customer it'll take you six, seven months. It's the same with the food truck, it's the same thing. In the city they know for years about us. When we pass an inspection with the Health Department they ask us which spot we're working. We give them a specific spot. So this is not new. The city they know. The Health Department they know where we're working.

Because, if you keep moving every three hours from place to place, I have customers the place where I'm working, they came ten blocks because they know me and what kind of food I serve, what kind of person, I have a relationship

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

with the customer. It's all built on trust.

CHAIRPERSON KOSLOWITZ: Are you talking about a cart or a truck?

TESFALAM KIFLU: I'm talking about a truck.

CHAIRPERSON KOSLOWITZ: How long are you in business with your truck?

TESFALAM KIFLU: I'm four years with the truck.

CHAIRPERSON KOSLOWITZ: Four years with the truck. And what did you do before?

TESFALAM KIFLU: Before I used to have the pushcart with all kind of people with the pushcart.

CHAIRPERSON KOSLOWITZ: Those pushcarts had regulations of where you can sell your food.

TESFALAM KIFLU: Yes, we have regulation. We follow the city from the Consumer Affairs, the list. We work with the legal area. So we have so many vendor and the street been closed for many years. It's a lot of good locations.

CHAIRPERSON KOSLOWITZ: Right. I

worked on that. But the food trucks don't have a place to stay. They're not on that list that you're talking about. There are no food trucks on that list.

TESFALAM KIFLU: The list of--

CHAIRPERSON KOSLOWITZ:

[interposing] Where you're allowed to be.

TESFALAM KIFLU: It's on the list.

How come the Health Department they come to inspect us? We have so many tickets in violation from police from the Health Department. If you will violate the law they will tell us right away to close the truck and move.

CHAIRPERSON KOSLOWITZ: The review panel hasn't met since 1998, so I can't imagine how they added, because I sat on it. I can't imagine how they added extra spots without having any kind of meeting with the Department of Transportation or any other department. It's a panel that sits down and meets and decides where the food carts should be. I don't remember any trucks being on that list.

TESFALAM KIFLU: We follow off the same list like the push cart they follow off. We

1 follow off the list. If restricted area, we don't
2 come with our truck to stay in the same place. We
3 follow off the same list like the pushcart. They
4 are on the sidewalk. We are on the street. We
5 park legally where the food truck is supposed to.
6 We have a commercial truck. We park in a
7 commercial park where the other trucks who are
8 commercial, delivery truck, all the people they
9 park. There is a parking problem.

11 An example was me, I work only
12 lunch. The place where I'm working to stay, I
13 don't stay always in the same corner. I could be
14 maybe half a block away, half block back. But to
15 get to park to the same area, I work only lunch
16 from 11:00 I start but I have to wake up at 4:00
17 in the morning to come to that area like 6:00,
18 6:30.

19 Still, we have so many other
20 problems to solve. There's not enough permitting.
21 There's not enough street. It's been restricted
22 for many years. The violation ticket, this bill
23 is not fair for us. It's the same like the
24 delivery trucks, they could get ten tickets a
25 month, they pay the fine and they don't punish.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

We get sometimes a violation ticket--

CHAIRPERSON KOSLOWITZ:

[interposing] You've finished your five minutes.
But I cannot believe that they gave you a spot in
front of a parking meter to sell your food.

TESFALAM KIFLU: Nobody give us a
spot, a specific spot, but we work in with the
same list like the pushcart they have. We follow
the rule. We don't work in restricted area. We
work in the same area like the pushcart they have.

CHAIRPERSON KOSLOWITZ: I
understand that. The difference is a pushcart
doesn't park at a meter. The food truck parks at
a meter. There's a difference.

TESFALAM KIFLU: What about the
truck working with the commercial parking? If
you're working with the metered park truck they
should get ticket and they pay it, they shouldn't
punish for that.

CHAIRPERSON KOSLOWITZ: There are a
lot of trucks, including FedEx and UPS trucks that
do get tickets and they always complain about
getting tickets for dropping off whatever they
have to drop off.

TESFALAM KIFLU: But they don't get punished for that. Why do the food vendor trucks need to get punished for that? We get a ticket for that, I pay the ticket. I sell very cheap prices. These are the smallest business what we are doing.

CHAIRPERSON KOSLOWITZ: How often do you get a ticket?

TESFALAM KIFLU: I get sometimes once a month; sometimes two in a month.

CHAIRPERSON KOSLOWITZ: You should be getting a ticket every day.

TESFALAM KIFLU: I park in a commercial loading/unloading. I don't park it in the meter. If I park in the meter, if I don't feed it, you know that's something. I park it with legal like all the other people they park like commercial, delivery truck, like all the other people that give service to the city.

CHAIRPERSON KOSLOWITZ: Okay, let's continue. Next?

DEREK KAY: I would like to present Council Member Lappin with these tickets which are signed by 500 people who oppose the bill.

[Pause]

DEREK KAY: My name is Derek Kay.

I'm the owner of the Eddie's Pizza truck. I wanted to start by saying thank you to those Council Members who are here today to listen to what we have to say. Before I go into what I prepared, I did want to clarify two things that this gentleman had said before.

One, when I as the owner of a truck go to inspection by the Department of Health, on the pink paper that they fill out for us, they ask us where our spot is. They put a specific spot down on that pink paper. So first and foremost, that's something that they ask us. I don't know if any of us have our pink papers here that turns into a blue paper to own a permit, but that's a question that they ask us.

Secondly, we definitely appreciate on behalf of all the vendors, the fact that you have given support to those pushcarts in the 90s, but I do want to point out the fact that with ever pushcart that is correctly on the sidewalk, there is a van or a truck that says coffee man that sits there all day. I live on 11th Street and Third

1 Avenue. On the corner of 12th Street and Fourth,
2 there is a coffee man and he parks in a no-
3 standing area and his cart is there and his
4 vehicle is right next to it all day. So I don't
5 think that you can distinguish between trucks and
6 carts in that manner as well.
7

8 Just so you know, for those of you
9 who don't know me, my business actually opened on
10 Thursday. So this is day four or five of my
11 business. If I'm a little nervous it has nothing
12 to do with public speaking and the fact that I've
13 never been away from my baby the pizza truck since
14 it started on Thursday.

15 But I did want to go through some
16 numbers very quickly. The first one is \$18
17 million. That's the amount that FedEx pays in
18 parking tickets per year to the city. The next
19 number is \$9 million. That's the number that UPS
20 pays in parking tickets to the city every year,
21 allowing them to just get as many tickets as they
22 want by breaking the law and paying them.

23 The next is \$1,000. A thousand
24 dollars is the amount that we pay as a fine if we
25 don't have running water on our truck. \$300 is

1
2 the fine that we pay if somebody isn't wearing a
3 hairnet of a hat. The two numbers that I want to
4 finish with are the most staggering. .001 is
5 probably the percentage of food trucks that make
6 up vehicles that are parking in commercial spots
7 at this time. The last is the number three. The
8 number three is the amount of tickets that you
9 would get and your business would be finished.

10 Quickly, about myself, I am a
11 graduate of the Cornell University School of Hotel
12 Administration. I've grown up and around this
13 city. I have family that lives on the Upper East
14 Side, in your district. I have an aunt over there
15 that lives on the Upper West Side. I live in the
16 East Village. My family owns four restaurants in
17 Manhattan.

18 I started this food truck because I
19 couldn't afford to open a restaurant. So I took
20 my life savings and I put it into this pizza
21 truck. We are just a small percentage, those of
22 us speaking, of the majority of people that are
23 here. 99.9% of the people that own food trucks
24 are immigrants and minorities that are making up
25 all the five districts. It's clearly

1
2 discrimination that they get parking tickets and
3 they can be put out of business after three
4 tickets, yet FedEx and UPS and all the commercial
5 businesses that have the ability to pay the city
6 every year in tickets don't have to be.

7 I understand that the laws were
8 made and I'm more than willing to follow them.
9 But three tickets is just disproportionate. In
10 less than a week that I've been open, Thursday, my
11 first day, I put my little parking ticket up for
12 the commercial parking and it blew away. I got a
13 ticket for it. I went up to the woman and she
14 nicely said if you can send the ticket, don't
15 worry about it. I lost the ticket. It's my
16 mistake and I take full responsibility for that.
17 But that would have been one strike.

18 Yesterday, parking on Wall Street,
19 I was going out to feed the meter. There was a
20 gentleman, an older gentleman who was having
21 trouble breathing and he was about to collapse. I
22 decided as a good citizen to stop and to talk to
23 him and to make sure he felt okay. The meter ran
24 out. Again, I broke the law. My ticket was not
25 ready. It wasn't. But that's two strikes.

1
2 So what you're saying is within one
3 year if I get one more ticket for any reason, I'm
4 losing my business. To me that is not fair. I
5 think that all of us as vendors understand that
6 the rules are meant to be followed. But we'd like
7 to work together with this council to make sure
8 that we can come up with a solution that works for
9 everybody.

10 Because the majority of us, in fact
11 99% of us do not idle. We run clean air
12 generators. We are green people. I don't think
13 it's fair and I really hope that this law is not
14 in relation to the fact that the Upper East Side
15 had a study done by the Department of
16 Environmental Health by Mayor Bloomberg that said
17 it had the worst air pollution in the city.
18 You're roping in a lot of different things into
19 one bill.

20 I would love the opportunity to
21 work with you guys so that we can all work
22 together to find a solution that works for
23 everybody. I appreciate your time. Thank you.

24 COUNCIL MEMBER LAPPIN: I would
25 love that. We should have a further discussion.

No, take a seat, we're not done.

CHAIRPERSON KOSLOWITZ: There will be no clapping. There will be no booing. There will be nothing. You sit quietly. You listen to everybody; otherwise this hearing will be over.

COUNCIL MEMBER LAPPIN: So I welcome that and I look forward to speaking more. I got your email and I read it.

DEREK KAY: Thank you.

COUNCIL MEMBER LAPPIN: I had a couple of questions for you. What was the cost of the permit that you took out?

DEREK KAY: The cost of the permit is what it cost to be renewed with the city which I believe is about \$200.

COUNCIL MEMBER LAPPIN: How long were you on the wait list for a permit?

DEREK KAY: I was not on the wait list for a permit because my partner, we work together, had a permit. So he's a part owner of the truck and I work for him.

COUNCIL MEMBER LAPPIN: Is your partner here today?

DEREK KAY: My partner is not here.

COUNCIL MEMBER LAPPIN: Is he on the truck?

DEREK KAY: He's an ill veteran.

COUNCIL MEMBER LAPPIN: Thank you.

DEREK KAY: Thank you.

HALLIE KAY: Hi, my name is Hallie Kay. You may have received some of these points in an email that I sent to you as well. I am a resident of Council Member Jessica Lappin's district. I'd like to start by saying that I'm very supportive of Ms. Lappin's stance on almost all major political and social issues including education, transportation, the environment, gay rights, reproductive freedom and support of small businesses.

This is why I was particularly surprised to find out that you're backing a law that would put all food trucks out of business. Food trucks have been an integral part of New York City culture for years. The recent additions to the food truck repertoire are innovative and gourmet, reflective of our city's great food culture.

In addition, food trucks offer a

1
2 great affordable option for lunch. In many areas
3 of the city it's hard to come by a satisfactory
4 lunch for under \$10. In these areas, food trucks
5 may be the only option other than unhealthy fast
6 food in this price range. They may also be the
7 only option for those who don't have the liberty
8 of taking a full hour for lunch.

9 You can tell how much New Yorkers
10 love food trucks by reading a number of websites
11 dedicated to this topic, such as MidtownLunch.com
12 or simply by looking at the number of people that
13 patronize these trucks every day. I think law
14 would eliminate a very important part of New York
15 City culture.

16 From the legal standpoint, I also
17 feel that this law is discriminatory and unfairly
18 targets a small group. If you were going to
19 punish food trucks with three tickets by taking
20 away their permit, then you would have to apply
21 the same law to FedEx, UPS, Fresh Direct and Time
22 Warner Cable, all of which New Yorkers would be
23 equally horrified to lose.

24 In fact, food trucks' parking
25 offenses are not nearly as disruptive as FedEx and

1
2 the like who routinely double park and disrupt
3 traffic. Food trucks, on the other hand, park
4 only in legal parking spots and do not block
5 traffic at all. It is unfair and discriminatory
6 to create a law specifically to punish a small
7 sector while not applying the same law to similar
8 businesses.

9 This law would be contrary to
10 stated and longstanding city objectives, one of
11 which is to encourage small businesses to come to
12 New York City and to keep the economy growing.
13 And two, to support minority owned businesses
14 which many trucks are, and I'm also an owner of a
15 woman and minority owned business.

16 If the reasoning behind this
17 initiative is environmental, then simply make
18 idling illegal. The vast majority of food trucks
19 are parked legally and do not idle. Do not punish
20 them all for the offenses of only a few.

21 If the issue is trucks owning a
22 spot such as what you were describing on 86th
23 Street, then make a law that mandates that trucks
24 must move to different spots every day or limit
25 the number of hours they can park in one spot. It

1
2 just seems that we're punishing all the trucks for
3 something that's happening in really one specific
4 area. We really can't generalize that. And I
5 understand, if I lived there, I wouldn't
6 necessarily want one from the morning until the
7 night every single day. I understand that's an
8 issue. I live on the Upper East Side.

9 But first of all, they have the
10 right to park there. And secondly, we really
11 can't punish every single truck for what that one
12 truck is doing.

13 I feel that the role of a Council
14 Member is to reflect the goals and values of her
15 constituents and I'm here to ask you to please
16 continue to do so as you have so well in the past.
17 Thank you.

18 COUNCIL MEMBER LAPPIN: Well thank
19 you, and thank you for coming down today. I just
20 wanted to make two things clear, because you said
21 if we're against idling we should make it against
22 the law. It is against the law. You can't idle
23 for more than three minutes. If you're in front
24 of a school, you can't idle for more than one
25 minute. That's something that the council, as the

1 chair mentioned, has taken on separate and apart.
2 The Speaker has made it a priority because of our
3 asthma rates. The idling laws were passed even
4 before the Health Department report came out that
5 talked about our air quality.
6

7 The same goes for parking in one
8 spot all day. It's also already against the law.
9 I think you hit the nail on the head. If this
10 truck was parked right outside of your apartment
11 each and every day or right in front of your
12 business each and every day then you would be
13 upset about it as some people are.

14 So it's always in this city tough
15 to reconcile competing interests because it's a
16 very dense city and we live on top of each other
17 and we live on top of commercial spaces. So we do
18 our best with the existing laws to try and balance
19 that.

20 HALLIE KAY: I'd just like to
21 comment about that. If you're trying to keep food
22 trucks mobile then maybe it shouldn't be legal for
23 a truck to park in the same spot all day every
24 single day.

25 COUNCIL MEMBER LAPPIN: It's not

1
2 legal. That's exactly my point.

3 HALLIE KAY: So punish them for
4 that.

5 COUNCIL MEMBER LAPPIN: Whether my
6 bill passes or not, it is already against the law
7 for them to do that. That's exactly the issue.
8 It's already illegal.

9 HALLIE KAY: But for them to be in
10 different spots every day for limited amounts of
11 time, that's not the issue. It's the issue of
12 those who are there every single day every day.
13 So don't punish everybody for the offenses that
14 one or two trucks are doing.

15 COUNCIL MEMBER LAPPIN: Well if
16 you're not doing that, then you won't get
17 punished. If you're not breaking the law then you
18 don't have to worry. If you're moving around the
19 way you're supposed to then it's not an issue.
20 Thank you, Madame Chair.

21 [Pause]

22 CHAIRPERSON KOSLOWITZ: Robert
23 Cohen [phonetic] and Dan Biederman are next.

24 [Pause]

25 CHAIRPERSON KOSLOWITZ: Do you want

1
2 to start?

3 RICHARD JULIANO: My name is
4 Richard Juliano and I'm with the Lincoln Square
5 Business Improvement District. The Lincoln Square
6 Business Improvement District supports the
7 legislation introduced by Council Member Lappin
8 and Council Member Koslowitz to amend Section 17-
9 317 of the Administration Code of the City of New
10 York by adding a new subsection G to the existing
11 legislation that would allow for the suspension
12 and eventual revocation of permits for food
13 vendors who have committed two or more traffic
14 infractions as outlined in the proposed intro.

15 The Lincoln Square Business
16 Improvement District does not take issue with food
17 vendors who follow applicable laws while
18 conducting business. However, the fact remains
19 that many food vendors, both those with food
20 trucks who conduct business from a parking spot or
21 a hydrant, and those who use a vehicle to tow a
22 food cart are often not in compliance with
23 existing traffic regulations.

24 Oftentimes, food vendors and
25 specialty cart vendors will remain parked at a

1 location for extended periods of time and do not
2 put any money in the parking meters unless a
3 traffic agent comes by or the food vendor simply
4 feeds the meters. In addition to monopolizing
5 parking spots for which they're not paying,
6 another unfortunate consequence is the area around
7 the food cart or truck becomes littered with
8 napkins and other debris which the vendor does not
9 clean up. We frequently have to remind food
10 vendors of their obligation to keep the area
11 litter free.
12

13 Furthermore, some food vendors
14 leave their trucks idling while they conduct
15 business, adding pollution to the environment and
16 noise and health risks to the public. Still
17 others disregard posted signage indicting that a
18 particular street has no standing at any time or
19 other regulations limiting the days and hours of
20 on-street parking.

21 Frequently food vendors will park
22 in front of hydrants, leaving their trucks idling,
23 which while illegal is not addressed in this
24 amendment. Other food vendors will park their
25 mobile trucks in front of a business, oftentimes a

1
2 competing one.

3 Subsection G does not create any
4 new burden for the food vendor but merely
5 encourages him to comply with existing laws. The
6 legislation provides due process, affording the
7 food vendor an opportunity to be heard before his
8 permit is suspended or revoked, ensuring that
9 suspensions and revocations are not arbitrary and
10 determined after a fair hearing.

11 Over the past year, we have
12 received an increased amount of complaints
13 regarding the proliferation of food vending
14 trucks, particularly ice cream trucks which do not
15 comply with parking regulations or whose drivers
16 feed the meters.

17 In our district, as in many other
18 areas of the city, ice cream trucks park either in
19 parking spaces or next to fire hydrants and block
20 pedestrian access to intersections. Our
21 observations indicate that ice cream trucks and
22 others always try to park as close to corners as
23 possible. These vendors return daily to the same
24 locations, acting as if the location were their
25 private parking space, metered or not. The effect

of this deprives shoppers and other parking spaces and limits turnover which in turn negatively impacts merchants.

These trucks also create a dangerous condition for pedestrians crossing the street by limiting the sight line and focusing pedestrians to venture into the street past the truck to look into oncoming traffic.

We thank you for the opportunity to testify and enthusiastically support this legislation and commend Council Member Lappin and Council Member Koslowitz for seeking to address this ever growing problem. Thank you.

ROBERT COHEN: My name is Robert Cohen. I've lived and worked in Manhattan after graduating college and time in the U.S. Army for close to 50 years, with 22 of the 50 in transportation with the city. I am very much in favor of your wanting to control better vendor curb parking payment but feel your proposal, as per the two "New York Post" articles is unrealistic and cruel by taking away a person's livelihood because of three parking violations when they are serving a public need.

There would be no way for the vendors to change parking spaces every hour or so in crowded Manhattan. So if the city wants these services, another solution needs to be found. Therefore, you need to find a different approach to this feeding the meter/nonpayment/selling merchandise from a metered space problem.

This involves not only food trucks but coffee, fruit, soup and merchandise sellers whose cart's on the sidewalk and vehicle is nearby. From my vast experience, the vendors rarely pay and when they receive a summons, they quickly buy time and almost always get the tickets dismissed by PVB.

In addition, traffic agents will rarely ticket them because the agents feel the vendors work as long and hard as they do and a \$15 ticket is a lot. Maybe a rent fee based on the number of hours times the meter rate times the number of days with the money going to DOT instead of a meter fee. This amount should be slightly discounted on a monthly or yearly basis, similar to a store owner paying rent.

The parking rates below 60th Street

are higher than above because of the commercial meter rates of 2.50, 5 and 9 for one, two and three hours. This abuse has been bothering me for over 20 years but has special MD, NYP, SPI (handicapped) and permit abuses. There are many other parking issues I'd like to discuss with your committee or Transportation but not in a public forum. Also, the commercial abatement and other fine programs by Finance should be studied. Thank you for listening to this presentation.

DANIEL BIEDERMAN: Hi, thank you. Dan Biederman, I'm president of 34th Street Partnership and representing also today the New York City BID Association, which is 64 member BIDs. It's very appropriate to have these three Council Members here, Council Member Lappin has been very attuned to the needs of BIDs even though 86th Street still doesn't have one, especially in the area of news boxes. We appreciate her work on that. It's nice to see Council Members Koslowitz and Koppell again, who have been also attuned to the needs of BIDs.

I won't read my written testimony. I passed it in. But three points I'd like to

1
2 mention. On idling, because I think you'll hear
3 many times that other people idle. I think it's
4 fair to say that our BID and every BID is angry
5 about idling wherever it occurs. Tour buses,
6 private cars, taxis at taxi stands, whatever it
7 is, they shouldn't be idling. It's bad for the
8 air. The city has made such great strides at
9 improving its air over the last three decades. We
10 can't go back the other direction as we're
11 economically successful and people idle who are a
12 part of that success including tour buses and
13 vending trucks.

14 Litter, to echo Rich Juliano's
15 point, if we had to characterize vendors as good
16 citizens or bad citizens, at least in our
17 district, I'd say a majority of them are bad
18 citizens with regard to litter. Litter is not
19 picked up. As you know, stores have to pick up
20 litter as do property owners. The blocks where
21 there is much vending of any kind tend to be
22 dirtier in New York City's BIDs despite all our
23 efforts, than other blocks where vendors are not.

24 Third, parking, as Council Member
25 Lappin's release states, is needed for other

1
2 purposes. The amount of parking out on the
3 streets is really carefully thought about by the
4 Department of Transportation and it's needed for
5 businesses, because people will purchase more if
6 there is convenient parking. There's a certain
7 amount of parking that should be convenient at the
8 curb. For a vending truck to take a space all day
9 really goes directly against that.

10 A last point is that anything that
11 frees up police department resources for other
12 matters by having the Department of Health have an
13 automatic way of disciplining people that violate
14 the laws the Council Member mentions is good
15 because the cops have a million things to enforce
16 out there. Right now they're kind of trying to
17 hold water from a collapsing dam with regard to
18 many forms of vending. So we think this is an
19 efficient use of city resources.

20 Just to give you some sense of the
21 BIDs position on this, as chairman, frequently I
22 bring pieces of the legislation to the BID
23 association and ask people should I testify on
24 this on behalf of all of us or do you all want to
25 take separate position? Let's see if we're

1 united. Usually we're not united. There are 64
2
3 BIDs. They have different neighborhoods and roles
4 and viewpoints. Usually there is somebody who's
5 opposed to the legislation.

6 On this one, about a month ago we
7 polled the membership in an opening meeting and
8 said does anybody oppose this, or should I go down
9 and testify at this hearing at 250 Broadway. Not
10 a hand went up in opposition. There's unanimous
11 support, at least at that meeting, of about 35
12 BIDs for this legislation. So we thank the
13 council for considering it and we're happy to hear
14 other arguments, but our position is strongly in
15 favor. Thank you.

16 COUNCIL MEMBER KOPPELL: Perhaps
17 Mr. Biederman might be most appropriate to answer.
18 Do you see any role or any positive aspect to
19 these food trucks parking on the streets?
20 Advocates say that they provide inexpensive food.
21 They're popular with people who either live or
22 work in the area. Are there positive aspects to
23 these vendors?

24 DANIEL BIEDERMAN: That's a good
25 question, Council Member Koppell. If I were

1
2 taking the vendors side, clearly the strongest
3 point in their favor is that there are entire
4 blocks of New York City where there is no
5 convenient retail for fast food purchases and they
6 serve a need. They're not there for no reason.
7 Nobody would argue that. On Sixth Avenue for
8 example, 42nd to 54th, it's a commercial district
9 with sunken plazas, very formidable building
10 facades. It's not that easy outside the trucks
11 that are there or carts that are there to find low
12 priced food quickly.

13 So they have a market, no doubt
14 about it. That's the strongest argument the
15 vendors have on their behalf. The answer to that
16 is building owners need to be more sensitive to
17 the need for such tenants and not only put CVS or
18 Duane Reeds in on their ground floor. No question
19 about that, but in this case a lot of that need is
20 served by trucks that aren't violating the law. I
21 think that's the view of the BID Association.

22 COUNCIL MEMBER KOPPELL: How is
23 that served by trucks that are not violating the
24 law?

25 DANIEL BIEDERMAN: Many trucks are

not taking parking spaces all day long and feeding the meter.

COUNCIL MEMBER KOPPELL: Where are they parking?

DANIEL BIEDERMAN: I'm not sure but there plenty of trucks out in Manhattan that apparently are not doing that. I guess some of them don't come by truck.

COUNCIL MEMBER KOPPELL: In your area, do you have specific spaces in your area where these vendors could park?

DANIEL BIEDERMAN: 34th Street not currently. If your question is could that potentially be worked out, I wouldn't say that's impossible. But somewhat the same problem we have with long distances buses, you may be aware of, Chinatown and Midtown.

COUNCIL MEMBER KOPPELL: Right.

DANIEL BIEDERMAN: Everybody says let's solve it, let's find a space, but when it comes down to finding the space it's quite difficult. No question that should be tried.

COUNCIL MEMBER KOPPELL: So shouldn't we perhaps before we do this see if we

1
2 could set up a system? I mean I know we have
3 difficultly with the food vendors on the streets
4 but there is at least something of a system as to
5 where the vendors carts that go on the sidewalk
6 may go. Shouldn't we try maybe to develop a
7 system of that sort for the trucks?

8 DANIEL BIEDERMAN: I think we'd be
9 open for that. I think you'll find it difficult.
10 If the long distance bus issue hasn't been solved
11 so quickly, I have a feeling this one will take a
12 while. It looks like there's a lot of real estate
13 left in Manhattan but every time you make a claim
14 and say can we use this for x, somebody else has a
15 different idea. But there's nothing wrong with
16 the idea, sure.

17 COUNCIL MEMBER KOPPELL: I mean,
18 I'm familiar with the block on Broadway just south
19 of here next to 140 Broadway where the food vendor
20 trucks seem to line up every day. I don't know if
21 that's legal or not legal, but that seems to be an
22 example of where at least by practice nobody seems
23 to bother them. This is something that's been
24 going on for many, many years. Shouldn't we look
25 to create that kind of system?

DANIEL BIEDERMAN: If somebody approached us as an individual BID and I'm sure many other members of the association with that as a possibility to free up parking spaces, I'm sure many of the BIDs would be willing to participate in those discussions.

COUNCIL MEMBER KOPPELL: I appreciate your saying that. That's an approach that I think certainly deserves consideration. Thank you.

CHAIRPERSON KOSLOWITZ: I just want to mention that we got a letter from the administration opposed to the bill. Thank you very much.

COUNCIL MEMBER LAPPIN: The Mayor's Office.

[Pause]

CHAIRPERSON KOSLOWITZ: The meeting is only over if you want it personally to be over. It's not over. I also want to mention at this time something that has been really annoying me. I have witnessed food vendors at the end of the day pouring the oil from their food down the sewers. I have witnessed it twice. One time I

1 was with Council Member Leroy Comrie in Queens and
2 it was the end of the day. He took his oil and
3 just went over to the sewer and poured it down the
4 sewer. It's the second time I've seen that. That
5 irks me. So I really want to look at that issue
6 also. Thomas Yang [phonetic], Grant DiMille, and
7 Chrissy Michaels [phonetic] are next.

8 [Pause]

9 THOMAS YANG: Thomas Yang. I'm a
10 pretty simple guy. I just want to be brief. Do
11 you believe this bill is discriminatory and also
12 draconian? Yes, that's fine. I believe so
13 anyway.

14 I want to bring an analogy into it.
15 Littering is a crime, right, and there's a fine
16 associated with littering. It's about \$160 or so,
17 right? Let's just say some wealthy or rich person
18 complains that Asians are littering a lot, and I'm
19 Asian. After your third offense you get five
20 years in prison. That's draconian, right? So
21 then I don't particularly litter but let's just
22 say my mom does. So you're going to put my mom
23 behind bars for five years if she litters three
24 times? This is an analogy but it's not farfetched
25

from where you guys are coming from.

You're targeting a specific group of people and it's discriminatory and it also doesn't match up with the penalties. There are already fines associated with parking tickets. If we don't stop you guys now, where does it stop? That's all I've got to say.

CHRISSY MICHAELS: Hello. My name is Chrissy Michaels. I'm a mobile food vendor. I drive an ice cream truck. I do not represent all of the ice cream trucks, but I come to represent myself, both as a food vendor who works in New York City and someone who was laid off in 2008 due to the down economy. I was a former advertising strategist for American Express. I've worked in this area down on Vesey Street. I've firsthand seen the downturn in the economy.

What worries me about this bill is that it's going to unfairly punish the employees and the workers of these ice cream trucks and all of the food trucks. Right now there are 3,100 permits circulating for trucks and carts in New York City and another 1,000 seasonal permits. That's 4,100 permits circulating. Let's say that

1,000 of those are actually for trucks. Excuse me? There are 3,100 current permits in circulation as well as another 1,000 for seasonal permits. If each truck has two to three employees, we're talking about the number of employees that could potentially be affected by this is massive.

Now if I work, let's say Monday through Thursday, and Monday through Thursday I follow every letter of the law and I don't get any tickets. Friday through Sunday someone else takes my truck that I work and they receive three tickets over the weekend. I have now lost my job because of somebody else's inability to follow the letter of the law. Trucks generally have more than one employee. It's unreasonable to imagine that someone is going to work 12 hours a day, 7 days a week. Many trucks have many people working in them at the same time. People switch off on shifts. They share. So we could be talking about thousands of workers displaced.

CHAIRPERSON KOSLOWITZ: Does your truck stay in one place?

CHRISSY MICHAELS: No, ma'am. I

1
2 travel.

3 CHAIRPERSON KOSLOWITZ: It moves
4 around?

5 CHRISSY MICHAELS: Yes, I travel
6 throughout the day.

7 CHAIRPERSON KOSLOWITZ: So
8 basically this bill doesn't apply to you.

9 CHRISSY MICHAELS: It does. Because
10 in section 408 of the law, the one that actually
11 is proposed here in Section H, I will read it, it
12 says that we are not permitted to vend from a
13 commercial parked spot at all. I've actually been
14 ticketed for that.

15 I've parked legally in a commercial
16 spot, not on a crosswalk in the middle of the
17 street. I've paid the meter. I had not been
18 there all day and I've received tickets for no
19 peddler, vendor, hawker or huckster shall park a
20 vehicle at a metered parking space or purposes of
21 displaying, selling, storing, or offering
22 merchandise for sale from the vehicle.

23 CHAIRPERSON KOSLOWITZ: Still only
24 applies if you feed the meter. Are you feeding
25 the meter?

1
2 CHRISSEY MICHAELS: No. Ma'am, I
3 was there for two hours and this is 04-08, Section
4 H, which is exactly what this bill addresses.

5 CHAIRPERSON KOSLOWITZ: But this is
6 only if you feed the meter.

7 CHRISSEY MICHAELS: I understand.
8 But oftentimes I'm talking about the practicality
9 of working on the truck. When you work on a truck
10 like this, even if you're not feeding the meter
11 what happens is we receive tickets from local law
12 enforcement who aren't necessarily ticketing us
13 for feeding the meter. What they're ticketing us
14 for is vending from a parked vehicle, or engine
15 idling because my generator is running.

16 My engine is not running but I work
17 a soft serve machine that requires a tremendous
18 amount of energy and while I'd love to run it
19 greenly, you know I was talking with this
20 gentleman over here, it's \$25,000 for a green
21 generator. How are we supposed to afford, how is
22 my company supposed to afford to outfit all of our
23 trucks at once with green generators? So we do
24 have generators that are on and oftentimes local
25 law enforcement can't tell the difference between

the generator and the engine idling.

I've also received tickets for that which yes you can go and fight them but that's still receiving the ticket. So three of those and now I'm out of a job, not to mention once a large number of the trucks are going to be stripped of their permits, you're also including the depot and commissaries which run those trucks, the employees of the depots and commissaries.

CHAIRPERSON KOSLOWITZ: Technically this bill does not apply to you. I understand what you're saying with the tickets but that would be another issue that we would have to look into.

CHRISSY MICHAELS: Technically it's not applying to me, but the problem is it's going at it from the higher level and it's ignoring the employees. It's ignoring the workers. I'm a worker on a truck that I don't own. I'm not responsible for my truck and its permit. I come to work. I work very hard. I work 10-12 hours a day to sell ice cream to people because it makes them happy. I enjoy my job. Honestly, to have to lose my job because someone may take my truck and if goes against the truck and not the individual

worker how can this be enforced?

COUNCIL MEMBER LAPPIN: I have a question for you. By the way, I would go with you to fight a ticket that was given to you erroneously because I have no tolerance for that.

CHRISSY MICHAELS: I'll call you.

COUNCIL MEMBER LAPPIN: Give me a call and we'll fight it together because you shouldn't be penalized and that's not fair. So I wanted to say that.

I just want to understand, you said you don't own the truck.

CHRISSY MICHAELS: No. I'm merely a mobile food vendor.

COUNCIL MEMBER LAPPIN: Who owns the permit? You do or the owner of the truck does?

CHRISSY MICHAELS: The owner of the truck does.

COUNCIL MEMBER LAPPIN: So you're just an employee. You're not a partner in the business in any way.

CHRISSY MICHAELS: I am an employee. This is going to hurt the employees is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

what I'm saying.

COUNCIL MEMBER LAPPIN: No, I just wanted to understand your perspective that's all. Thank you.

CHRISSY MICHAELS: I know that Councilwoman Koslowitz you support families and you work really hard to support them. This is going to put a lot of families, a lot of the employees, it's going to hurt the people that own the trucks but it's really going to hurt the people that work the trucks because we're independent and we don't have all the power. We can't control what happens to the truck on the days and the times that we're not working it.

I understand that these are problems. Obviously it's a problem for the city. The business improvement districts want to see this corrected. I don't want to see trucks sitting in the same spot every day because it makes my job even harder. I have to fight with them to do my job, to travel around and sell ice cream.

CHAIRPERSON KOSLOWITZ: I understand your point and we will help you. If

you get tickets, we will help you. I'll go with Council Member Lappin.

CHRISSY MICHAELS: I would definitely urge the council--

CHAIRPERSON KOSLOWITZ:
[interposing] I would like to move on to the next person.

CHRISSY MICHAELS: Can I say one more thing really quick?

CHAIRPERSON KOSLOWITZ: Time has really run out. It's run out. Next?

GRANT DIMILLE: Good morning. My name is Grant DiMille. Thank you very much Council Members, Madame Chair, Councilwoman Lappin. I am the co-owner of Street Sweets NY Incorporated. I'll give just a very, very brief history about my wife and myself.

My wife was a marketing director at Polo for many, many years, 20 some odd years in the business. I was 24 years in the advertising industry. The world changed around us a couple of years back and my industry is very unhealthy and probably will never be healthy again.

We decided that we wanted to launch

1
2 what we thought was one of the best mobile food
3 businesses this city has seen. We are a bakeshop
4 on wheels. We bake about 30% of our product on
5 our truck. We pride ourselves not only on our
6 cleanliness but on our service and the products
7 that we sell. We are not a cheap alternative to
8 what the other merchants are selling. Quite
9 honestly at \$2.75 for a croissant, I daresay that
10 there are a lot of places you could go that would
11 be less expensive.

12 We feel that this bill is
13 discriminatory, disproportionate and doesn't solve
14 the problem. We are willing, very much willing to
15 solve the problems in conjunction with the
16 council. How can you go to a business owner who
17 has basically sunk everything that they have in
18 this world into a business and say if you get
19 three parking tickets, you will potentially lose
20 your business?

21 Especially when we all know in this
22 city that we love, and I'm a lifelong New Yorker
23 who has traveled all over the world but has lived
24 here and was born here. We know that in this city
25 there are overzealous ticketing agents and a lot

1
2 of it can be discretionary. How can a person lose
3 his business? Does a locksmith lose his business
4 or her business if they're parked for all day long
5 and get three tickets over the course of a year?
6 We think that is extremely discriminatory.

7 If I understood correctly, one of
8 the opening remarks were that this is only about
9 trucks; it is not about pushcarts. We feel that
10 the spirit of this bill is really to protect the
11 brick and mortar restaurants. It is not
12 necessarily about freeing up parking spots.

13 Because if we were to look at
14 freeing up parking spots, then there are a lot
15 more egregious violators who hold onto parking
16 spots for periods of time much greater than the
17 food trucks. The food trucks also number a
18 fraction of the amount of commercial vehicles in
19 this city. Let's come up with a plan that works
20 for everybody, not only discriminating against the
21 food trucks.

22 One very important point that was
23 brought up, I think by colleague Derek and that is
24 about the pushcarts. I know that you have said
25 that you support the pushcarts and we support the

1
2 pushcarts. These are very hard working people
3 whether they're selling fruit or hot dogs. But
4 let's make no mistake about it, those push carts
5 are pulled every day by a van with a hitch. That
6 van generally is parked right next to that
7 pushcart and is there all day long and sometimes
8 pays the meter and sometimes doesn't. Often you
9 will see a sign in their window that says fruit
10 man, please do not ticket; hot dog man, please do
11 not ticket.

12 Engine idling, we have a truck that
13 is run on biodiesel. We are environmentally
14 friendly. We lived in Councilwoman Lappin's
15 district for many years. We've just moved to an
16 adjacent 10016 district. We live here. We are
17 not bad neighbors. We clean up after ourselves.
18 Are there bad apples; are there people who do not
19 care about the environment? Absolutely. We live
20 here.

21 The business that we run is about
22 people coming back to us, about building a brand.
23 If I had \$3 million or \$5 million, I would have
24 opened up the most fantastic restaurant café in
25 your district. There's no question about it. We

1
2 had what we had to put into this business. We do
3 not leave garbage. I have instructed my employees
4 and myself. I am not above going around that
5 truck and picking up trash that is left on the
6 ground, even if it is not mine.

7 We feel also that this doesn't
8 solve the problem. There are other ways of
9 solving the problem. I'm sorry; let me back up.
10 There was some debate about the restricted
11 streets. Pushcarts and trucks adhere to the same
12 regulations. We get a list from the Health
13 Department that says you cannot park, for example,
14 on 34th Street. You cannot park on 57th Street.
15 Are there some vendors who do that? Yes, I know
16 that there are.

17 But there are restricted and there
18 are punitive actions that are held in place. If
19 you park in these streets, theoretically you can
20 be towed and they can confiscate, Alpha
21 [phonetic], the vending police can confiscate your
22 business. But those push carts have the same
23 restrictions as the trucks.

24 You say that you're here to support
25 the brick and mortar restaurants and I commend

1
2 that. That is very important. But you say that
3 it's okay to have a pushcart but not a truck. I
4 don't understand. If a truck is taking business
5 away and I'm selling a hot dog and I'm selling a
6 hot dog from my pushcart.

7 CHAIRPERSON KOSLOWITZ: Time is up.
8 I just want to say this is not selling food. This
9 has nothing to do with selling food. It has to do
10 with parking at meters which are illegal.

11 GRANT DIMILLE: After the
12 prescribed amount of time. If it's three hours,
13 you're allowed to be there for three hours.

14 CHAIRPERSON KOSLOWITZ: Exactly.

15 GRANT DIMILLE: Indulge me for just
16 one more second. The loophole in the law is that
17 I can then turn my engine on, move ten feet to the
18 next spot and I have now entered into the next
19 spot. That makes no sense. It makes no sense.

20 CHAIRPERSON KOSLOWITZ: Many people
21 do it. Many people do it. I've seen it. So it's
22 not so ridiculous. We can't condone breaking the
23 law.

24 GRANT DIMILLE: And nor do I.

25 CHAIRPERSON KOSLOWITZ: You know,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

if the administration wants to, that's fine.

GRANT DIMILLE: We're not above the law, but nobody should be above the law.

COUNCIL MEMBER LAPPIN: I have just a quick question for you. Thank you for being responsible.

GRANT DIMILLE: Thank you so much.

COUNCIL MEMBER LAPPIN: How long were you on the wait list for a permit?

GRANT DIMILLE: I have a partner who holds the permit. He is an immigrant. We have a legitimate drawn up contract. He is a business partner of ours.

COUNCIL MEMBER LAPPIN: How did you find each other? I'm just curious.

GRANT DIMILLE: Through networking. We did a huge amount of research. There are people in this room, whether they like to hear it or not, that we watched prior to getting involved in this business. For one whole year before we were involved, we watched over trucks. We saw the things that they did great. We saw the things that they did poorly.

Let me also add that there was a

1
2 long odyssey to our story. We were swindled out
3 of \$16,800 by an unscrupulous contractor. We were
4 threatened within our first four days.

5 COUNCIL MEMBER LAPPIN: What was
6 the contractor doing?

7 GRANT DIMILLE: He was building the
8 truck which ultimately we ended up doing.

9 GRANT DIMILLE: We were threatened
10 with death and burning down our truck in our yard
11 where we park, a Health Department approved depot,
12 the fourth day on the street. And if that wasn't
13 enough, and this is documented in a piece done by
14 Julie Moskin of the "New York Times," the very
15 next morning one of those gentlemen came back and
16 threatened my wife and said that he would kill her
17 if we returned to the same corner that we had gone
18 to, which by the way was an illegal space not only
19 for myself but for that vendor as well.

20 COUNCIL MEMBER LAPPIN: I hope you
21 reported that to the police for your own safety.

22 GRANT DIMILLE: We have. May I add
23 also, developed a fantastic relationship with the
24 brass in midtown North, which we pride ourselves
25 on.

COUNCIL MEMBER LAPPIN: Thank you.

CHAIRPERSON KOSLOWITZ: Thank you very much for your testimony. Pete Van Leeuwen, Ben Van Leeuwen and Jack Brucculeri are next. I just want to recognize Council Members that have joined us, Council Member Gennaro, Council Member Nelson and Council Member Comrie.

BEN VAN LEEUWEN: Hi, my name's Ben Van Leeuwen. I own Van Leeuwen Artisan Ice Cream with my brother Peter and my wife Laura O'Neill who is sitting there. We're opposed to this Introduction 272. We think it's discriminatory, which has been said a lot.

There has been a lot of talk about the environment and helping the environment. I love the environment and I hate all of the cars and trucks in New York City. It was estimated 1,000 trucks, shutting them down because this bill would shut every one of them down. We have 40 employees. Between everyone it's probably 10,000. But why focus on taking 1,000 trucks off the road when there are probably 100,000 nonessential vehicles commuting into New York City every day from New York, New Jersey and Connecticut. I mean

1
2 that's pollution. That's congestion in parking.
3 That's really bad. So I wanted to say that.

4 I also wanted to say I think mobile
5 vending in New York has always been and is really
6 today at its pinnacle of a sort of beautiful
7 representation of American entrepreneurialism in
8 its purest and most wonderful form.

9 Now I'll tell out story very
10 briefly. We had an idea three years ago to sell
11 artesian ice cream off of trucks So this means
12 ice cream made with milk, cream, and cane sugar,
13 egg yolks, nothing else. We wanted to use really
14 good ingredients. Doing this out of a brick and
15 mortar shop in areas where we could sell enough
16 ice cream wasn't possible. Ice cream, even
17 expensive ice cream, isn't very expensive. A
18 truck model made it work.

19 Today we have 40 employees. We
20 support local farmers. We have a factory in
21 upstate New York with many employees who stay up
22 there and don't come to New York and don't collect
23 unemployment in New York because we're creating
24 more jobs in economically depressed upstate New
25 York and 40 jobs in New York City.

We're part of the community. We donate a lot of money in environmental organizations. We donate product and time to organizations from City Harvest to Meals on Wheels to going to public schools and teaching kids about making ice cream and the importance of using pure ingredients and eating pure ingredients. I just think we're a positive part of the community. This bill would put us out of business within a year. That would be bad.

Sorry, one other thing.

Environmentally, too, we care deeply for the environment. Our generator burns 1.2 gallons of gas a day, a lot less than a delivery truck. The cups that we use are made out of sugar cane fiber which are completely bio compostable and come from renewable resources. The spoons are made of corn and talc, so this is as green as it gets. Thanks.

PETER VAN LEEUWEN: Hi, I'm Pete Van Leeuwen. I'm Ben's brother. He said most of what I would have liked to address. But it does seem the long and short of this whole bill without fail would put all of the vending trucks out of business.

Now if it truly is about freeing up a few extra spots, then this is not who you should address fixing this problem with. We've created 40 or 50 new jobs over the last two years here and that's definitely a positive. Having four extra parking spaces taken, I feel like it's well worth it.

You seem to have a lot of interest in the permits and where they come from and who gets them and how we all got them and this vendor on 86th Street. It doesn't seem like your interest in this bill really as much to do with the actual 1,000 possible parking spots that are indeed taken up.

COUNCIL MEMBER LAPPIN: I have multiple reasons for being interested. It's actually just today seeing some of the folks come testify that I just had some questions about how you obtain the permits. You just said four spots. Do you have four trucks?

PETER VAN LEEUWEN: We have four.

COUNCIL MEMBER LAPPIN: So you have four permits?

PETER VAN LEEUWEN: Yes.

COUNCIL MEMBER LAPPIN: I'm actually not sure that that's legal. But that's a separate discussion.

PETER VAN LEEUWEN: Between all of us.

COUNCIL MEMBER LAPPIN: Because you're supposed to own and maintain one permit per person so that one company or entity. He just said you did.

PETER VAN LEEUWEN: Some we use for events.

COUNCIL MEMBER LAPPIN: But you have one truck or you have multiple trucks?

PETER VAN LEEUWEN: We have multiple trucks.

BEN VAN LEEUWEN: There are five trucks.

CHAIRPERSON KOSLOWITZ: However, on your four trucks each person that runs the truck has a license or you have--

BEN VAN LEEUWEN: [interposing]
Every single person who works on our trucks has to spend about four months jumping through hoops that the New York City Health Department puts in place

1
2 to get a permit that allows them to work on our
3 truck. This is so much harder than a chef that
4 works in a restaurant shucking oysters to work on
5 a truck. It takes them four to six months to get
6 it. If someone on our truck doesn't have this
7 permit--

8 COUNCIL MEMBER LAPPIN:

9 [interposing] On your trucks, plural. You have
10 multiple trucks.

11 BEN VAN LEEUWEN: --we get a \$1,000
12 fine. So these are the kind of issues--

13 COUNCIL MEMBER LAPPIN:

14 [interposing] That's why I was wondering about
15 the--

16 BEN VAN LEEUWEN: We start hiring
17 in January for jobs that don't start until April.

18 COUNCIL MEMBER LAPPIN: So your 40
19 employees are spread across the multiple trucks.
20 They're not on one truck.

21 BEN VAN LEEUWEN: Correct. They
22 would not get on one truck.

23 COUNCIL MEMBER LAPPIN: And you
24 have the factory and the trucks and you have the
25 employees. Do you have a storefront somewhere or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you don't have a storefront?

BEN VAN LEEUWEN: We have a storefront in Greenpoint.

COUNCIL MEMBER LAPPIN: Thank you very much.

JACK BRUCCULERI: Thank you, Council for having this meeting. My name is Jack Brucculeri. I represent the 31st Street Merchant Association, Astoria Queens. That's Peter Vallone's district. We have petitions here of over 140 storekeepers of the problems we're having in our community. I understand what Councilwoman Koslowitz mentioned is very simple. I hate to see the other council leaving. I just want to say this that it's very simple. Can you start the clock? No, but I'm getting distracted. I'm sorry.

It's very simple, I'm an immigrant and my family dealt with pushcarts in the 1930s and 1940s, so we understand horse and wagon and what mobile vehicles mean. Very simple, I'm just going to tell you that we've been fighting this issue without a council leader for many, many years.

Let me just give you an idea.

Here's a picture of three vehicles parked on a no-standing zone all day long and one parked in a meter. Here it is, a Mister Softee truck, a Poppa Pizza mobile vehicle and some other vehicle on this side of the street. On the other side of the street we've got another mobile vehicle selling chicken, gyros, so on and so forth. A little further down we have another truck that sells flowers out of it.

So it's very simple. One, it's against the law to vend near a fire hydrant. Two, it's against the law to feed a meter more than an hour, like the Councilwoman says. There are rules and regulations. We feel that the rules and regulations are not being followed. If the rules and regulations were being followed then we wouldn't be here today.

So I'm hoping that the council looks at the situation and does something fairly that the laws should be followed, not only the ticketing. So just to give you an idea, there's another, they stay in the same spot for days. There's a fire hydrant and two vehicles are parked

1
2 right next to a fire hydrant. You guys could keep
3 this, the council, if you want to keep these
4 pictures.

5 Talk about dirt, this vehicle they
6 sell insurance. It's not the city, it's not the
7 state, it's a private industry. They sell
8 insurance on the corners, on the meters parked all
9 day long. This is what happens after they finish
10 with all of their garbage. You ready? This is
11 what happens at the corners on 31st Street and
12 Ditmars Boulevard that our people, the people that
13 live, commute and shop in the area can't do it.
14 This is what happens on the corners. My pleasure,
15 I'll show it to you in a minute.

16 Here's a handicap access that
17 normally is supposed to take handicapped people in
18 and out of locations that help us, our seniors.
19 But when this truck is parked there, they can't be
20 there. This is the same spot that this truck
21 parks constantly where the handicap truck today,
22 luckily, he wasn't there that morning. But
23 normally if you come to 31st Street and Ditmars
24 Boulevard, you will see illegal truck vendors,
25 illegal street vendors. It is atrocious. I think

1
2 it's ridiculous.

3 We talk about how many millions of
4 dollars. Let me tell you, the 120 merchants on
5 that street pay over \$150 a year in taxes. We
6 employ 7,000 employees and a lot of us are still
7 immigrants. I don't know what else to say. But I
8 think whatever the fines are, I'm not a lawyer,
9 I'm just a simple guy who understands common
10 sense. Everyone here lives in America. There are
11 rules and regulations and laws.

12 I also happen to be involved in
13 another thing where Consumer Affairs, if you don't
14 do something with them as a merchant within two or
15 three times, they shut down your business. So I'm
16 not saying I'm advocating or agreeing 100% with
17 what the council is saying that your license
18 should be revoked. But just do what the law says.
19 Follow the laws. Everybody is here to make a
20 living, whether you're an immigrant or not an
21 immigrant, whether you're American, not American.
22 We're all one race here. So let's follow the laws
23 and whatever the rules come out to be.

24 But if the rules are not broken
25 then no one would get a summons. And if you do

1
2 get a summons and some cop or someone does
3 something wrong, get a lawyer the way you get a
4 lawyer for here. Or go to the City Council and
5 ask them, and I don't mean them, but where you
6 live at and put your complaint in. I could go on
7 and on. I'm done. Thank you.

8 You guys want to see the pictures;
9 I'll show it to you. They could pass them around
10 if they want to see it.

11 [Pause]

12 VADIM PONOROVSKY: Should we start?
13 My name is Vadim Ponorovsky. I'm the owner of
14 Frites N Meats. We're a truck selling high
15 quality burgers and fries. My truck directly
16 helps support the lives of ten people and impacts
17 the livelihoods of five households, similar to
18 many small businesses in New York City.

19 I came to this country specifically
20 with my family and specifically this city with my
21 family in 1974 as an immigrant from Russia. We
22 came to New York City because it represented
23 everything that was great about America:
24 opportunity, acceptance and tolerance. What New
25 York City said to us was work hard and you will

1 realize the American dream. Nothing is out of
2 your reach and we, New York City, a city of
3 immigrants, will help you achieve your dreams.

4 In return from this country and
5 specifically this city gave my family and me, we
6 made our lives here and give back in whatever ways
7 we possibly can. Recently, Frites N Meats was
8 called on to do its civic duty. On June 8th,
9 while parked at a midtown location, an officer who
10 identified himself as being part of the NYPD Anti-
11 terrorism Intelligence Unit approached us.

12 He said that due to our mobile
13 nature and the fact of being on a truck we had an
14 elevated platform from which to observe our
15 surroundings, would we more actively keep an eye
16 on things and notify them if we saw anything. He
17 then gave me several of the "if you see something
18 suspicious" posters to call a certain number and
19 asked if we would laminate them and post them on
20 our truck. He also took down our license
21 information, our personal contact information and
22 in turn gave us his so that we could communicate
23 with them if it was warranted.

24 We of course agreed to immediately
25

1
2 do this and when we spoke to several of our truck
3 brethren, they also saw this was a wonderful
4 opportunity to help the city. So if the NYPD
5 Anti-terrorism Intelligence Unit, which is
6 arguably the single body within the NYPD most
7 responsible for addressing the greatest threat to
8 New York City can view us as both a strategic as
9 well as a tactical weapon against terrorism, why
10 does the New York City Council view us as the
11 enemy in cloaking it in this parking legislation.

12 All of us, and I specifically will
13 speak for what we call the new wave trucks such as
14 myself Oleg's Schnitzels, Ben's ice cream and all
15 of the other folks here. We're all citizens of
16 this great city. We all entered this business not
17 just for profit but also because we felt what we
18 were doing was unique and would enhance the image
19 of New York City as a global trendsetter.

20 We all entered into this business
21 with very high standards and concerns for the
22 health of our customers and the environment of New
23 York City. The concerns expressed by you are also
24 our concerns. The concern you express regarding
25 idling is one that is close and dear to our

1
2 hearts. Many of us have children, young children
3 and the environmental damage being done to our
4 world shocks us. We have all set out to do our
5 little bit. None of the new wave trucks idle our
6 trucks while operating. We all made conscious
7 efforts to limit our emissions and reduce our
8 carbon footprint. We all spent a great deal of
9 money to get low noise low emission generators to
10 power our equipment.

11 The person speaking on behalf of
12 the ice cream trucks said that it would cost
13 \$25,000 to put in a green generator. You know
14 what I say to that? That's what needs to be done.
15 That needs to be the law. If you're going to
16 operate a truck in New York City, you need to meet
17 emission standards. I had a Mister Softee truck
18 by my house this weekend and I live in the
19 financial district here in an area that has no
20 trucks on the weekend. To be honest with you, the
21 amount of noise and pollution that that single
22 truck was generating surprised and shocked me.
23 That should not be the case.

24 I and along with several other
25 people, I don't want to speak for other people so

I will not, feel very strongly that idling is a great evil in this city. Those laws should be enforced and standards should be met and should be set. We would support all efforts to ensure this.

We are a small community. The people who mention 1,000 trucks, I think they overestimate that by a factor of three or four. Factoring in all the Mister Softee trucks and all the other trucks, I would say at most there are maybe 300-350 trucks operating in New York City. The new wave of trucks of which I am a member is a small subset of about 20.

Twenty trucks that are at the forefront of in many ways with trucks in other parts of this country of revolutionizing how food is perceived by bringing food that people previously would only find in higher end restaurants. We bring them to the general populous at affordable prices in a way that daily we are thanked for.

I was on the subway yesterday wearing this t-shirt and I had three people come up to me. I didn't move. I was in the same car. I wasn't walking the train. They came up to me

1
2 and said wow, we heard about this law and I love
3 your product. We don't solicit them. I can be in
4 the elevator in my building wearing this t-shirt
5 and people will come up to me and thank us for
6 doing what we're doing.

7 New York has always set trends.
8 New York has always been at the forefront of
9 revolutionizing things, not squelching them. We
10 support the efforts to regulate food trucks. We
11 believe that there need to be standards set. But
12 in setting those standards, the city should work
13 with members of that community, whether it be
14 members of the SVP, whether it be members of our
15 smaller community, but get us involved. Help us
16 come up with standards that will not only address
17 the city's needs but will help encourage the
18 growth of this.

19 If we look at other metropolitan
20 areas in this country, Chicago, Portland,
21 Washington, D.C., the municipalities and the
22 governments there have all made efforts to create
23 environments that foster the growth of this
24 business because they realize that it not only
25 adds to the social and cultural fabric of those

communities--

CHAIRPERSON KOSLOWITZ:

[interposing] Your time is up.

VADIM PONOROVSKY: Thank you very much.

CHAIRPERSON KOSLOWITZ: I just have one question for you. How long have you been in business?

VADIM PONOROVSKY: I've been in business for about ten months.

CHAIRPERSON KOSLOWITZ: Ten months, okay.

VADIM PONOROVSKY: I also own a restaurant in New York City as well.

DAN ROSSI: Good morning, Council. My name is Dan Rossi. I've been an advocate for vendors for about 30 years. I probably know more about this industry than any of these kids that are in here now.

I oppose the introduction. I don't oppose giving tickets to people that are feeding the meter. I don't oppose giving tickets to people that are vending at a metered location. I don't oppose giving tickets to people that are

1
2 idling. I do oppose selective enforcement and
3 that's what you're really doing here. You are
4 selecting maybe 20 people, 20 trucks in the entire
5 city and you're going to impose a horrific fine on
6 them. You're going to take away their livelihood
7 for doing what I do every day. I feed the meter
8 every day.

9 A lot of the things that they said,
10 they were going apples to oranges. They were
11 talking about UPS and FedEx. Don't talk about
12 them. Talk about the restaurant, the supermarket
13 that feeds the meter for their delivery trucks.
14 It's the same permit I have. So if you're going
15 to take my permit, you have to take their permit.
16 Do you understand? It's the same laws we're
17 breaking. I would think that if someone was
18 breaking the law 30 days a year and you gave them
19 a ticket every day, he's going to find a new spot.
20 That's the first reason I'm against what you're
21 doing. You're just going overboard.

22 The second thing is that there is
23 no way you're taking anyone's permit. You sell
24 pizza? You have a partner who owns the permit?
25 Does he give you permission to break the law? Did

1
2 he say to you that you could break the law? Then
3 there's no judge in the world that's going to take
4 that permit away from that disabled veteran. He's
5 not the one breaking the law. He's breaking the
6 law. That's why the mayor said let's forget about
7 this. It could never go anywhere.

8 You have a problem with 20 or 30
9 people. If it was me, if it's on 86th Street that
10 you have a problem, get the cop off his ass, let
11 him give him a ticket every day and that truck is
12 going to move. These kids have a problem where
13 they are? Ticket them until they find a location
14 that they can work in. Make it fair. Because
15 when you take away my permit, you had better take
16 away the grocery store's permit. You had better
17 take away the restaurant's permit. Do you
18 understand? You've got to keep apples with
19 apples.

20 CHAIRPERSON KOSLOWITZ: Delivery
21 trucks move.

22 DAN ROSSI: I'm not talking about
23 delivery trucks, Karen. I'm there every day and
24 there are restaurants that feed the meter because
25 they have a truck that maybe it doesn't move.

1
2 It's the same permit. And I'm not saying don't
3 ticket them. I'm saying if you go and ticket that
4 person every day, ticket them twice a day, he's
5 going to find a new home. He can't afford to pay
6 these tickets because he can't win. If he goes to
7 court he has to lose. So if you give him \$200-
8 \$300 of tickets a day, this guy is out of business
9 anyway. Get rid of him. But don't go after an
10 entire industry for a handful of characters that
11 are breaking the law.

12 CHAIRPERSON KOSLOWITZ: I just want
13 to make a correction; it's not just on 86th
14 Street.

15 DAN ROSSI: No, I was just making a
16 point.

17 CHAIRPERSON KOSLOWITZ: It's in
18 Forest Hills also.

19 DAN ROSSI: I know there are
20 problems. I know there are a lot of problems.
21 That one guy from Astoria, that guy was dead on.
22 He went and showed you pictures of people breaking
23 the law. So go after them. What's so hard about
24 going after people breaking the law? If your cops
25 can't do it, then find somebody else that can do

1
2 it.

3 If you think that you're going to
4 coordinate DOT with the Health Department, forget
5 it. The Health Department can't coordinate itself
6 with the Health Department. I'm doing this too
7 long. I'm not trying to knock anything that's
8 going on here. You've got a legitimate problem.
9 It's a real serious problem, so get rid of it, but
10 don't go after everyone for doing it.

11 OLEG VOSS: Hi. My name is Oleg
12 Voss. First, I'd like to present Councilwoman
13 Lappin with a total number of about 5,000
14 signatures that we've obtained in a matter of a
15 week opposing this bill from all of our customers
16 and fans of food trucks.

17 Let me briefly tell you about
18 myself. I'm a Ukrainian immigrant, first
19 generation. I grew up in Brooklyn. I spent most
20 of my life here. I lost my job in the banking
21 industry in early 2009 and always had a passion
22 for food. I decided that this was kind of my only
23 alternative. To go back into the financial
24 industry would have been extremely difficult. So
25 I put my entire life savings into this business.

1
2 Fortunately, everybody loves the schnitzel.
3 Hopefully you'll come by one day and try it
4 yourself. That's beside the point.

5 COUNCIL MEMBER LAPPIN: Do you have
6 t-shirts that say, "Everybody loves the
7 schnitzel"?

8 OLEG VOSS: No, we have NYC t-
9 shirts with the schnitzel logo.

10 COUNCIL MEMBER LAPPIN: You're
11 missing a marketing opportunity.

12 OLEG VOSS: I was going to bring
13 one today, I just couldn't find it. But we're
14 here to talk about this bill. We believe as
15 street vendors and just citizens that it
16 discriminates against a small group of people
17 unfairly. If you're going to revoke the license
18 of food truck vendors then you should apply this
19 law equally to all commercial vehicles.

20 Like I said, we want to work with
21 the council. We don't idle. We don't feed the
22 meter ever. Some trucks do. We don't ever do
23 that. But we're here in support of this because
24 sometimes, like Derek said, there might be some
25 guy dying on the street and you need to help him

and you get a ticket for that.

Also, I think that coming from a banking background, everything was based on facts and evidence, and for this bill to proceed into law without actual empirical evidence and research done that we being less than 1% of the commercial vehicles in Manhattan and throughout the boroughs are the problem and that somehow if by passing this law and eliminating the food trucks that somehow this problem will be solved.

So to pass a law going on assumptions, I don't believe in that. I believe in facts. I believe in empirical data. So we'd like to work with the council to do the research. We'll help do the research. Like I said, it's not fair to revoke licenses of people that don't apply to everybody. Like he said, it's very selective and for what reason I don't understand.

COUNCIL MEMBER LAPPIN: May I, Madame Chair? That would be great. I think our goal here is to solve the problem. I want to just say that any other business, you know if you own a restaurant and you get repeated Department of Health violations, you get shut down. If you own

1
2 a store and the Consumer Affairs Department gives
3 you repeated violations, you get shut down. So I
4 don't want this concept that it's unique to these
5 trucks that you could have your license revoked or
6 suspended because that's not the case by any
7 means. We certainly do padlock restaurants and we
8 certainly do revoke license for other businesses
9 that repeatedly break the law.

10 But I think you saw that
11 gentleman's photos. I have photos too which I
12 didn't bring today that show where these trucks
13 are and who the bad actors are. It's not fair to
14 you. It's not fair to the Mister Softee truck.
15 It's not fair to anybody else who's being an
16 upstanding citizen when other people say I don't
17 have to care about the law. It's not fair to
18 everybody else who abides by the law.

19 OLEG VOSS: Right, but if we're
20 talking about the law then it should apply to
21 everybody, right, not just food trucks.

22 COUNCIL MEMBER LAPPIN: And it
23 does. I'm not going to defend anybody who breaks
24 the law. I take on one issue at a time, sometimes
25 more than one issue at a time. This is the issue

1
2 that, you know, some of you have heard and may
3 hear more from other constituents of mine who said
4 this is ridiculous for one person to own a parking
5 spot for \$200 a year and then \$3 an hour or
6 depending on what that location charges. It's not
7 fair to you.

8 OLEG VOSS: I completely agree.

9 COUNCIL MEMBER LAPPIN: But our
10 goal is to not penalize you or the other people
11 who are abiding by the law, but to go after the
12 people who--

13 OLEG VOSS: [interposing] I think
14 maybe we should increase the ceiling or just apply
15 a different solution.

16 COUNCIL MEMBER LAPPIN: This is a
17 hearing. I mean I can't speak for the chair but I
18 can say for myself that every piece of legislation
19 is a work in progress. I have made changes to
20 every bill that I have passed in the council. So
21 I don't expect that what we're discussing today is
22 what we would pass. This is always a process. So
23 I'm certainly open to discussing with you how we
24 move forward. I think maybe people look the other
25 way for a while. But when you have three trucks,

1
2 and I keep talking about one, but actually there
3 are three or four that do the same thing at that
4 location every day until 10:00 at night, and you
5 start printing takeout menus.

6 OLEG VOSS: That's wrong.

7 COUNCIL MEMBER LAPPIN: That says
8 I'm at this location until 10:00 at night, seven
9 days a week, that's wrong. That's wrong.

10 OLEG VOSS: Then those people
11 should be punished.

12 COUNCIL MEMBER LAPPIN: That's
13 setting up--

14 OLEG VOSS: [interposing] Those
15 people, not everyone else.

16 COUNCIL MEMBER LAPPIN: That's our
17 goal. I wanted to extend the same invitation to
18 you. Not for this minute, but if you have ideas
19 because clearly the tickets that they're getting
20 because they are getting tickets, it's not enough.
21 So there are other approaches and we should
22 discuss them. I'm glad that we have certainly
23 started the conversation. This is one approach
24 that we will pursue and we're open to discussing
25 others.

OLEG VOSS: How would we go about creating this channel of communication with you on this legislation? I think also like Dan said--

COUNCIL MEMBER LAPPIN:
[interposing] Dan's been at this a very long time.

CHAIRPERSON KOSLOWITZ: A very, very long time.

COUNCIL MEMBER LAPPIN: Dan's one of the reasons some of the laws are the way they are.

OLEG VOSS: We salute Dan. But I believe the NYPD ticketing law is that basically you can get a ticket for the same thing every two hours or so. Like you get two hours and then they can't give you one for two hours longer. So if someone is in a place for 13 hours a day, the police can technically give them 6 tickets for that day. Like Dan said, if you ticket someone multiple times every day, he's going to get several thousand dollars worth of tickets in one week. He will be gone off that block. It's just about enforcing the laws that are already in place.

COUNCIL MEMBER LAPPIN: If they pay

the tickets, which is not an issue we're discussing today.

OLEG VOSS: If he doesn't pay the tickets--

COUNCIL MEMBER LAPPIN:
[interposing] If he doesn't pay the tickets there are no consequences either in terms of his license.

CHAIRPERSON KOSLOWITZ: As the Council Member said, we are visiting this issue for the first time today and it will be worked on.

DAN ROSSI: Thank you very much.

OLEG VOSS: We thank you and we invite you to Schnitzel and Things and hope that this bill will be dropped as soon as you taste the first bite. Thank you.

CHAIRPERSON KOSLOWITZ: We're going to have to have the people that are going to be testifying, I'm sorry, a three-minute limit now because we have another hearing coming in here at 1:00. We're in the middle of budget. We have to go to budget hearings. So now we're going to take it down to three minutes per person. Yassir Z'Raouli, I'm sorry if I'm mispronouncing your

1
2 name. I'm sure I am. Lev Exter [phonetic],
3 Melanie Schilt and Kim Ima are next.

4 YASSIR Z'RAOULI: Yassir Z'raouli.

5 [Pause]

6 YASSIR Z'RAOULI: My name is Yassir
7 Z'raouli. I start in 2009 with a truck called
8 Bistro Truck. Bistro Truck employs six people and
9 supports seven families directly. As any owner of
10 a new small business will tell you, the ultimate
11 goal is to make a living with a project you
12 strongly believe in and have faith in.

13 This takes serious time and
14 financial commitments to achieve the goals we set
15 for ourselves. This challenging economic climate
16 that we all live in, it's safe to say that it's
17 almost impossible to get financing from lending
18 institutions. That said entrepreneurs never give
19 up. We also invest hours and borrow money from
20 friends and family and our own savings into the
21 project to be a success.

22 We hope to see results sooner than
23 later and are willing to invest and sacrifice our
24 own personal time to make it happen for the well
25 being of our families and our employees. In the

1
2 weak economy such as today's, we don't have the
3 convenience of losing our business because of such
4 extreme measures that Ms. Lappin wants to put us
5 in. I do not see any connection between parking
6 tickets and health violations. This bill is
7 discriminatory and disproportionate.

8 It's important to know that our
9 investments are not in vain and not at risk of
10 being lost because of drastic parking ticket
11 penalties. And know that we have the right
12 opportunities to succeed with all of our hard work
13 and endless hours each day to grow our business
14 without worrying about this. Thank you.

15 DOUGLAS QUINT: My name is Douglas
16 Quint. I run an ice cream truck called Big Gay
17 Ice Cream Truck. I just want to speak quickly and
18 off the cuff about where my truck came from and
19 where it would go should this happen.

20 Last winter as I finished up the
21 comprehensive exams for my doctorate at CUNY, I
22 started to think about a summer job that would
23 keep me in New York and off the road. I'm usually
24 a touring musician. And also, I wanted something
25 to distract me from a degenerative hearing problem

1
2 that I'm suffering from and trying to work
3 through, which has been threatening my performing
4 career.

5 So I logged onto Facebook one day
6 and a friend's status message said if you'd like
7 to drive an ice cream truck, get in touch with me.
8 I thought well that's got to be the strangest
9 thing I could possibly do with my life. So why
10 not take this truck which formerly was a member of
11 the truck gang conglomerate. I will not speak its
12 name. Why not take this truck and do something
13 really fun with it and also give one of the few
14 soft serve trucks in the city that's accountable
15 for its actions.

16 So I found a part time truck and
17 started using it and started putting my own signs
18 up on the truck. Starting carrying crates and
19 crates of my own toppings around and dressing up
20 cones and having a lot of fun doing it.

21 Now I want to be clear, I don't own
22 my truck. I go to a depot. I sign a truck out.
23 Last summer I actually hopped around on a few
24 different trucks. This summer I have the same
25 one. Last summer I went above 23rd Street maybe

1
2 once or twice. In the time I was working I
3 accumulated one parking ticket.

4 One night on 44th Street I was
5 vending and in fact I was vending to the head of
6 public relations from Ben and Jerry's and really
7 kind of freaking out that he had arrived at my
8 truck. I felt a thump on the front of my truck
9 and I wondered what the hell was going on. I
10 looked out and the marshals were about to tow me.
11 I had to come up with \$1,600 cash to pay off the
12 parking tickets that other drivers had accumulated
13 on my truck. The marshals unhooked and drive off.

14 But now there will be more than
15 just the truck disappearing from me right then. I
16 wouldn't be able to get it back. The truck would
17 be gone because of parking tickets incurred by
18 others while I'm not on my truck. So far this
19 year I have one parking ticket.

20 On my days off when other drivers
21 are using my truck, I don't know what they're up
22 to with my truck. They could be doing the Lord's
23 work or they could be robbing banks. But as it
24 stands now my truck would be gone from my life and
25 from the lives of a lot of people that I think

1
2 it's making happy. So please inspect that part of
3 what you're proposing.

4 COUNCIL MEMBER LAPPIN: That's a
5 very legitimate concern. You're the second person
6 to mention that. That's certainly something we
7 have to look at. If you are sharing a truck,
8 that's a very legitimate concern.

9 DOUGLAS QUINT: Thank you.

10 COUNCIL MEMBER LAPPIN: I've been
11 told; well I'm not going to say it.

12 DOUGLAS QUINT: Please do, say it.
13 Whisper it to me afterwards.

14 COUNCIL MEMBER LAPPIN: I was told
15 that any self-respecting gay man hits an ice cream
16 quota pretty early in the summer.

17 DOUGLAS QUINT: That's why I don't
18 serve in Chelsea honey.

19 [Laughter]

20 KENNY LAU: Hi, my name is Kenny
21 Lau. I'm the Rickshaw Dumpling truck as well as
22 Rickshaw Dumpling Bar which is a brick and mortar
23 restaurant on 23rd Street. I think that everyone
24 has had some great points today opposing and for
25 the bill. What I really wanted to speak to was my

1
2 experience as a retail restaurant owner as well as
3 a truck owner.

4 I'll keep this really super duper
5 brief here. I just really think that the
6 amendment tends to be very, very excessive and
7 inconsistent, meaning that it tends to be very,
8 very discriminatory towards one part of my
9 business. There are two parts of our business.
10 We have the revenue of the retail and we have the
11 revenue from the trucks.

12 The example that I can think of and
13 why it would be discriminatory is that restaurants
14 do, and this has come up a couple of times today,
15 restaurants do actually fall under Department of
16 Consumer Affairs as well as the Department of
17 Health just like mobile food trucks.

18 One of the things that I've
19 realized is what if restaurants have delivery
20 vehicles. When we had two restaurants and we're
21 getting ready to open another right now, we had a
22 truck that went back and forth between the two
23 different stores. If that truck were to get
24 tickets for sitting on a meter and get more than
25 three tickets, under this we wouldn't lose our

ability to operate a brick and mortar business.

In other words, there are restaurants out there that I'm sure just like there are people that own trucks out there that sit on the meter and re-feed their meter. Anyone that has a commercial vehicle is potentially likely to do that. I think that it's very, very inconsistent on the part of this amendment and on the part of this bill to pick on people that are a very, very small segment of the commercial vehicles out there that are doing that.

That's it. I think that another point that I'd like to make as well is we have a number of employees. We have about 12 employees. I think that it's a very, very valid point that I did not think of earlier that if someone were to get a parking ticket on that truck that we would lose the ability to operate not just this business but we'd lose the ability to actually be able to provide jobs for all of these people.

During this economic downturn, we actually were looking to open more stores. Instead of opening more stores, we saw this as a really awesome, awesome way to continue to grow

1
2 our company but in a very, very authentic and very
3 New York City way. I think that during this
4 downturn this was actually probably one of the
5 industries that saw double-digit percentage
6 growth. Granted there aren't a lot of us, but it
7 did see a lot of growth and a lot of positive
8 press about small businesses opening.

9 To tie these parking tickets to the
10 ability to operate within a totally different
11 department I think is completely usurious and it's
12 draconian. I think the only other comparison that
13 I can think of is, and once again from my
14 experience running a restaurant, in front of our
15 store we have a banner sign. We get tickets
16 inconsistently for it. So it is a legal banner,
17 but sometimes people come and ticket for it.

18 Imagine if all the stores that get
19 kind of temporary tickets for that, and that's
20 Department of Sanitation, but imagine if they went
21 out of business.

22 CHAIRPERSON KOSLOWITZ: Can you sum
23 up please?

24 KENNY LAU: Yes, that's it, I'm
25 summed. Thank you.

[Pause]

MICHELE BIRNBAUM: My name is Michele Birnbaum and I'm chair of the vendor committee of the East 86th Street Association in Manhattan. Thank you very much, Council Members for hearing my testimony. Thank you very much, Council Members Lappin and Koslowitz for this bill.

I have prepared remarks but I really am going to speak extemporaneously because we on 86th Street have really been inundated with mobile truck food vendors, to the extent where our association gets daily complaints and concerns from citizens and merchants.

Now what happens is when a mobile food vendor parks at one space, and a particularly difficult area for us is Lexington Avenue. It's over a subway grade. In addition to taking up parking spots that otherwise would be used by customers by other local businesses, so this is sort of vending in the street on the backs of a local merchant who needs those spots very badly in order to serve customers to come to his business or his restaurant or his little eyeglass store or

1
2 whatever it is that he has and the reason that he
3 has taken a location on a street like 86th Street.

4 In addition to a truck being there
5 and I too have pictures of a vending truck, of an
6 ice cream truck that's parked in front of a
7 hydrant which is illegal. When they do park there
8 and on Lexington Avenue in particular there is a
9 subway grate there. There are food droppings in
10 the subway grate which certainly feed the rodent
11 population very substantially. There are
12 repercussions for vending in the street.

13 I've been listening to testimony
14 and this is why I'm speaking extemporaneously.
15 The basis of starting this vendor truck business
16 was the premise that you could get a parking spot
17 in a public zone at a meter and stay there.
18 That's the premise for having started the
19 business. That was an illegal thing to do at the
20 outset. So the fact that a business was started
21 with that premise in mind and now there's an
22 enforcement technique is really not to my mind a
23 substantial argument.

24 This bill in particular goes to
25 enforcing an already existing law. That's all it

1
2 does. I heard people address the issue that, "Why
3 doesn't the police just give them tickets every
4 day and therefore they'll leave?" Well I cannot
5 tell you the number of times that I've been
6 talking to the precincts about this. The police
7 do not have the resources to give tickets every
8 single day.

9 The way the law stands now they
10 can't look at a license plate and then mark a
11 location and then give a ticket. What they have
12 to do is mark a tire and the same officer has to
13 mark the tire, come back an hour later and if the
14 tire is moved a few inches in either direction,
15 they cannot issue the ticket.

16 Let's say two officers, one marked
17 the tire and the other came back. No, they can't
18 issue a ticket. This simply puts teeth in the
19 law. We are very, very sympathetic to the vendor
20 community. They are some of the hardest working
21 people. The position to sort of base this on
22 advocating for illegality and that other people
23 are not being fairly punished, that for me is an
24 argument for expanding the law to other people who
25 violate the parking situation.

CHAIRPERSON KOSLOWITZ: Can you sum up please?

MICHELE BIRNBAUM: Yes. I would like to encourage a continued dialogue. I would like to say that I and my association living with this issue every single day, we want to continue a dialogue. We would love the vendor community to monitor itself. When you talk about a business owner being responsible for tickets on other permits, well you know a store--

CHAIRPERSON KOSLOWITZ:
[interposing] I'm sorry. You have to sum up.

MICHELE BIRNBAUM: All right, I'm just going to finish up. A store who has a bicycle delivery person, if that bicycle is in violation, the store owner gets the fine. Thank you very much for hearing my testimony. Thank you very much.

MOHAMMED MOHAMED: Good evening everybody. This is Mohammed Mohamed [phonetic]. I was working on 86th and Broadway. I worked like three years ago. I have a truck that cost me \$70,000. I get out from the truck because of the parking tickets.

1
2 In the meantime I was working one
3 year and I got hurt from the old ticket. I see
4 commercial plate, they're parking all day and it's
5 construction. The whole year he did construction
6 in the building. He never paid the meter. He
7 never got a ticket. It was only me.

8 Only the cops, he tells me like
9 this. He got a call from everyone in the
10 building. He didn't like you. I want to ask Ms.
11 Jessica, she talk about 86th and Lexington. I've
12 been passed by like almost ten years. I see
13 another truck. She talks about only the one
14 truck. Another truck, he's been parking seven
15 years there and never pays the meter. He's
16 parking in the middle of the block. Nobody talks
17 about him. They only talk one person. Thank you
18 about that.

19 WILLIAM MARQUARDT: My name is
20 William Marquardt. I'm a concerned person about
21 neighborhood affairs and spend quite a bit of my
22 time trying to improve my community. I would like
23 to suggest that we look at the bigger picture. I
24 think that the city needs to decide what direction
25 it wants to go in over the long period of time.

1
2 It's apparent that these trucks
3 will be increasing in number, at least according
4 to this website, Midtown Lunch in which it says
5 clearly as more and more of these trucks fill our
6 streets. I'm just reading phrases. Those of us
7 who want to see more of these vendors. So it
8 appears as though they are going to be on the
9 increase. Does the city want to have a situation
10 where entire blocks are lined one after another
11 with these vendors?

12 The vendors, as has been indicated,
13 have a business model which is dependent upon them
14 violating the law whereas restaurants can operate
15 without violating the law. These people as
16 they've kind of indicated, they are on a short
17 shoestring financially. So any solution which
18 would impose severe penalties on them, they're
19 going to be opposed to.

20 Now, it's my impression that these
21 people, the vendors, do not pay very much for
22 their license whereas restaurants, they have to
23 pay large fees to use the city property for an
24 outdoor café. It's \$35-\$40 a square foot. So
25 they make a big contribution to the city in terms

of their financial contribution.

I believe that the local communities where the people live and the people who are paying the taxes in that area in their communities that they should have the right to decide what their community is going to be like. There should be some mechanism, and I'm talking again to the big pictures, local communities to be able to create the ambience that they want in their communities.

I think that the underlying issue here is that people in the community just find that it's not according to their aesthetic preference. That should be honored. They're the ones that are paying the taxes. They're the ones that are living in the neighborhood. There has to be some means that's not in place right now.

The neighborhoods that don't mind these types of activities, that's fine, they should be allowed to have them.

[Pause]

CHAIRPERSON KOSLOWITZ: David Weber, Thomas Deceased [phonetic] and Obie Wong [phonetic].

[Pause]

CHAIRPERSON KOSLOWITZ: This is the last panel.

DAVID WEBER: My name's David Weber and I am the co-founder of Rickshaw Dumpling Bar. We run as store as well as a truck, so we kind of have a unique perspective being on both sides of this issue a little bit.

I want to say that I'm definitely opposed to this introduction. I absolutely 100% agree that food trucks shouldn't break the law. No one should be breaking the law. Contrary to what the last speaker said, it is possible to run a business without breaking the law.

We haven't had any of the tickets of these types that are cited in this bill but we do want to go on the record saying we are opposed to it because we do think it's a pretty severe consequence to lose the ability to vend at all, to run your business, to make your livelihood on the basis of a parking ticket.

Obviously there should be consequences if people break the law and for every other commercial vehicle out there those

consequences are fines that need to be paid and they should be the same for food trucks. If food trucks are consistently ticketed, they'll move. Absolutely they'll move.

I just did a quick little calculation on the back here. Those tickets are \$65 each. If you get four in a day, that's \$260 a day. If you do that every single day, you're going to be paying the city about \$100,000 a year. \$100,000 a year for a parking space that size comes out to about \$700 a square foot rent as it were, which no one can afford. Not even a bank can afford that. That's more expensive than it costs to be in Times Square.

So I think that the rules that we have right now are totally sufficient to deter that sort of activity of sitting on a meter. Maybe it is hard to make those citations. I don't know because we don't get those tickets. But maybe that's one place to look to maybe make it easier for those police officers to make those citations.

Just to quickly sum up, the major two points we really feel like we're in opposition

1
2 to this is that we think that it's unfair
3 discrimination against a small portion of the
4 commercial vehicle traffic in the city. Also,
5 it's really disproportionate. The punishment does
6 not fit the crime.

7 Also, earlier today I overheard
8 someone when I was in the back room. I'm not sure
9 how it was but they categorized food trucks in
10 general as bad citizens if they had to pick. I
11 think that obviously there's documented proof that
12 some people are breaking the law. In any certain
13 category of people, some people break the law and
14 those people should be punished fairly and
15 judiciously according to the crime.

16 But I think that in general there
17 has been a trend for these new age food trucks
18 where people do really care. We're extremely
19 conscientious or try to be. We are contributing
20 to the cultural fabric of the city. There's a lot
21 of press around food trucks in general. There's a
22 lot of buzz and it actually draws people to New
23 York. I think we contribute to the cultural
24 fabric of the city. Rickshaw was recently voted
25 one of the top ten fast food restaurants in the

1 world. People come to New York City to try us
2 out.
3

4 ERNIE WONG: I just want to say
5 thank you for holding this hearing. I've been
6 dealing with hearings a lot. I'm a manufacturer.
7 I'm actually the manufacturer of many of the
8 trucks here, so I do have a position for I guess
9 the continuation of these trucks.

10 I believe that this bill is very
11 discriminatory. One of the reasons I think was
12 raised is that these trucks are idling. I'm more
13 than willing to work with any administration
14 that's going to basically try to reduce idling. I
15 mean I've been an advocate of trying to follow the
16 rules.

17 I work very, very closely with the
18 Department of Health in terms of trying to
19 basically create a standard of manufacturing
20 what's acceptable. There are only a handful of
21 manufacturers. Of course, there are always a few
22 bad apples but standardizing it across the board,
23 just you want to standardize this violation or
24 this ruling or the way to approach this,
25 standardize this across the board, I mean I've

1
2 been working very hard to standardize
3 manufacturing techniques for these food vending
4 trucks.

5 We've been in business for 30
6 years. We've been manufacturing for about 20
7 years for the mobile food vending business.

8 Again, I just want to say I'm available to speak
9 to any of you. We need to basically bring this to
10 another level to make it a greener place, a more
11 legal place where vendors are actually following
12 the laws.

13 You're having issues with idling,
14 yes; I mean I have documentation about the
15 generators we use. I mean years ago they'd slap
16 on a generator that would kill a horse I think.
17 But nowadays if you stand basically three feet
18 from the generator you can still have a
19 conversation. These are the techniques that we're
20 trying to implement to basically revolutionize
21 this business.

22 If you look at a lot of the new
23 businesses now, I mean these are not your standard
24 run of the mill type of businesses. I mean of
25 press is being followed. A lot of draw is being

brought into New York City to follow these businesses. I think this ruling, and I hate to say it, but I think it's very draconian. It's singling out a certain type of business. I think there's a better way to approach it. Like I said, I'm willing to work to see if I can play a part in trying to help coming up with a solution for that. That's it.

THOMAS DEGEEST: First of all, my name is Thomas DeGeest. It's not Deceased. As the last speaker, I know there are proponents of the food trucks here in the room. I know there's also some people against it, but regardless I'm happy to share some of my product. So we're going to have waffles first of all.

I'm originally from Belgium. I came to the United States 13 years ago.

COUNCIL MEMBER LAPPIN: There's no food allowed in the hearing room, so be discrete. Take them quickly. Try to wait until you go outside to eat them.

THOMAS DEGEEST: Thank you.

COUNCIL MEMBER LAPPIN: Or the sergeant-at-arms will have a lovely lunch.

THOMAS DEGEEST: They're low calorie waffles too. As I mentioned, I came to America 13 years ago. I worked in a very different industry like many of these folks as well. I worked in a global consulting firm and traveled all around America for ten years, from Virginia to California, from Michigan to Texas.

I saw the opportunity and in 2007 I was one of the first people here to start what we would call the high end gourmet trucks. I started my business Wafels and Dinges. Wafels and Dinges has actually really been a trendsetter and I hope been an example for many of the food trucks that followed in our steps.

What makes us different from many of the traditional food vendors that are out there is the fact that we run an extremely professional shop. We are clean. We have very high standards for our food and very high standards for customer service.

The interesting part about our business is that we do move around. We cover at least two locations per day. I've seen my fair share of parking tickets. My staff and myself, we

1
2 go to extreme lengths. We are obsessive about
3 avoiding parking tickets. Nevertheless, even with
4 all the efforts that we make, we still get more
5 than three parking tickets per year. We get on
6 average three parking tickets per month. Why is
7 that? Because we operate 7 days a week, we run at
8 least 14-18 hours a day in different spots.

9 Why do we get these parking
10 tickets? Sometimes it's just bad luck of not
11 being on time to feed the meter. Sometimes it's
12 simply a local business owner not being happy with
13 us being there calling the cops and then the cops
14 feel obliged to issue a summons. That's just the
15 way the world turns. So despite all of our
16 efforts we do get tickets.

17 My point here is even for a serious
18 business, the penalty that you're proposing is
19 very disproportionate to the infraction that is
20 actually happening. I'll stick to that. I'll be
21 happy to work with you and bring you waffles to
22 every meeting to solve this problem

23 CHAIRPERSON KOSLOWITZ: Thank you.
24 We've been joined by Council Member Barron and
25 he'd like to say something.

COUNCIL MEMBER BARRON: I just would like to say that this bill is ridiculous. I think it's absurd. I think that vendors have gone through enough. There's been enough harassment for vendors and some neighborhoods just don't want vending in those neighborhoods so we create these bills to further harass vendors.

You know we have a big issue of employment in this city. With so much unemployment, the city not giving up jobs and people of color has it worst than most. And even veterans have come back after fighting a war can't find decent jobs. So when people create their own way of making an income, for us to put a cap on the vendor's license and taking their goods every five minutes and having to pay thousands of dollars in fees and fines.

I'm embarrassed that the City Council would now try to come forward with a bill that would create more harassment for vendors and cause them to lose their license during this economic crisis. I mean it just doesn't make any sense. There's some discomfort in some neighborhoods for vending, then let's work that

out. Let's maybe open up more streets. Let's maybe have some different kinds because we have some vending legislation that we want to put in to lift the cap and open up more streets. We'll maybe keep two or three on a block. Just work it out.

But this is ridiculous. This is ridiculous and I think that we should really reconsider doing something like this, especially during these times. Everybody is just trying to make it. Times are hard. I know too many vendors that are paying just too many fines and taking property and it's just ridiculous.

I know you all are not going to clap for this one. That's why we need more of a socialist society than a capitalist one.

CHAIRPERSON KOSLOWITZ: Thank you.

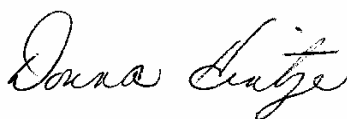
COUNCIL MEMBER BARRON: Thank you very much.

CHAIRPERSON KOSLOWITZ: Thank you.

This meeting is adjourned.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature_____

Date July 7, 2010