

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SMALL BUSINESS

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HELD AT: Council Chambers - City Hall

B E F O R E: Oswald J. Feliz
Chairperson

COUNCIL MEMBERS:

Erik D. Bottcher
Selvena N. Brooks-Powers
Shekar Krishnan
Vickie Paladino
Sandra Ung
Susan Zhuang

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

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

Daniel J. Bernstein
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COMMITTEE ON SMALL BUSINESS

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SERGEANT AT ARMS: Good afternoon and welcome to today's New York City Council hearing on the Committee on Small Business. At any point during today's hearing, no one may approach the dais. If you like to testify, please see one of the Sergeant at Arms in the back to fill out testimony slip. Please silence all electronic devices. Chair, you may begin.

CHAIRPERSON FELIZ: Thank you. Good afternoon, everyone. I'm Council Member Oswald Feliz, Chair of the Committee on Small Business. Thank you for joining us for today's hearing on the containerization requirements on small Business Improvement Districts. I'd like to thank representatives from the administration, members of the public and my council colleagues who have joined us today. Business Improvement Districts or BIDS play an integral part in helping our local businesses flourish. BIDs deliver on services and improvements beyond those typically provided by the City. For example, BIDs often provide local businesses with added security. They engage in marketing and events. They contribute to capital improvements, and they work to facilitate dialogue between local businesses

and city governments. One of the most important services that BIDs often provide is sanitation, including street cleaning, maintenance and beautification. These services which supplement the sanitation services that DSNY offers benefit everyone, including businesses, but also entire communities which benefit from having sidewalks and roads free from unsanitary and dangerous conditions. As we know, the proper containerization of trash is an important issue for all of us in the City of New York. The administration's ongoing war on rats and the war on trash has helped make our streets safer and cleaner, goals that everyone in the City shares and believes in. However, it's important that our stakeholders and community partners be properly consulted and that each initiative has been properly thought out before taking effect. For that reason, we look forward to hearing from the Sanitation Department about their upcoming rule which will require that BIDs containerize all their trash. We also look forward to hearing from SBS and the Sanitation Department about their engagement with the Business Improvement District to support containerization and to mitigate any adverse effect

on containerization initiatives. I would like to thank Lou Campbell [sp?] and Rebecca Barilla [sp?] from central staff for their work putting this hearing together, as well as my team, my Chief of Staff Esperanza Diaz [sp?], my Deputy Chief, Guillermo Rodriguez [sp?], my Budget Director, Santiago Bana [sp?], and also my additional staffers who have joined us today, including Nicole Aguila [sp?] and Dana [sp?]. And thank you everyone else as well for working in the background to put this hearing together. I'll now turn it over to the Committee Counsel to administer the oath before we hear from the administration.

COMMITTEE COUNSEL: [gavel] Before we begin testimony, I will administer the oath to all members of the administration who will be offering testimony or will be available for questions. Please raise your right hands. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this committee and respond honestly to Council Member questions?

DEPUTY COMMISSIONER GOODMAN: I do.

UNIDENTIFIED: I do.

COMMITTEE ON SMALL BUSINESS

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COMMITTEE COUNSEL: Thank you. You may begin when ready.

DEPUTY COMMISSIONER GOODMAN: Thank you.

Good afternoon, Chair Feliz and members of the Committee on Small Business. I'm Joshua Goodman, Deputy Commissioner of Public Affairs and Customer Experience at the New York City Department of Sanitation, and I'm joined by Sanitation Assistant Chief Frank Lettera, and by Haris Khan, Chief of Staff of the New York City Department of Small Business Services. In October 2022, the Adams administration kicked off the Trash Revolution by changing set-out times for both residential and commercial waste from 4:00 p.m., one of the earliest set-out times in the country, to 8:00 p.m. effective April 2023, while also allowing earlier set-out if the material is in a container. This incentivization of containerization was paired with major changes to DSNY operations, picking up more of the trash far earlier, including ending a practice by which up to one fifth of trash had been left out for a full day. Just over one year ago, container rules went into effect for all businesses of every type in New York City, requiring them to get their trash off the

streets and into a secure bin. We wrote 70,000 warnings to businesses as this rule went into effect, and have written tens of thousands of summonses since, gaining broad compliance and bringing bins to restaurants, delis, bodegas, drug stores, boutiques, and everything else on our commercial corridors. This is millions of pounds of trash off our streets. The first containerization requirement for residential buildings in more than 50 years went into effect November 12th, requiring all buildings with one to nine residential units to use bins. This can be either their own, or the official NYC Bin, the cheapest high-quality bin available. This program was designed thoughtfully so that these bins would be by far the cheapest of their quality on the market at around \$50, a reasonable responsibility for most New York City property owners. To date, New Yorkers have purchased over 800,000 of these bins at www.bins.nyc or at NYC Home Depot locations, and they have fundamentally altered the look and feel of our streets, replacing piles of black trash bags that attracted the rats, impeded pedestrians, and generally made New Yorkers feel that no one cared about their neighborhoods. These bins may look like

1 simple pieces of plastic, but they have led to double
2 digit percentage decreases in rat sightings citywide.
3 Starting in June 2026, this will be the only bin
4 permitted for lower-density residential trash, to
5 facilitate safer, cleaner mechanized collection. That
6 gets us to 70 percent of trash already covered by
7 containerization requirements, and we have a plan for
8 the remaining 30 percent. We are currently
9 collecting trash from approximately 1,100 stationary
10 on-street containers called Empire Bins in Manhattan
11 Community District 9 as part of the first full-
12 district containerization pilot. The pilot has taken
13 those huge piles of trash bags generated by the
14 largest buildings off the streets and, instead, is
15 storing them in secure containers just like you would
16 see in Europe, South America, or Asia, years faster
17 than anyone thought possible. Many New Yorkers hate
18 two things: the rats, and change, and these programs
19 have tested which they hate more. With every step of
20 this process, the change in setout times, the
21 commercial containerization requirements and the
22 residential containerization requirements, we were
23 met with similar reactions: Segments of the
24 population told us they broadly supported the concept
25

of containerization, but they themselves could not containerize their trash for various reasons. There were excuses from many people and squeaks from many rats. This administration, however, remained committed to getting every single bag of trash off our sidewalks. We knew that all New Yorkers deserved clean streets and sidewalks, not just some. And we know that so many cities around the world solved this problem decades ago, without exceptions or carveouts. That brings us to the issue we are discussing today. Earlier this year, after extremely lengthy community discussion, the city adopted a rule clarifying that any Business Improvement District, merchant association, neighborhood association, or other entity that performs cleaning services may not place any amount of refuse or recycling next to or against any public litter basket. Despite what you may have heard, the idea is quite simple: residents and businesses can't put bags right on the street. This rule simply holds BIDs and other similar entities to the same standard. We appreciate very deeply the essential work that Business Improvement Districts and other entities perform, delivering services and improvements above and beyond those typically

provided by the city, including street cleaning and maintenance, marketing and events, and beautification and advocacy. BIDs help to brand their districts and market small businesses on their corridor. They also provide a collective voice for the neighborhood and help inform city policy based on their unique local knowledge. Over the course of one-on-one meetings with 66 of the City's 77 BIDs, as well as multiple meetings with the BID Association and with supplemental service providers like ACE, we have helped these entities to identify multiple options to comply with this rule. Compliance could look like an on-street container for a mid-sized BID, an extra litter basket for a smaller one, or direct trucking to a Sanitation garage for a large BID. These meetings have been extremely productive and effective. For example, prior to a walkthrough, the Fordham BID expressed significant concerns about ability to comply with this policy, but by working together, we identified 19 appropriate locations for containers, and they will be placing orders soon. Our team helped the Bayside BID to determine that they can comply by simply adding about a dozen extra high-quality corner litter baskets. And the Flatbush

Avenue BID has been able to revise their cost estimates down considerably thanks to our collaboration. I want to be very clear: there are a number of low- or no-cost options for many organizations to comply with this rule, and despite the August 1st effective date, we will not be summoning anyone through at least the end of this calendar year. The implementation of the rule has already been extended well over 12 months from the date initially proposed by DSNY. We are working with all BIDs in good faith, and many critics have come to see the importance of this program. New Yorkers deserve clean streets. Neither businesses, nor residents nor any other entity should be allowed to leave bags of trash on the street. Other cities around the world have been doing this for decades - we are certainly not the first. We can have clean sidewalks, clear corners, and passable curb cuts. We really can, if we just see this through to the end. Thank you, and we look forward to answering your questions.

CHAIRPERSON FELIZ: Thank you. Thank you so much for your testimony. Before I begin with quesitnos, I'd like to recognize Council Member Ung

who has joined us, and also Council Member Brooks-Powers who has joined us remotely. So, thank you for all the work that you and your team does literally 24/7, all the work you do to make sure that New Yorkers can enjoy a clean and a safe city. So, I want to start with some basic introductory questions on the issue. There's been a lot of moving pieces on the issue of containerization, and I think the many moving pieces has led to some confusion about the different rules related to containerization. So, let me start with some very basic questions. And today, I'll ask many questions on many different items, including when will enforcement begin? How will enforcement take place, the cost of containers, insurance, maintenance, other operational costs, which bins to purchase, what size to purchase, where to place them, how will placement be determined and a lot more. So, look forward to having a conversation about those many items. So let me start with some basic introductory questions. Some of us already know this information, but I'll still ask them just to set the context for future questions. So, talk to us about the containerization rules. What exactly do they require? Who do they apply to, including

residential versus commercial versus organizations, nonprofits, and etcetera?

DEPUTY COMMISSIONER GOODMAN: So, there are a full rules that are already in place, and then I'll talk about those first, and then go into to rule that is in the process of being implemented that I think we're primarily going to discuss today. But just to set the context, the overall goal is to end this practice that has existed for 50 years where New Yorkers were not just allowed, but actually required to just put trash on the street, right? I mean, you know, all of us we live here, right? We get used to it. but somebody comes in from out of town or you go somewhere else, you realize it doesn't have to be like that. You don't actually have to walk past big piles of trash bags every day. So, what we've done is required that all businesses, every kind of business, stop putting their trash on the street. They could use a bin and put it out, or if they have an off-site collection that's great, too. There are a lot of options, but primarily it's an individual bin for especially a small business. That's 200,000 businesses, 20 million pounds of trash a day. Then on the residential side, we've required bins for all

properties citywide that have between one and nine residential units. So, they're using bins today. Some of them are using the official NYC bin which is the cheapest high-quality bin available, and New Yorkers have purchased more than 800,000 of those. Some are using bins they already had, and that's great. We're in a phasing period where bins that you already own are acceptable for that program. But again, you know, that's another 20 percent of the 44 million pounds of daily trash that's set out in the city. It's a huge difference, and we're now piloting in Manhattan Community District Nine what we believe will be the go-forward strategy for large residential buildings, that's the on-street container, the Empire Bin for residential use. So, those are the rules that have been put in place so far for residential and business trash. And then the rule that's in the implementation phase now that covers bids and supplemental sanitation service providers is written with-- based on our feedback from these organizations-- tremendous flexibility in mind. It does not require containerization. Containerization is one way to comply with the requirement to stop putting bags of trash on the street. If a BID, it

wants to bring their trash directly to a Sanitation garage, that's great. If they want to just add extra litter baskets so that there's no need to bag them and set them next to the basket, that's great. If they do want to site an on-street container, we will work closely with them on applications for siting, and we will help move that forward. So, containerization is-- I suspect it will be among the more common solutions, but it is certainly not required under this rule. All that we're doing is trying to get those streets and sidewalks clear of the black bags of trash once and for all from everybody in the City.

CHAIRPERSON FELIZ: On the non-residential side, who would be required to containerize? BIDs? Small businesses, nonprofits?

DEPUTY COMMISSIONER GOODMAN: So, small businesses, business of all size have been required to containerize since March of 2024. So, we've had quite a while now of full commercial containerization, and we've seen a lot of success with that program. There were a lot of groups-- particularly, oh, I'm a restaurant. I don't have a lot of room. You know, not to single anybody out,

right? But there were a lot of people who thought that there was no way to solve this. We worked with them closely. We worked with industry groups. We worked with businesses directly. We're seeing incredibly widespread compliance, businesses using bins for their trash. On the organizational or nonprofit side, nonprofits that receive DSNY collection have been covered as part of the low-density residential requirements since November of 2024. We're also seeing great compliance there. We did a lot of very direct outreach to those organizations, houses of worship as well. And the new rule that's coming into effect that we're discussing today is specifically for BIDs, merchant associations, supplemental sanitation service providers that provide cleaning services in a large area not connected to specific individual business address or residential address.

CHAIRPERSON FELIZ: Yeah. And when does the rule take effect? Is it still August 1st, [inaudible]--

DEPUTY COMMISSIONER GOODMAN:
[interposing] It's August 1st, 2025.

CHAIRPERSON FELIZ: enforcement.

DEPUTY COMMISSIONER GOODMAN: With a warning period through the end of this year, and DSNY has also explicitly stated in meetings with the BID association and under oath at multiple hearings that there will be no summons activity against any BID or supplemental service provider that is engaged in a good faith effort to comply.

CHAIRPERSON FELIZ: What are some of the potential challenges that we see getting in the way of compliance for all the BIDs, but especially for the smaller BIDs who might not have the resources to purchase and containerize?

DEPUTY COMMISSIONER GOODMAN: Well, I will say, Council Member, that in all the walk-throughs that we've been on, siting concerns and costs are the two most common things that we hear about. Ultimately, that's why there's so much flexibility here. If a BID were to say our walk-through determined that we probably need three containers, but I can really only afford one this fiscal year. Can I get the two in the next fiscal year? Yes. That would be a good faith effort. So, while are the most common challenges, we are at the

ready to help all organizations impacted solve those without enforcement.

CHAIRPERSON FELIZ: In the cases where there are penalties, who will be fined, is it the workers, the BIDs? And also--

DEPUTY COMMISSIONER GOODMAN:
[interposing] Under the rule--

CHAIRPERSON FELIZ: what are the expected penalties, too.

DEPUTY COMMISSIONER GOODMAN: Under the rule it's the organization that would bear the fine. And it's the same fine as improper set-out, meaning leaving a bag of trash on the street which I believe is \$75, \$100-- no, \$75-- \$300-\$400 for additional offenses within a 12-month period, \$75 first offense.

CHAIRPERSON FELIZ: So, earlier you mentioned that there won't be fines for businesses that make a-- or Business Improvement Districts that make a good faith effort to comply, that's great, but are there any programs currently in place to help them comply rather than just delaying the fines and providing warnings?

DEPUTY COMMISSIONER GOODMAN: Well, our outreach effort I would say is the primary one.

Chief Lettera has led walk-throughs and conversations with 66 of the City's 77 BIDs. Those go on as long as they have to and will continue indefinitely to help everyone find a solution.

CHAIRPERSON FELIZ: Okay. And also, can you elaborate on the rule related to the good faith effort? Something you mentioned, if they take steps to comply, they won't provided a fine. Are there factors that you consider when determining if they've done enough?

DEPUTY COMMISSIONER GOODMAN: You know, it's much easier to define a bad faith effort, what wouldn't count, right? And I would say that we're not going to be summonsing anyone unless they go out there and say I'm never getting my trash bags off the street, and you can't make me. That would be the kind of situation where summonsing would be necessary. Virtually, any other situation-- hey, listen, I'm waiting for approval from, you know, this organization or that. I'm figuring out the siting. I haven't heard back. They're on back order. All of that is good faith effort. This is one of those requirements that requires a very high level of observation in order for enforcement to take place.

Any enforcement that occurs is going to be escalated up through the senior levels of the department first. This is not the sort of thing where a local supervisor is going to be writing a summons based on seeing a bag on the street. There are going to be calls involved making sure-- do you know that they haven't gotten their container yet? That kind of thing. So, we anticipate very, very low level of actual summons enforcement as opposed to outreach warnings and conversations.

CHAIRPERSON FELIZ: Okay. moving on from enforcement. Let's briefly talk about placement of the containers. Also, thank you, Council Member Brewer, for joining us today. Just talk briefly about the placement of the containers. So, what are the rules related to placement, including where to place them, sidewalk versus streets, and also, is there an approval process before placing containers as specific locations?

DEPUTY COMMISSIONER GOODMAN: Yes, the containers are covered under the long-standing DOT street manual furniture siting guidelines. It's not a different set of guidelines for any on-street containers that a BID or supplemental service

provider might choose to use than it would be for any other kind of street furniture. So, I know the BIDs are very familiar with this from a lot of their work. It is online at nyc.gov/cleancurbs. But just to provide some examples, containers cannot be installed near crosswalks, bus stops, curb cuts, 15-feet from fire hydrants. It's very straightforward, and I would say it's the primary topic during the walk-throughs. He's going and saying, you know, this is a location that is likely to be approved. This is a location that's not likely to be approved. Here's one that is likely to be approved, and when you compare these two, this one meets your operational needs as an organization better. That's really what these are about. But all the guidelines are online and they're the same for the placement-- as for the placement of virtually all other street furniture.

CHAIRPERSON FELIZ: Okay. And I guess, before they're placed, they would have to reach out to DSNY just to get the approval for the specific location, even though they clearly meet the requirements.

DEPUTY COMMISSIONER GOODMAN: Right. We give our approvals during the walk-throughs, and then there's a formal submission to DOT.

CHAIRPERSON FELIZ: Okay. Earlier you mentioned that the containerization rules, as we all know, applies to anyone who engages in sanitation services. This includes generally BIDs, but also company or organizations like ACE-- that's the Association for Community Employment programs who do great work on sanitation and also they clean all over the city. Rather than having one specific location, for example BID, who would engage in cleaning services in that specific corridor, ACE covers the entire City. You call them for [inaudible] location and they'll show up. How would the rule apply to organizations like that one? Would they be required to containerize an entire city? Obviously not. But how exactly would the rules apply, because those seem very broad?

DEPUTY COMMISSIONER GOODMAN: We've had a lot of conversations with ACE about this to try to make sure that it's as easy as possible for them to comply. You mentioned, Mr. Chair, they are often operating in an area because they've been asked to

1 may be some places where a container is warranted.
2 We're working with them on that, and by the way,
3 they're absolutely at the highest level of good faith
4 effort. They're not at risk of getting summonsed.
5 We're working closely with them. We're looking for
6 compliance, but they're nowhere near the point where
7 they have to worry about getting tickets from us on
8 this.
9

10 CHAIRPERSON FELIZ: Yeah, and that's very
11 nice, but if we don't get to the-- if we don't get
12 rules that they could potentially comply with in the
13 future, you know, we'll always be on step one, and
14 those never comply which is, you know, obviously a
15 problem. Okay, moving on to some additional topics.
16 Are there any requirements related to insurance on
17 the issues of containerization and also maintenance?

18 DEPUTY COMMISSIONER GOODMAN: The-- so
19 I'll do maintenance first. There is a requirement to
20 sign a maintenance agreement. This is something
21 that's a longstanding practice for different types of
22 street furniture. We don't want one of these things
23 going out on the street and becoming gross, right?
24 The whole point of them is that they're supposed to
25 make our street cleaner. So, there is a maintenance

1 agreement that BIDs have to sign. We have not
2 received any feedback that that's onerous or
3 difficult, or during the walk-throughs that's not one
4 of the issues we hear about as a problem, although if
5 you hear otherwise, Mr. Chair, obviously we would
6 love to know so that we can address that. On
7 insurance, there is no requirement to insure the
8 containers. I have heard that some organizations are
9 considering doing so. It's not something that we're
10 deeply involved in. We're obviously happy to provide
11 our input on the specifics. I have heard that they
12 may just add it in under their existing commercial
13 insurance that they have as nonprofits. But that's
14 not required by the rule.

16 CHAIRPERSON FELIZ: Okay. I know this is
17 a new program that hasn't been fully implemented yet,
18 but based on the pilot that was implemented in
19 Harlem, Community Board Nine, how much are we
20 expecting general maintenance of these containers to
21 cost? What's a very rough ballpark?

22 DEPUTY COMMISSIONER GOODMAN: Well, I
23 wouldn't say that it's possible to estimate a cost,
24 because every BID is going to have different thoughts
25 about how frequently they want to deep clean their

1 containers. We're doing the ones in West Harlem four
2 times a year, but those are high-grade molded
3 plastic, whereas many of these may be metal. So I
4 can't provide a cost estimate, but the maintenance
5 agreement-- and also, some BIDs may choose to do that
6 with existing resources, right? They may say I have
7 staff who can clean it. I don't have to pay any
8 more, and some of them may need an outside vendor.
9 It's something we do talk about during the walk-
10 throughs, and obviously they have an obligation to
11 maintain the cleanliness of the containers themselves
12 and the sites, but there's too much flexibility
13 written into the rule to provide a cost estimate.

14
15 CHAIRPERSON FELIZ: Okay. And moving on
16 from maintenance. Talk to us about the specific
17 containers that must be purchased. Is there a
18 specific brand or type of container and also any
19 specific rules relating to the size of the containers
20 that they must purchase?

21 DEPUTY COMMISSIONER GOODMAN: There is no
22 specific brand, and we want to give the BIDs the
23 flexibility to shop around, to not worry about city
24 PPB rules, all that stuff. There are container
25 specifications required. Maximum length of 14 feet,

maximum height of five feet for site visibility, maximum width of 6.5 feet. They have to be non-flammable, fully enclosed. We require that there be reflective imagery on it, right, for pedestrian safety. We also prohibit advertising on the side of them. They can put the BID name, but no, you know, paid advertising in addition to that. You know, again, this is all for neighborhood cleanliness and quality of life.

CHAIRPERSON FELIZ: Okay. I like to recognize Council Member Zhuang who has joined us. On the issue of cost, how much are we expecting these containers to cost?

DEPUTY COMMISSIONER GOODMAN: Well, an additional litter basket might cost-- they could use a wheelie bin that's \$50. They could use a wire mesh litter basket that's \$400, or they could use a stationary on-street container that at the highest quality and largest size might be around \$10,000. It's entirely up to the organization to figure out which is the best one for them. They also, as mentioned in testimony, do have the ability to pursue no-cost options. They do not need necessarily in some cases an additional container as long as there's

an alternate solution to getting the bags off the street. They want to just site it within an existing facility or location.

CHAIRPERSON FELIZ: Okay. And brief question for SBS. What's the budget-- what's the total budget for the smallest BID in our city, more or less? Are we talking about \$100,000?

CHIEF OF STAFF KHAN: More or less 100,000 for the smaller BIDs. The largest BIDs can go up to \$29 million annually.

CHAIRPERSON FELIZ: \$29 million versus \$100,000 dollars. Okay. And about how many small BIDS do we have with a budget of in that range?

CHIEF OF STAFF KHAN: I could get back to you with the exact number of how many, but it really varies, Council Member, and we're really proud that the City has the largest network of BIDs in the country, 77 BIDs, and even we talk about supplemental sanitation it varies. We've got BIDs that spend almost \$2.6 million in supplemental sanitation. Then you've got other bids that spend roughly \$60,000 on supplemental sanitation, because it varies by the geography of the BID, the density of businesses, and the contiguity of the BID boundaries.

CHAIRPERSON FELIZ: Okay. If you had to guess, approximately, how many BIDs do we have with budget between let's say a \$100,000 and like \$250,000? Super rough guess. If you don't have the number--

CHIEF OF STAFF KHAN: We can get back to you if you give me a couple minutes. We'll get back to you with a real number.

CHAIRPERSON FELIZ: okay. Couple minutes, I'll be back.

CHIEF OF STAFF KHAN: Thank you.

DEPUTY COMMISSIONER GOODMAN: If I might just jump in, Mr. Chair, at the topic that I think you're getting at with the question. I would just say, I mean, we've got several dozen BIDs that have already placed their orders for on-street containers or additional litter baskets or wheely bins. You know, we've found our partners in the BID community who share the vision getting the trash bags off the street. That's part of the reason that they exist in the first place is for cleanliness and quality of life. Really, to be incredibly enthusiastic about moving this forward after we've been able to have these walk-throughs.

CHAIRPERSON FELIZ: Yeah. And I know you've had a lot of conversations with the 76 BIDs in our city. I think you've done walk-throughs with about 66, I think the number is, unless it's been increased recently. Based on your conversations with the many BIDs in different parts of our city, how much-- and also based on your knowledge, based on all the work that you've done on the issue, how much would it cost the average BID to fully comply with the rules?

DEPUTY COMMISSIONER GOODMAN: You know, it would be-- I don't think it would be meaningful to average it out, because some of the BIDs are just so much bigger than others, and also because on the other end, there are BIDs that are pursuing no-cost solutions. So, I--

CHAIRPERSON FELIZ: [interposing] What's our range, though? Are you talking about \$80,000 for, let's say, the Fordham BID? I know all of you did a walk-through there not too long ago. \$80,000 or you think \$200,000 is more of a better ballpark?

ASSISTANT CHIEF LETTERA: Council Member, that's so hard to answer, only because we can base this on pure volume, right? Some BIDs only generate

40 bags. So on a pure volume basis, I could say that BID only needs one container. That BID might choose to get multiple containers, because of the length of the BID, so it's very hard to cost out, but some BIDs could get away with \$6,000 on a one-- if they were going with a on-street container, \$6,000 one on-street container, and that can service the whole BID. Some BIDs, like the Commissioner was saying, is a wheely bin. Bayside went with extra baskets. So, it could be even lower than that.

CHAIRPERSON FELIZ: Is there any BID that you visited where one large container would comply with the rule?

ASSISTANT CHIEF LETTERA: There's been several, yes.

CHAIRPERSON FELIZ: Okay. Alright, I'll ask a few more questions and then I'll pass it off to colleagues. Many of them have questions. So, on the issue of funding, will DSNY or SBS provide funding for the purchasing of the containers? Is there any program currently in place to help with the funding and compliance?

DEPUTY COMMISSIONER GOODMAN: Mr. Chair, as mentioned, the cost is one of the issues that we

hear about most frequently during the walk-throughs.

We know that it's a subject of significant concern

for the BIDs and supplemental sanitation service

providers when it comes to compliance, and we know

that the Council's budget proposal did include a fund

for grants to BIDs. Obviously, conversations about

the Adopted Budget are ongoing now, and we hope to be

able to say more in the next couple of days. But I

can also mention that when big containerization was

first piloted in 2022 there was a grant program at

that time.

CHAIRPERSON FELIZ: Okay. And does DSNY

or SBS think that it'll be appropriate to have a

grant to help with these containers? And if yes,

which would be the proper agency to manage it?

DEPUTY COMMISSIONER GOODMAN: It was a

useful program during the pilot. I don't want to say

anything to prejudice ongoing conversations about the

Adopted Budget, but certainly, we all know that the

grant program was helpful in 2022 and the

conversations are ongoing about what is appropriate

for the 25/26 Adopted Budget. I-- DSNY administered

the grant program last time, and we're prepared to

continue doing so if one is available.

CHAIRPERSON FELIZ: Okay. Is that also the perspective of SBS? DSNY would be the better agency to manage the program?

CHIEF OF STAFF KHAN: Yes, Council Member. I think DSNY has the expertise working with BIDs, but also with the wholesalers, suppliers, manufacturers, fabricators of containers. It makes sense for them to be involved--

CHAIRPERSON FELIZ: [interposing] Okay.

CHIEF OF STAFF KHAN: in any potential grant program.

CHAIRPERSON FELIZ: Cool, alright. So I have many-- I have pages of questions, but I'll pause here for now. I'll pass it on to Council Member Brewer and then Council Member Paladino.

COUNCIL MEMBER BREWER: Thank you. First of all, I want to thank Sanitaiton, because I know we're doing a walk-though on the west side, I think, on Monday on this topic, and I appreciate it. \$6,000 for the Goddard Riverside Greenkeepers is not doable. So, I assume you have in addition to the ACES and the BIDs and maybe the Chambers, you have these nonprofits also doing cleaning. They in no way can afford \$1,000 literally. So, how are we going to

1
2 deal with groups like them who are in this case
3 disabled New Yorkers who are doing the cleaning? You
4 don't want them to not have jobs.

5 DEPUTY COMMISSIONER GOODMAN: I
6 completely agree. Thank you, Council Member. And
7 it's-- the example you give is one of so many
8 organizations that provide opportunities, but also do
9 so much great work for the neighborhoods that they
10 serve. This is in no way intended to put them out of
11 business, right? But the flip side of it is that
12 obviously disabled New Yorkers shouldn't have to play
13 a game of hopscotch around the bags of trash on the
14 streets. So, we have to find a solution and that's
15 the purpose of the walk-throughs. We've conducted
16 probably total walk-throughs including return visits,
17 triple digits-ish, and those will continue
18 indefinitely. In a case like this one, we might find
19 that a \$50 wheely bin is more than enough. We might
20 find that more than that is necessary, in which case
21 we could look at possibly partnering with another
22 local organization--

23 COUNCIL MEMBER BREWER: [interposing]
24 There are no other organizations to partner with.
25

DEPUTY COMMISSIONER GOODMAN: Well, every building on that area-- and I don't want to get ahead of the walk-through. That's the point of the walk-through. But all the buildings there are containerized. The park itself is containerized. There may be opportunities to leverage existing resources. That's what we're going to find out, and the walk-through itself satisfies the requirement to make a good faith effort.

COUNCIL MEMBER BREWER: I was going to ask you, what is a good faith effort?

DEPUTY COMMISSIONER GOODMAN: Absolutely.

COUNCIL MEMBER BREWER: I know what it is in Local Law 97. I have memorized it. It's called call DOB and make a deal. That's what I do. What does it mean here?

DEPUTY COMMISSIONER GOODMAN: In our case basically, and the Chair asked about this earlier--

COUNCIL MEMBER BREWER: [interposing] I know. I'm sorry.

DEPUTY COMMISSIONER GOODMAN: No, not at all. I just said that the-- it's much easier to define a bad faith effort and then everything else is a good faith effort. In our view on this issue, a bad

1
2 faith effort is an organization saying I'm never
3 getting the bags off the street and you can't make
4 me.

5 COUNCIL MEMBER BREWER: Right.

6 DEPUTY COMMISSIONER GOODMAN: Anything
7 other than that is a good faith effort. Someone
8 saying can you come help me figure it out? Okay, I'm
9 ordering this. I'm doing the siting. Hey, listen, I
10 can't do this until the next fiscal year, is that
11 okay? All of that is okay.

12 COUNCIL MEMBER BREWER: Okay.

13 DEPUTY COMMISSIONER GOODMAN: Being in
14 touch with us about compliance, that's all we're
15 looking for.

16 COUNCIL MEMBER BREWER: Okay. And this
17 is all the-- the purpose of all of this is rat
18 abatement, is that the whole purpose of all of this?

19 DEPUTY COMMISSIONER GOODMAN: Rat
20 abatement as well as sidewalk passability [sic].

21 COUNCIL MEMBER BREWER: Sidewalk?

22 DEPUTY COMMISSIONER GOODMAN:
23 Passability. Not leaving sort of these bags on the
24 sidewalks in places that people need to walk.

COUNCIL MEMBER BREWER: Okay. I mean, I never have a problem with the bags, I'll be honest with you. Because these folks put them neatly, tied, not like the general public. They'll put the neatly tied next to the appropriate location. So, it's not like the bag is in the middle of the street like, you know, others. So, I don't know. I think there's-- it still needs a lot of work. The worst thing is to tie people up who are doing the work so that they end up not doing the work, and I worry about that, you know, being the case. You think ACE and others are already fine with what you're suggesting? Is that what you're saying?

DEPUTY COMMISSIONER GOODMAN: I think we're well on our way to having solutions for compliance for everyone, and I think that-- you know, the bags, and I know if we disagree on this, so be it, Council Member, obviously. But my feeling is that we all as long-time New Yorkers get used to the bags. When they're gone, you can't imagine that we used to live with like every corner has bags of trash on it no matter how neat they are.

COUNCIL MEMBER BREWER: Okay. The issue is-- okay. the other issue is just garbage on the

streets having nothing to do with bags. I would say that's a bigger issue, but not subject of this hearing. My final question is the cleaning-- I know you talked about it-- in District Nine in Community Board Nine, how is that cleaned now? I mean, maybe answer that.

DEPUTY COMMISSIONER GOODMAN: Yes.

COUNCIL MEMBER BREWER: And I know they're plastic and not metal.

DEPUTY COMMISSIONER GOODMAN: There are two pieces to the cleaning. One is that the property owners are responsible for just sort of regular sweeping around them. The normal requirement that a property owner sweep 18 inches into the curb, that extends around the Empire Bin now.

COUNCIL MEMBER BREWER: Okay.

DEPUTY COMMISSIONER GOODMAN: And then the inside--

COUNCIL MEMBER BREWER: [interposing]
Inside is what I'm interested in.

DEPUTY COMMISSIONER GOODMAN: they get a deep cleaning four times a year, provided by a vendor contracted with DSNY.

COUNCIL MEMBER BREWER: Alright, so you pay for that?

DEPUTY COMMISSIONER GOODMAN: Yes.

COUNCIL MEMBER BREWER: The property owner pays-- so in this case, it would be the BID or the Chamber or the whatever would be paying for that four times a year.

DEPUTY COMMISSIONER GOODMAN: The maintenance cost, yes.

COUNCIL MEMBER BREWER: Okay. I'm just saying I don't know that these smaller organizations have that funding. I know because I fund every penny almost of their operations, and it's very, very tight. So, I just think-- and also the smaller BIDs are having a heart attack saying that their boards are not accepting this idea.

DEPUTY COMMISSIONER GOODMAN: I believe that the walk-throughs have been the nitroglycerin for that heart attack, and that we're getting closer to reaching--

COUNCIL MEMBER BREWER: [interposing]
Okay.

DEPUTY COMMISSIONER GOODMAN:
understanding with BIDs of all sized.

COUNCIL MEMBER BREWER: Alright, thank you.

CHAIRPERSON FELIZ: Thank you, Council Member Brewer for the questions. We also want to acknowledge Council Member Krishnan who has just joined us. I know you mentioned you don't have a total cost for full compliance of our entire city, but do we have a super rough ballpark? I mean, you know, it's a great rule, make sure that we take steps to remove trash and also rats off our streets. But you know, just in general I don't know if it's good policy to just pass big rules without analyzing how much it'll cost.

DEPUTY COMMISSIONER GOODMAN: We had absolutely analyzed how much different solutions will cost. It's just that we don't know what solution each BID will choose. And we wrote the rule purposely to give them that flexibility. If-- I might say to a BID, you really only need one container. And they go, well, you know, I kind of like the way it looks if I put one on each side of the street. That just blew my cost estimate, but it was their choice. BIDs can comply for-- depending on

their size-- anywhere from \$50 into the tens of thousands of dollars.

CHAIRPERSON FELIZ: Based on the options that you've analyzed, though, is there a rough ballpark for how much it all costs to fully containerize every part that's required to be containerized? Are we talking about \$5 million, \$10 million?

DEPUTY COMMISSIONER GOODMAN: I certainly think that \$10 million is far beyond what we're looking at here. Even if every bid were to choose the most deluxe, extravagant solution possible, it's hard to imagine a price tag above \$5 million, but I actually suspect the ultimate price tag will be substantially lower than that.

CHAIRPERSON FELIZ: Lower than \$5 million, okay. Also, appreciate the good and bad faith rule, making sure that we're not trying to fine our way out of the problem. You've mentioned that numerous times during hearings and also phone calls, but is that rule also in writing just to make sure that BIDs and different organizations--

DEPUTY COMMISSIONER GOODMAN:
[interposing] Yes.

CHAIRPERSON FELIZ: [inaudible] It's in writing. Okay. Alright, also, is there any no-cost solution for compliance? For example, can a BID or ACE, for example, bring trash to DSNY location?

DEPUTY COMMISSIONER GOODMAN: Yes. That is an option that's on the table. It may, in terms of staffing costs-- you know, there will be personnel costs involved for the BID, but we're happy to work on that and it is one of the solutions that we discuss at the walk-throughs. There also may be no-cost solutions that involve using existing facilities. You know, a BID might say well, you know, we have this office space and there's room in the basement or in the back, or-- you know, there are-- every BID is different. Every one of the 76 BIDs provides an incredible service, and they're all structured differently, but certainly there are many who will have access to no-cost solutions.

CHAIRPERSON FELIZ: Good. Okay, so existing facilities, also DSNY locations. What else? What are other no-cost solutions that you've talked about, thought about?

DEPUTY COMMISSIONER GOODMAN: Working with businesses that are members of the BID, saying,

1
2 you know, can we get this into your existing
3 containers-- maybe possible in some cases. And then,
4 you know, obviously just coordinating with us on
5 pick-up times, drop-off. We can do whatever we can
6 to just kind of reduce the need for containers and
7 limit the volume overall.

8 CHAIRPERSON FELIZ: Okay, also, briefly
9 on the CB9 pilot program in Harlem, was that a pilot
10 program specifically for residential containerization
11 or everything including BIDs and other organizations?

12 DEPUTY COMMISSIONER GOODMAN: Yes, it's
13 residential only and it's only the largest
14 residential buildings. It's all buildings with 31 or
15 more units are required to participate, and buildings
16 with 10 to 30 units were given an opportunity to opt-
17 in for participation, and if they did not opt-in,
18 they have to use regular wheeled bins. The reason why
19 that pilot is for a specific waste stream, namely
20 residential trash, is that those bins are lifted with
21 a special truck, the first of their kind, automated,
22 side-loading truck in North America. And there's a
23 finite number of those trucks that run on defined
24 routes.

CHAIRPERSON FELIZ: Okay. Yeah, talk to us about that pilot. How much funding was allocated towards the program? Is the number \$700,000? I think that's what I read somewhere, but if you could confirm that. Also, how many bins were purchased? How large were the bins? And how much of the funding went towards purchasing the bins versus getting them installed, maintaining, and etcetera? If you could give us a rough breakdown of those number?

DEPUTY COMMISSIONER GOODMAN: Yes. So, the funding-- I'm going to see what we have. But on the other operational answers, I know those off the top of my head. It's about 1,100 containers. They are four cubic yards each, which is 800 gallons. So, they hold-- if you think about like a full-size black trash bag, they hold 25 to 28 of those. And-- thank you very much. Oh, it was in the-- and the budget in FY25 was \$3.4 million of which \$280,000 or so was the containers, and a significant amount was outreach and also personnel costs. And then in FY26 it's \$2.3 million of which \$800,000 is containers, \$800,000 or so is collection, personnel, and the remainder is civilian staff to administer the program.

CHAIRPERSON FELIZ: Got it. Can you repeat the number for the 1,100 containers? What was the total funding for that?

DEPUTY COMMISSIONER GOODMAN: The total cost, it was split across two fiscal years, and the cost of the containers in FY24 was \$278,000, and in FY26 is \$836,000.

CHAIRPERSON FELIZ: Alright, so total of about \$1 million for 1,100 containers.

DEPUTY COMMISSIONER GOODMAN: That's correct.

CHAIRPERSON FELIZ: Okay. Doing some math here. Okay.

DEPUTY COMMISSIONER GOODMAN: Different cost analysis because that is-- they're leased. We didn't purchase them, and the leasing includes the maintenance. So, that's an all-in cost for the cleaning, the repair. You know, they have a key card to open them, the electronics, all of that. So, it's not a one-to-one, exactly, because it's a-- they're leased rather than purchased.

CHAIRPERSON FELIZ: Okay, but I guess roughly it's about \$900 per container.

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DEPUTY COMMISSIONER GOODMAN: It
certainly--

CHAIRPERSON FELIZ: [interposing] Roughly,
if you just average it out.

DEPUTY COMMISSIONER GOODMAN: To have
them on the street for a year it's about that much,
yes.

CHAIRPERSON FELIZ: Okay. So, alright,
so I'll pass it onto Council Member Bottcher to be
recognized. And also-- and I'll pass it on to Council
Member Zhuang who has some questions on this topic.

COUNCIL MEMBER ZHUANG: Thank you, Chair.
Thank you, Commissioner. I have a question I asked
Sanitation before. I know you guys help a lot of
small business owners, help them to regulate
everything in their store, and I spoke to Sanitation,
they said that they're going to work with you guys
about the st-- what's that called, stop line permits,
the outside. Did the project start yet? Stoop [sic]
line, because a lot of people put the stand outside,
and they don't know the regulation, and the
Sanitation go there to ticket them.

DEPUTY COMMISSIONER GOODMAN: Yes.

COUNCIL MEMBER ZHUANG: And that you guys have the people speak the language in the street and also the fourth [sic] there. What's that situation? Can you guys work together? Like, did the Sanitation start talk to you guys?

DEPUTY COMMISSIONER GOODMAN: So, we at Sanitation are enforcing stoop line violations now, and I know we attended your street vending roundtable and discussion about that recently. You know, it's all about passability. It's all about, you know, our seniors, disabled New Yorkers, people coming and going from school beign able to get down the sidewalks and not worry about a business encroaching on our public space. So, it is something we're enforcing against increasingly, and if you'd like to discuss sort of--

COUNCIL MEMBER ZHUANG: [interposing] No, I mean, did you guys-- because Small Business Service, they do have-- they have a service to help small business owners inside the store, but they don't have anyone have the knowledge outside the store. The stoop line is outside the store.

DEPUTY COMMISSIONER GOODMAN: Right.

COUNCIL MEMBER ZHUANG: Last time we talk, you said you going to start kind of collaboration between Small Business Services and Sanitation. What's the status now?

CHIEF OF STAFF KHAN: Thank you, Council Member Zhuang. So, our team is trained on a variety of regulations that impact small businesses including DSNY, DOT. We do have-- our teams are trained in the basics of stoop line regulations, and we are able to go out. My understanding is there's a business in the district that was impacted by enforcement action. In that case, I think it was a direct enforcement action. I think maybe there wasn't enough time for us and our team to get involved beforehand, but whenever there are businesses in the district that you feel like could benefit from a free compliance consultation that our team can provide, we're happy to visit the district, and certainly in that neighborhood, too. If there's any particular businesses that the district is noticing could benefit from that service, we'll always be in the streets in the language that the community speaks, making sure that businesses understand the--

COUNCIL MEMBER ZHUANG: [interposing] Did you guys already have the training?

CHIEF OF STAFF KHAN: My understanding is the business-- we may be talking about a different business, but one of the businesses that you had elevated, I think it was after the fact. I think the enforcement action--

COUNCIL MEMBER ZHUANG: [interposing] Yes.

CHIEF OF STAFF KHAN: had taken place at that time.

COUNCIL MEMBER ZHUANG: Yes. In a schedule coming up in my district [inaudible] the training?

CHIEF OF STAFF KHAN: Whenever you'd like us to be there, we'll be there, and we can coordinate with your team on a schedule as well.

COUNCIL MEMBER ZHUANG: Okay, I will follow up afterward. Thank you.

CHAIRPERSON FELIZ: Thank you, Council Member. Also, going back to the numbers related to the Harlem project or CB9 pilot containerization-- so, approximately \$1 million to purchase, install about 1,100 containers. So, approximately \$1,000 roughly for the containers. Could you give us a

breakdown of that number, \$1,000 per container's number? How much to purchase, maintain, install?

DEPUTY COMMISSIONER GOODMAN: It's an all-in price. They're leased specifically for that reason. So, they were not purchased, actually. The City has leased those containers. It was a competitive RFP where we were seeking a vendor to manufacture, install, clean, repair, and manage the containers, and that's the price we were able to come out with.

CHAIRPERSON FELIZ: And again, that was for residential only?

DEPUTY COMMISSIONER GOODMAN: Correct.

CHAIRPERSON FELIZ: Approximately, how large are those containers, especially when compared to that \$6,000 number that you mentioned earlier?

DEPUTY COMMISSIONER GOODMAN: They're four cubic yards which is the size of a-- 25 to 28 of the full size black trash bags, 800 gallons. The on-street container is-- yeah, there's a size that is the same. There's one that's the same size, and there's one that's maybe 60 percent larger. So, you know, just again for every BID to determine what's

the right solution for them in coordination with our operations team.

CHAIRPERSON FELIZ: Okay. So, I think the two agencies, Sanitation also SBS, agrees that DSNY might be the best agency to manage a grant program if that's something that we reach an agreement on?

DEPUTY COMMISSIONER GOODMAN: Correct.

CHIEF OF STAFF KHAN: Council Member, I do have the numbers on the budgets for the BIDs, the rough estimate, if that's helpful for you? So, 11 BIDs have budgets of under \$300,000 a year; 48 have a budget of under \$1 million, and 29 have a budget of more than a million.

CHAIRPERSON FELIZ: Alright. Thank you for those numbers. Alright, what are some of the grant programs that DSNY has managed before? You don't have to like give us the full summary, but just give us a brief summary of different programs that you've managed?

DEPUTY COMMISSIONER GOODMAN: Well, we managed a grant program related specifically to BID containerization in 2022. I believe that program was funded at \$1 million and grants were capped at

\$20,000 each at that time. We've also managed grant programs related to composting outreach and education. DSNY has administered a number of grants for different community groups over the years. Although, we operate none at this time.

CHAIRPERSON FELIZ: Yeah, and talk to us about the process for getting reimbursed? Of course, these grants are reimbursable grants. The BIDs either spent the funds first and then they get reimbursed for it. Talk to us about that process, and generally, based on what you know, how long did it take for the BIDs to get reimbursed? I know in city government, it takes a million years for these-- for any nonprofit to get reimbursed, so just wondering the DSNY numbers on that--

DEPUTY COMMISSIONER GOODMAN:

[interposing] Well, maybe it's city government at-large, but not at DSNY. We--

CHAIRPERSON FELIZ: [interposing] Alright, good.

DEPUTY COMMISSIONER GOODMAN: I can say that I know that part of the reason why that program capped its grants at \$20,000 was to line up with the micro-purchase threshold and therefore allow faster

reimbursement. I don't have data about what the speed of reimbursements was at that time, but you know, as far as I know, it was a successful program.

CHAIRPERSON FELIZ: Alright. And also, the numbers related to the cost, they seem-- the numbers that you mentioned seem low, but you know, we keep getting different numbers from different stakeholders, grant from DSNY, from the small businesses, from the BIDs, and everyone else. If we create a grant program, of course, the city is going to be helping pay for the containers. So just wondering, has DSNY thought about potentially-- rather than requiring that people-- that BIDs or organizations purchase the containers, rather than the organizations doing that, that DSNY potentially purchasing so that, you know, you already have the relationships. If you purchase them in large quantities, you're going to get a better deal out of it, obviously good for everybody.

DEPUTY COMMISSIONER GOODMAN: Yes.

CHAIRPERSON FELIZ: Including for the City. But on top of that, we might be able to get full compliance on day one given that you can have

the containers and all they need to do is be installed.

DEPUTY COMMISSIONER GOODMAN: We have looked at that, but the trade-off is then the BIDs would lose full flexibility about how they want to comply, what they want it to look like, where they want it to be-- you know, what size what they want, what solution they want to pursue. If the City purchased them, yes, then there's no reimbursement, but the flipside is you get what you get and you don't get upset. There would no longer be any ability to say, well, I'd prefer to comply using existing resources. I want make use of this space. I want to design it like this. You know, I prefer this brand or that brand. Under City procurement rules, we would have to do an open competitive RFP. It would take more than a year, and then the BIDs would be stuck using exactly what we dictate. And our-- based on our community conversations, the preference seems to be for the BIDs to have flexibility instead and to consider reimbursement options separately should that come out of budget negotiations.

CHAIRPERSON FELIZ: Yeah. And I'm not sure if the size issue would be an issue. I mean,

DSNY could arguably purchase a whole lot of different containers of different sizes, and then the BIDs could say hey, we need this size based on the area that we cover, the territory that we cover.

DEPUTY COMMISSIONER GOODMAN: If the purpose of purchasing it is to try to get bulk discounts, try to scale it quickly, there might be different sizes in such a model, but it would still be you'd lose complete control over whether you want wheels, no wheels, whether you want it, you know, to be-- to look like this or look like that, right? They're all going to come off the same assembly line that way.

CHAIRPERSON FELIZ: Yeah, and on that same issue, what are steps that we're taking to make sure that the roll-out of the program and compliance isn't sloppy? I mean, I could just imagine a BID spending funds on bins that do not properly comply with the rules. So, what are we doing to make sure that that doesn't happen?

DEPUTY COMMISSIONER GOODMAN: No purchase should be made-- as far as I know, no purchase has been made prior to the walk-throughs and in coordination with submission for DOT approval.

1 Because of course, you wouldn't know what to order
2 until the walk-through takes place. The guidelines
3 are online at nyc.gov/cleancurbs and have been for
4 some time. They are very much aligned with existing
5 guidelines that BIDs are very familiar with, and I
6 think, you know, again, it's just-- that's the reason
7 for the very high-touch outreach. You know, when we
8 implemented citywide commercial containerization,
9 you're talking about 200,000 businesses, right. It
10 required sort of widespread, scattershot outreach.
11 For this program, it's a finite universe of 77 BIDs.
12 That allows us to work extremely closely with them
13 and to make sure that everybody understands, and it's
14 part of the reason why we're moving forward with the
15 August 1st effective date to give all organizations
16 involved the clarity about what is required and to
17 get them on the path to compliance.

18
19 CHAIRPERSON FELIZ: Okay. Also, the
20 final language of the adopted rules on BIDs suggest
21 that BIDs should go to local Council Members and
22 apply for discretionary funding. Two questions on
23 that. Do we have updates on whether BIDs have been
24 applying for discretionary funding for
25 containerization, and if so, have they succeeded?

DEPUTY COMMISSIONER GOODMAN: It's come up at the walk-throughs. We've had BIDs say I plan to apply for discretionary funding. We, you know, don't obviously get too deeply involved in their finances and their conversations with Council Member offices, and we've had Council Members reach out and say I'm hearing from a BID, is this-- you know, are they describing the program accurately, is this correct? So, we know it's happening, but obviously we are not directly involved in that.

CHAIRPERSON FELIZ: And why didn't DSNY ask for this funding itself? Why make the BIDs apply for the funding?

DEPUTY COMMISSIONER GOODMAN: All residents, businesses, organizations are required to get the bags off the street. It would not be appropriate for DSNY to be funding this beyond any potential conversations about grants, because we know that every BID needs a different solution.

CHAIRPERSON FELIZ: Alright, a few questions for SBS. How has SBS been working with small businesses and BIDs to improve containerization?

CHIEF OF STAFF KHAN: Thank you, Council Member. We're proud to support the network of 77 BIDs in the City. We just recently signed the East Harlem BID into law, the Mayor did last week, and the BIDs promote and enhance our corridors. They drive the local economy, provide vital services. We know that bids have collected nearly four million trash bags. They've cleaned over 450 instances of graffiti and they maintain over 6,000 garbage receptacles across nearly 300 miles of commercial corridor storefronts. So, we're really proud of the work that the BIDs do, and we're always in conversations with our partners at DSNY as they lead policy development on containerization, make sure that they are hearing about the issues and concerns that are elevated to us through the BID network.

CHAIRPERSON FELIZ: What has been the collaboration between SBS and DSNY on creating and implementing this new policy?

CHIEF OF STAFF KHAN: We've been in conversations much earlier before the policy roll out. We made sure-- and SBS facilitated conversations between DSNY and the BID association and other BIDs, so they got a direct line of communication, but we

1
2 also hear from BIDs through our governance role on
3 the BID boards where we-- just like the Council
4 Members have a seat on the BID board, and also
5 through our monthly BID calls where we invite
6 leadership and executive directors from the entire
7 BID network to be able to amplify and understand
8 their concerns as they evolve through the months and
9 year.

10 CHAIRPERSON FELIZ: Okay. And to DSNY,
11 for BIDs organizations that are not complying, what's
12 the penalties? And also, who is involved in
13 determining the amount?

14 DEPUTY COMMISSIONER GOODMAN: So, it's
15 specified based on repeat offense. There is an
16 escalator. It's \$75 for a first offense, \$300 for a
17 second offense, \$400 for a third and subsequent.
18 Those are within a 12-month period, same as other
19 Sanitation regulations.

20 CHAIRPERSON FELIZ: Okay. And regarding
21 placement, who's involved in providing guidance to
22 BIDs on where they should place? I know you
23 mentioned you do a lot of walk-throughs.

24 DEPUTY COMMISSIONER GOODMAN: Yes.
25

CHAIRPERSON FELIZ: But what are factors that must be considered, and also has there been any concern on how bin placement and street vending could conflate in some neighborhoods?

DEPUTY COMMISSIONER GOODMAN: So, I'll in a moment pass it to Chief Lettera who's been the operational lead on this, but I'll just say that the siting guidance that we provide is based on the operational needs of the BID and of Sanitation and our best understanding of the DOT siting requirements which then go through final review. Chief Lettera has done-- I think you'll likely hear this in public testimony-- a truly gargantuan task in figuring out the appropriate locations for so many of these containers in coordination with the BIDs directly, and I'll let him speak to some of the criteria that go into that.

ASSISTANT CHIEF LETTERA: Yeah, Council Member, so we try to let the BID tell us where they would like the container, what's going to work best for their cleaning team, what's going to work best for their corridors. We know nobody knows their particular area as they do. So, we just help them when they do come up with their locations to make

CHAIRPERSON FELIZ: And how has SBS working with the different BIDs since this rule was proposed?

CHIEF OF STAFF KHAN: So, we work with the BIDs very closely in our governance role and our monthly outreach and also across a variety of programming, but the BIDs also have longstanding relationships with enforcement agencies and regulatory agencies, and in this case, DSNY is leading the policy development and the roll-out and the enforcement. They're also directly engaging with the BID network and as you heard in the testimony offered by DSNY, 66 BIDs have benefitted from either a walk-through in our district or meetings with their leadership and with DSNY's leadership.

CHAIRPERSON FELIZ: What would SBS suggest to make compliance easier, specifically for the smaller BIDs who might have limited funding?

CHIEF OF STAFF KHAN: I think it would really depend, Council Member, on the specific BID, the neighborhood that they're operating from, the business density in those neighborhoods, but certainly what we've heard is costs are one of the concerns that BIDs have outlined as a major-- for some, major barrier, but it is helpful that fact that DSNY is engaging with them one-on-one, really understanding operationally are there any other alternative pathways to get to compliance by the end of the calendar year.

CHAIRPERSON FELIZ: Alright. Okay. a few questions for-- going back to DSNY. How many BIDs applied for the Clean Curbs program, and how many have been approved?

DEPUTY COMMISSIONER GOODMAN: So, at the moment there have been eight applications submitted, and quite a few that have verbally told us they are working to-- dozens more that say they are working on their applications now. Then there are 16 that already have on-street containers thanks to either

1 prior programs or because they've gone ahead and done
2 the approval process on their own even without a
3 requirement. So, 16, eight, and then there's also
4 seven who we're helping them work with their app--
5 working with them on their applications.

6
7 CHAIRPERSON FELIZ: Got it. And speaking
8 about working on applications, we've heard a lot of
9 feedback from different BIDs and also groups the
10 Clean Curbs application is very complex and may cause
11 issues with the smaller BIDs who do not employ urban
12 planners or civil engineers. So, just wondering, is
13 it possible to simplify the requirement or provide
14 more clear guidance for this application?

15 DEPUTY COMMISSIONER GOODMAN: We
16 eliminated that form. Doesn't exist anymore.

17 CHAIRPERSON FELIZ: Oh, beautiful. And
18 who should BIDs reach out to if they need assistance
19 with the application?

20 DEPUTY COMMISSIONER GOODMAN: At the
21 moment, they all should have heard from Chief
22 Lettera, but I'm going to put his email address on
23 the record right now: Frank Lettera at
24 flettera@dsny.ny-- oh, flettera1. Let me start over.
25 Flettera1@dsny.nyc.gov. And you are going to get a

level of service you never expected from municipal government.

CHAIRPERSON FELIZ: Thank you, and thank you for that information, and thank you Frank, for being so responsive to phone calls, texts, and emails. Under the Clean Curbs program, BIDs must meet specific container requirements. What are the costs of these bins, and is there any maintenance requirements?

DEPUTY COMMISSIONER GOODMAN: There is a requirement to sign a maintenance agreement when the bins are sited, and that also includes flexibility, right? Some bins need to be cleaned much more deeply than others, and again, the BIDs have choice of whatever model they like. The costs might range from \$50 to \$10,000 depending on sizing and on the needs of the BID.

CHAIRPERSON FELIZ: Okay. And I know the program is currently voluntary. Is there any plan to make it a requirement?

DEPUTY COMMISSIONER GOODMAN: Well, I--

CHAIRPERSON FELIZ: [interposing] To change that?

DEPUTY COMMISSIONER GOODMAN: I think that the old Clean Curbs program is supplanted entirely by this new rule. The program name doesn't change, but that is what becomes required as this rule is implemented and bags on the street are no longer allowed.

CHAIRPERSON FELIZ: Okay. Going back to the issue of fines. Will you fine BIDs for their current practice of neatly tying up overflowing trash bags and placing them next to corner baskets?

DEPUTY COMMISSIONER GOODMAN: Only if they are not engaging in a good faith effort to containerize. But that is one of the practices that this rule seeks to get rid of. The idea is that when the basket is overflowing, and if it is emptied and tied-- now, first of all, as part of the walk-throughs, we're looking to find ways to eliminate the overflowing basket, right? The idea is maybe we need a second basket, maybe we need to change service frequency, but if a BID does want to tie off and bag a basket, then it would not go on the street. It would go into one of these containers or into another off-site somewhere that we've determined in

coordination with the BID. The idea is to get them off the curbs.

CHAIRPERSON FELIZ: What if BIDs place bags next to corner baskets for limited amount of time in advance of the pre-arranged pick-up by DSNY?

DEPUTY COMMISSIONER GOODMAN: You know, that's one of those things where like-- you ever get a double-parking ticket, and you go, like, I just pulled over a second. It's like, yeah, but you rolled the dice. Again, we're not planning to do very heavy enforcement on this. We hope to write zero tickets for this, but it is true that leaving a bag next to a basket is prohibited under this rule.

CHAIRPERSON FELIZ: What if BIDs or other groups decide they can't risk the fines and they cease services? Is DSNY able to provide these services, otherwise overflowing trash bins?

DEPUTY COMMISSIONER GOODMAN: At the moment in the more than a year that we've been discussing this rule, that hypothetical has come up several times. We have never encountered a situation where that appears likely to actually occur. These BIDs-- and we would hate for it to occur, by the way. These BIDs and supplemental service providers they do

1 such important work going above and beyond the high-
2 level provided by city sanitation workers. We value
3 them as partners so much, and we are very happy that
4 at this point that hypothetical-- which came up the
5 very first time we talked about this-- has never come
6 to pass and does not appear likely to ever come to
7 pass.
8

9 CHAIRPERSON FELIZ: There's often concern
10 that bins could either be defaced or stolen. I've
11 actually received a few videos from constituents
12 getting their bins stolen. What recommendations does
13 DSNY make regarding insurance and maintenance of the
14 bins, and will these recommendations be different
15 between BIDs and the Clean Curbs program?

16 DEPUTY COMMISSIONER GOODMAN: So, this is
17 where you get into that really important point about
18 the freedom given to the BIDs, because when you talk
19 about the large on-street containers, yes, they're
20 more expensive, but they weigh 400 pounds. Nobody's
21 stealing those. So, it's like you have decide
22 [inaudible] organization, what is your concern in
23 your area that you serve. For any item that is
24 stolen, obviously there is an existing process of
25

what to do about stolen property which is to file a police report.

CHAIRPERSON FELIZ: Okay. and what has been SBS' role in the Clean Curbs program?

CHIEF OF STAFF KHAN: So, when the pilot initially rolled out, we made sure that the BID network was aware about it. DSNY spoke at our monthly BID call, and we made connections to DSNY whenever folks are interested in the program.

CHAIRPERSON FELIZ: And has SBS received any feedback from BIDs regarding the Clean Curbs application process?

CHIEF OF STAFF KHAN: I think generally, Chair Feliz, on the topic of on-site containers-- on-street containers, we hear feedback on the siting requirements and how that might be tough for BIDs to navigate and understanding exactly where placement would be perfect for that BID and meet their needs. And so we're grateful that now there's this ongoing walk-through sites, meetings with DSNY that's helping BIDs understand where might be most optimal for on-street container placement.

CHAIRPERSON FELIZ: I know DSNY has conducted many walk-throughs, about 60-ish out of 76

BIDs. Has SBS been part of those walk-throughs or conversations?

CHIEF OF STAFF KHAN: We're definitely part of conversations. We've been in a walk-through, I believe, as recently as two weeks ago. So, whenever it make sense for us to be at the table, we work very closely with the BID network and also with our sister agencies.

CHAIRPERSON FELIZ: Okay. According to the FY24 BID trends reports, over 85 percent of BIDs with sanitation programs contract out their sanitation staff. Does SBS provide any guidance with these contracts, and how much of a role does SBS play in supplemental sanitation services?

CHIEF OF STAFF KHAN: We-- thank you, Council Member. We don't direct BIDs to work with the specific supplemental sanitation providers. We do offer guidance to BIDs in terms of having them follow procurement practices, make sure that procurement rules are followed.

CHAIRPERSON FELIZ: Alright, sounds good. Alright. So, give me one minute. Let me see if I have any additional questions, but I think we've pretty much covered a lot. I want to make sure that

1 we hear from the BIDs who have joined today. So just
2 give me one second. Let me see if there's any
3 questions that I missed. Alright, final question for
4 the two agencies. Are there any other agencies that
5 are involved when all of you are engaging in
6 conversations and also doing walk-throughs with BIDs,
7 small businesses, and different stakeholders?

9 DEPUTY COMMISSIONER GOODMAN: I would say
10 certainly DOT is very involved. They are part of our
11 regular-- our standing meeting with the BID
12 association, and they're involved in many of the
13 conversations. Beyond that, I can certainly imagine
14 sort of one-off situations where we would work with
15 other city agencies, but that's-- I think SBS, DSNY
16 and DOT are the primary agencies on this.

17 CHAIRPERSON FELIZ: Okay. And also,
18 going back to the grant program versus DSNY or SBS
19 purchasing the bins-- if we take that route where
20 DSNY purchases the bins and then provides them to the
21 different BIDs, at least on the RFP-- I know there's
22 going to have to be an RFP. What's that process
23 like?

24 DEPUTY COMMISSIONER GOODMAN: It would
25 follow City PPB rules where so we would have to-- we

would have to first develop the guidelines, right?

We would have to say this is what the bin should look like, and then we would put it out to bid and get competitive responses and select a vendor based on capacity, capability to deliver, timeline, and pricing, and then we would have to go out and do what we're doing now anyway, the walk-throughs for siting. So, you know, when you-- there's no savings in time towards compliance. It wouldn't get us to compliance any faster, and it would take away BIDs ability to choose the solution that's right for them.

CHAIRPERSON FELIZ: And what exactly triggers that RFP process? Is it the spending of over let's say \$1 million?

DEPUTY COMMISSIONER GOODMAN: It's anything over \$20,000 that the City wants to purchase. You can spend up to \$1.5 million if it's from a minority and women-owned business, but I think we would probably be looking at higher than that for a sort of one-size-fits-all solution, because again, the solution that you're proposing or discussing-- I don't want to say you're proposing it-- that we're discussing here removes all of those zero cost options, right? Saying we're just going with the on-

street container model, so it would be a substantially higher cost than we've estimated, and the funding would have to be there for DSNY to begin the RFP process which at the moment we are not funded to purchase containers for BIDs.

CHAIRPERSON FELIZ: Right. And obviously, not an expert on the issue, but any other option that wouldn't trigger that RFP process that would be a little bit more streamlined than just requiring that the bins are purchased and then get reimbursed many months later?

DEPUTY COMMISSIONER GOODMAN: You know, just grant reimbursements really are the only dispersal method that allows BIDs to have the flexibility and to move with the speed that they, I believe, want to in order to get the bags off the street.

CHAIRPERSON FELIZ: Okay. and going back to the Clean Curbs program or any other grant programs that you've mentioned or have worked on, how long or how fast do businesses or organizations get reimbursed?

DEPUTY COMMISSIONER GOODMAN: Well, you know, I can say--

CHAIRPERSON FELIZ: [interposing] Four months? Is that a ballpark?

DEPUTY COMMISSIONER GOODMAN: Just speaking from sort of what my experience here--

CHAIRPERSON FELIZ: [interposing] And we'll hear from the BIDs on that question too later.

DEPUTY COMMISSIONER GOODMAN: So, in the 2022 program, all funds were dispersed when the bins were delivered. If the bins were delivered within the calendar year, the funds were dispersed right away. So, the grant, I have the time on here-- the application was due August 9th, 2022, and then winners were selected August 31st, 2022. You had to receive your bins by June 30th, 2023, and when you told us the bins were there, you got the money.

CHAIRPERSON FELIZ: Okay. How fast after being told that the bins were there? Are we talking about 30 days, 60, 90?

DEPUTY COMMISSIONER GOODMAN: I mean, how fast does a check clear?

CHAIRPERSON FELIZ: Okay. So-- okay, so it's a pretty fast process.

DEPUTY COMMISSIONER GOODMAN: Because it was capped at \$20,000. If we were to do a future

grant program that was higher than that, it might take longer, but if the grants were \$20,000 each, I think we could move-- we could feel confident that we would move pretty quickly.

CHAIRPERSON FELIZ: Okay, good. And I'm just asking because one thing is for you to get it after you bin, but also the next question is after as in four months later or a year later? So that's why I'm asking all the specific questions. Okay. So, we want to make sure we hear from the BIDs. I don't have anymore questions. Yeah, so this concludes the DSNY and the SBS part of the testimony.

DEPUTY COMMISSIONER GOODMAN: Thank you very much.

CHAIRPERSON FELIZ: Thank you so much for joining us today and thank you for all the work you're doing to make sure that we can escalate and win the war on trash and the war against those annoying rats.

DEPUTY COMMISSIONER GOODMAN: Just because we don't-- that DSNY is not normally in front of this committee, so I just want to mention for your awareness, DSNY Senior Counsel is watching on the live stream, so we'll be observing all the comments

form the BIDs. Just didn't want anybody to think we were running out.

CHAIRPERSON FELIZ: All fine. Thank you so much. Thank you again to everyone who's joined. I now open the hearing for public testimony. I remind members of the public that this is a government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times. The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not present audio or video recordings as testimony, but may submit transcripts of such recordings to the Sergeant at Arms for inclusion in the hearing record. If you wish to testify in today's hearing, please fill out an appearance card with the Sergeant at Arms and wait to be recognized. When recognized, you will have three minutes, three minutes to speak on today's topic: containerization requirements on Small Business Improvement Districts. If you have a written statement or additional written testimony, you may submit it for the record. Please provide a copy of that testimony to the Sergeant at Arms. You

may also email written testimony to
testimony@council.nyc.gov, testimony@council.nyc.gov,
within 72 hours of the close of this hearing. Audio
and video recordings will not be accepted. For in-
person panelists, please come up to the table once
your name has been called. I will now call first
panel. I'll call three at a time, and then you speak
in this order. Evan Sweet from the Meatpacking BID,
Erin from the New York City BID Association, Josh on
behalf of David Rose from the Fordham BID in the
Bronx. Actually, I'll call one more. Angel from the
Long Island City BID. Actually, I'll just call
everybody. I think we have space for everyone. James
Martin from ACE, and Michelle Villagomez from ASPCA.
Alright, thank you all for joining us today, and
also, thank you for all the work that you do to make
sure that our small business corridors are clean,
safe, and vibrant and inviting. So, yeah. We'll
start with Evan Sweet. You could start whenever
you're ready. Everyone will get three minutes, and
then we'll ask questions.

EVAN SWEET: Great. Thank you. Good
afternoon, Council Members. My name is Evan Sweet.
I'm the Director of Neighborhood Operations for the

Meatpacking Business Improvement District. I want to thank you again for the opportunity to testify today, and also for your consideration of additional funding in the FY26 budget to fund and support the containerization efforts that Business Improvement Districts like ours are trying to undertake in compliance with the new DSNY rule. I have formal written testimony that I've provided, but I think following the questions that you so well put to DSNY, I wanted to talk briefly about some of the operational considerations that we have as it relates to attempted compliance. I think really the major ones are about the containers themselves and how that actually plays out in procurement of those; jurisdictional issues as it relates to the review of this process, especially with DSNY-- with DOT and landmarks and also Public Design Commission; and then a little bit about the RFP process and actually competitive bidding. First of all, on containers, I appreciate that DSNY really wants to find operational flexibility for all Business Improvement Districts in the City. What I will say is that I would much rather prefer-- and while I don't speak for all BIDs, I think we would-- a number of us would prefer for

DSNY to provide an understanding and guidance and kind of a final that you bring, a final understanding of what bins might work. While I do know Sanitation through my experience of six years at the BID, I am not the world's largest municipal sanitation service, and I think they're much more equipped to understand the processes for identifying an effective container that works for their teams, as well as for most Business Improvement Districts around the City. As it stands, there are really two products on the market right now that apply for a medium size BID, both of which are quite in the iterative process of design. They've changed a lot in the past few years. During the original Clean Curbs pilot one of those was a dog, I will be honest, and it was falling apart. They've gotten better but it's still not perfected, and I think DSNY as they explained going through a process to issue design guidance and make sure that they're vetting compliance and the-- you know, a better process is something that we would enjoy, that appreciation knowing that this has been approved and set out by DSNY and chosen is much better. They also say we could comply with wheely bins in the Meatpacking District. I would need a

1 block of wheely bins every day out, set out, to
2 comply with all of that amount of trash. That's just
3 infeasible as it relates to the urban design of our
4 community and the quality of life that we're all
5 trying to work towards. Briefly, I'll also talk
6 about the jurisdictional issues we have here. Beyond
7 the work with DSNY on Clean Curbs and DOT on the
8 siting guidelines, we also have to work with
9 landmarks in the Meatpacking District as well as a
10 number of other BIDs around the City. As of right
11 now, there's no guidance on how that process will be
12 undertaken and the coordination between DSNY and that
13 agency. With our work on some other public space
14 improvements, we've been working with DOT and we try
15 to avoid issues with LPC and instead, it took over
16 six months for us to just have staff review at the
17 LPC level to be able to move forward these public
18 space improvements. Without DSNY, creating a program
19 that allows enough framework, that allows compliance
20 through that process, I cannot even start the siting
21 process, because I don't even know what's going to
22 happen through a new complex LPC program. I'm really
23 happy to talk about more operational functions, but
24 again, I thank you for your time.
25

CHAIRPERSON FELIZ: Thank you. Thank you so much. So, we'll have everyone testify, then I'll ask questions. Next, we have Erin from the New York City BID Association.

ERIN PISCOPINK: Hi, good afternoon, Chair Feliz and members of the Small Business Committee. I'm Erin Piscopink. I am the Executive Director of the SoHo Broadway Initiative, but I'm here today in my role as Co-Chair of the New York City BID Association. As you have heard, the BID Association proudly represents all 77 of the City's Business Improvement Districts, and you're hearing from a number of us now, and others will submit written testimony. As you know, we're deeply concerned about being able to comply with the City's unfunded containerization mandate. Clean streets are near and dear to BID hearts, our legal mandate and our daily operations for over 40 years. BIDs have been trusted partners to New York City providing services including supplemental sanitation to districts that have been inadequately served by the City due to scarce resources. This includes the bagging and relining of over 10,000 overflowing corner basket trash cans a day. While some BIDs are

able to haul those bags to sanitation garages, most
BIDs simply set nicely tied bags on the sidewalk for
DSNY to pickup. Some BIDs have opted into the Clean
Curb pilot program to reduce the number of bags at
key corners, but expanded containerization to
accommodate all of the public trash that the BIDs bag
would be far too costly for many BIDs. DSNY
finalized a rule in March despite testimony from over
100 BIDs, nonprofit service providers, and community
groups opposing the unfunded mandate. Now, DSNY is
threatening to fine BIDs for their current sanitation
practices. While we completely understand the desire
to get bags off the street, this is a huge
operational and financial burden for BIDs. While
BIDs are already partners in getting trash off the
streets, these changes to our operations will be
financially impossible for many BIDs. There's also
the complexity of siting containers with DOT, PDC,
LDC, and local stakeholders. Unlike-- or I'm sorry.
Containerizing for BIDs is different from businesses
and residences in two main ways. Handling trash is
the key primary service provided by most BIDs, and
the trash we manage is not generated by our
operations, it is in fact, public trash. Let me be

clear if there is no funding for the FY26 budget that-- I'm sorry. If there's no funding in the FY26 Adopted Budget, it will be nearly impossible for many BIDs to comply with this mandate by January 1st. Most BIDs will likely take multiple years to ramp up to the no bags goal. This new unfunded mandate could also for some districts necessitate raising their assessment ceiling, a process that can take up to two years and requires both board and City Council approval. We estimate that at least \$5 million in funding will be necessary in the budget to purchase enough containers to service all of the City's BID districts. We hope the Mayor and Council will come together to provide this funding. In addition to purchasing containers, there will be additional costs for operations, maintenance, and insurance. If there's no funding, there's a real possibility that some BIDs, especially in under-served communities will have no choice but to see supplemental sanitation services altogether. In that case, the City would not have bags on the street. It would have overflowing trash cans along the nearly 300 miles of key corridors across the City. This isn't what BIDs want, and we suspect it's not what the

Council, DSNY or the Mayor wants. We remain committed to the partnership with DSNY and the City of New York, but are pleading for the flexibility, clarity, and resources needed to meet this unfunded mandate.

CHAIRPERSON FELIZ: Thank you. Thank you for your testimony. Next, we'll hear from Josh on behalf of David Rose from the Fordham BID.

JOSH KNOLLER: Thanks, Chairman Feliz. I'm Joshua Knoller. I represent the Fordham Road BID and I'm testifying on behalf of our Chairman David Rose, and this is the testimony he's presenting today, as a third-generation property owner whose family roots on Fordham Road trace back more than 75 years. As you are well-aware Fordham Road has no shortage of challenges. The recent commercial district needs assessment survey conducted by the BID a few years ago show that the two most important issues for our businesses and community stakeholders both in and around the BID are public safety and sanitation. The glue holding these two together is enforcement. The proliferation of illegal food and general merchandise vendors on Fordham Road makes compliance with containerization incredibly challenging for us. In the spring, the BID can began

conducting informal vendor counts that we distribute publicly on a regular basis. Simply put, the situation is getting out of hand, and on some days we see more than 350 vendors. In the last week alone, the Department of Sanitation confiscated nearly 40,000 pounds of food from illegal food vendors. This is just the tip of the iceberg, and in my many years on Fordham Road, this is the worst it's ever been. It's devastating for our small business community, many of whom like David and myself, have been on Fordham Road for generations. I'm sharing this feedback with you because in many locations along Fordham Road, vendors obstruct the right-of-way with their setups, with very little room for shoppers to navigate the sidewalk at various pinch-points, and as you know, Fordham Road has a curbside bus lane on both sides of the street limiting the placement of containers to our overloaded sidewalks on Fordham Road which as a reminder to the Council is a restricted street. No general merchandise vending Monday through Saturday. The Council must find a way to help BIDs like ours pay for the containers and also to fund additional enforcement measures and initiatives for illegal vending so that the City's

1 requirement for containerization for BIDs does not
2 come into direct conflict with the out-of-control
3 illegal vending and dumping we are not just seeing on
4 Fordham Road, but around the City. This is also at
5 the heart of why the BID also strongly opposes Intro
6 431. Thank you for the opportunity to testify here
7 today.
8

9 CHAIRPERSON FELIZ: Thank you. Thank you
10 so much for your testimony and thank you for
11 everything you do at Fordham Road. The Bronx is the
12 busiest commercial corridor. Next, we'll hear from
13 Angel from the Long Island City BID.

14 ANGEL HART: Hello, my name is Angel
15 Hart, and I represent the Long Island City Business
16 Improvement District, the largest geographic BID in
17 New York City. I'm here today to urge the City
18 Council to provide funding for BIDs to comply with
19 DSNY's new containerization rules. For over 20 years,
20 our BID has worked in close partnership with the
21 Department of Sanitation. We share the City's goal
22 of cleaner streets and rat mitigation. In fact, more
23 than 50 percent of our budget is already dedicated to
24 sanitation, everything from sweeping sidewalks and
25 removing graffiti to bagging public trash from 120

corner bins across the district. Last year alone, we bagged over 45,000 bags of trash. However, the newly proposed containerization rules place an unfunded mandate on BIDs like ours expecting us to take on expensive and logistically-complex changes, such as purchasing on-street bins, wheeled containers or hauling trash ourselves without any financial supports. These costs are unrealistic, especially in a district as large and complex as ours. Without funding or flexibility, these rules threaten the viability of BID-run sanitation services across the City. BIDs are not the problem. We are the part of the solution. But if the City expects us to step up, it must step up with financial support. We urge the Council and administration to allocate dedicated funding for BIDs to implement containerization solutions in a way that reflects the scale, scope, and needs of each district. Let's continue working in partnership to keep NYC's commercial corridors clean, safe and vibrant. Thank you.

CHAIRPERSON FELIZ: Thank you. Thank you so much. Next, we'll hear from James from ACE New York.

JAMES MARTIN: Good afternoon, Chair

Feliz. My name is Jim Martin. I'm the Executive Director of ACE New York, Queen's based nonprofit organization. For over 10 years ACE has worked in partnership with the City Council and the Department of Sanitation removing municipal trash from city streets, keeping our streets and sidewalks safe and clean for all New Yorkers. We fill an excess of one million garbage bags every year across all five boroughs. As you know, beginning in August, supplemental sanitation providers like ACE and our BID brothers and sisters here will be required to place trash bags in containers for DSNY collection. Department of Sanitation, as we know, we will begin issuing fines to organizations for non-compliance in January. ACE has estimated the cost to purchase, shift, install, insure, and maintain the necessary amount of containers in all five boroughs that we serve well in excess of \$1 million. as a nonprofit on a limited budget, ACE does not have the funds necessary to be in compliance with this policy. The problem with these expenses is so many of them are unknown and won't be realized until containers are on the ground making projecting budgets year to year

extremely difficult. Should these expenses known and unknown be passed on to our City Council partners who fund our services in the City, it would greatly limit their ability to fund what we do and provide the services we provide to over 40 council districts per year. Ultimately, the burden of purchasing these containers may result in ACE closing its doors after 33 years of service to New York City, meaning the 165 ACE employees who provide the services we offer the city would lose their jobs. These men and women are graduates of our workforce development program and have overcome homelessness, incarceration, and addiction to re-enter the workforce. This job is a lifeline to them on their journey towards economic independence. Though unintended, this is a real and incredibly cruel consequence of DSNY's unfunded mandate. The implementation of DSNY's containerization initiative while a positive step towards cleaner, more orderly streets, places an undue burden on ACE and other similar nonprofits here today. In fact, punishing them for partnering with the Department of Sanitation to help keep our city clean. The work we do every day benefits the City, its businesses and its residents. The trash we

remove is not ours. It is municipal waste. ACE and these fellow nonprofits should not be left to shoulder the cost of purchasing these containers. For over 10 years now, ACE has answered the call from our city when it needed us, removing illegally dumped trash, power washing a fence a graffiti, clearing dangerous snow and ice from senior homes. Today, I join my partners here in calling on the City Council and the mayor's office to stand with us, answer our call, and fund the containerization initiative. Thank you for your continued support of our mission and the men and women we serve, and thank you to the Department of Sanitation for their incredible work and their support during this process.

CHAIRPERSON FELIZ: Thank you. Thank you so much for your testimony. I don't see anyone else signed up in person, so we'll turn on to our virtual panelists. For virtual panelists, once your name is called, a member of our staff will unmute you and the Sergeant at Arms will set a timer and give you the go-ahead to begin. Please wait for the Sergeant at Arms to announce that you may begin before delivering your testimony. I'll now call our first panelist. Actually, the list is longer than I thought, so maybe

we'll ask all of you questions. We'll ask all of you questions before moving onto Zoom. So, disregard the Zoom panelists-- or the directions that I just provided. A few questions for all of you. So, maybe we could go from I guess right to left. I'll ask all of you the same questions. And actually, before the questions, just want to thank you all for again all the work that you do. I cannot imagine what our commercial corridors would look like without the work that all of you do literally seven days a week, working to keep our corridors clean, safe, attractive, vibrant for the thousands of people that come to support our small businesses. So, thank you for all the work that you do and look forward to making sure that all of you get all the resources to-- so that we could be able to not only win this war on rats, but do it in a way where we're not going to be harming our commercial corridors and those that serve them. So, a few questions. And I know some of you already touched on the issue. I guess we could do from right to left. If you could just mention the top two obstacles related to compliance with the rule. I'm sure funding is one of them. But yeah, if

you could just briefly mention the top two obstacles with compliance.

ERIN PISCOPINK: Thank you for that question and your complementary words about our work. We love the work we do and we're happy to do it. For-- I'll speak directly for SoHo with that hat on. We are in a historic district, and so there is quite a bit of confusion at this point about where the Public Design Commission and Landmarks Preservation Commission come into this process. We've been looking for clarity on that through many conversations with DSNY over the last year, but it's really difficult to even start think about siting and procuring the bins when we don't yet know what our engagement with the City will look like to start that process. Funding for the containers themselves is obviously a huge concern, but I think something that has been overlooked in this process really often is the ongoing expenses of this. In order for the clean teams that work at the BIDs across the City to get the trash to the containers rather than being able to pull the bag out of the corner bin, tied up and set it aside, they now have to figure out how to get to these key spots in the district to put the bags in

containers or at locations where they can be carted, etcetera. That may be a few blocks off-route. We may need to purchase additional equipment to ease some of that burden. So just the extra labor hours and footsteps that are needed to get that done, as well as the ongoing insurance costs, maintenance costs, any of the affiliated expenses with this. And just to clarify about insurance a bit, I'm not an expert on this, but I will say is, you know, the things that BIDs purchase as street furniture and put on the street often fall under our existing general liability insurance policies. However, the more street furniture we add, the more liability we hold, and those costs can change really quickly. And getting insurance in the New York marketplace for the work we do is already pretty challenging, and so adding to that burden I think is not insubstantial. I'll stop there. I think I've answered your question. Thank you.

CHAIRPERSON FELIZ: Thank you. Alright, so siting and funding. Alright.

EVAN SWEET: Alright, thank you, Council Member for the question. I would agree that site review and the jurisdictional issues as it relates to

the various city agencies that would have purview over this, especially in our district as well. The issues related to landmarks and their process are a major concern for us as we move forward and try to comply with this program. I would also say it's the identification of an appropriate container and then the follow-on procurement policy and program. Similar to DSNY, BIDs also have to maintain and meet the kind of acquisition processes and competitive RFPs as well. And so going through that process identifying a suitable container that meets the DSNY operational needs without them providing us the kind of feedback on like what they need to see as it relates to a container. It's unhelpful for us as we try to find the right containerization solution.

CHAIRPERSON FELIZ: Okay.

JOSH KNOLLER: On behalf of the Fordham Road BID, I would say-- I would echo our colleagues. Funding, number one, especially the insurance. I would say that's probably one of the biggest concerns with the funding aspect, and then I'll say geography as we alluded to in David's testimony. Fordham has a curbside bus lane in both directions, and that makes the geogrphay and siting of the containers incredibly

1 challenging. And then when you factor in vending and
2 you have 350 food and general merchandise vendors,
3 most of them of which are illegal on the sidewalk,
4 and there's points along Fordham Road where you maybe
5 have a foot or two to barely squeeze through. And so
6 I would say geography and funding are probably
7 Fordham Road BID's two biggest challenges when it
8 comes to containerization.
9

10 ANGEL HART: Yes, I agree with all of
11 those. I would say funding, number one. And for us,
12 we have the largest BID. We just expanded. We also
13 are in an industrial area, so the type of trash that
14 is produced is a little bit different. We have a lot
15 of long corridors in industrial areas. Having our
16 team schlep trash from bins, corner bin to these
17 containers have been very difficult for us to
18 imagine, and siting those in industrial areas is also
19 a little bit more difficult for us because of the
20 fact that trucks and staff are moving around our
21 streets that aren't normally on other commercial
22 corridors. So, those two, but and the difference in
23 our main commercial area to our industrial area
24 having our team move in between without a vehicles or
25 something like that is pretty impossible with just

1 wheely bins on the sidewalk. I'd also like to say
2 that it was mentioned a couple of times that adding
3 more bins could potentially keep bags off the street.
4 That's just not the case, because you know, that
5 doesn't change the fact that other bins are going to
6 fill up and they need to be-- you know, the trash
7 needs to be emptied from those. So, siting and
8 funding for us, too.

10 JAMES MARTIN: Thank you for the
11 opportunity to provide this information, Councilman.
12 I would echo my colleagues by saying it's the upfront
13 immediate cost to purchase, and the mystery of what
14 it's going to cost to keep these containers
15 operational going forward. A lot of that is unknown.
16 I could keep you hear for about a half hour with the
17 things I don't know or concerned about. I'll just
18 touch on a few. ACE is unique. We serve five
19 boroughs. You know, we're not-- we don't-- we're not
20 in one location like my colleagues here who do
21 wonderful, wonderful work. I applaud them all. But
22 fortunately, ACE is very nimble in the way we do
23 business, and as you know, a Council Member may call
24 us and say hey, how about you take care of this
25 block, 10 blocks over for the next month and a half,

1 because we're seeing -- we have some events going on
2 there or it's very busy. If I site a container and a
3 Council Member asks me transfer my services over 10
4 blocks or, you know, half hour away, I have no
5 containers there. I have to then move that container
6 over to that location or I have to face fines.
7 Another issue-- and maybe I'll just cap it at this
8 one, because I could keep you here for a while. The
9 application for Clean Curbs is difficult for us.
10 We're going to be submitting in excess of 100
11 applications, probably somewhere in the neighborhood
12 of 130 applications. Each application has to come
13 with a schematic that represents the location where
14 the container is going to be placed. I'm not sure
15 anyone here at this panel has the ability to do that.
16 If they do, I'd love to have them do that for me, but
17 we have to create a schematic over 120 times that
18 represents the location for placement, and that has
19 to be done by a professional, and it cost in excess
20 of \$1,000 for one. That was not something that we
21 realized that we're just finding out now because I'm
22 in the process of finding out how this works. We've
23 submitted application. My application was refused,
24 and I was told you need to supply a schematic. I
25

1 reached out to architects and others and it costs
2 quite a bit of money to do that. Insurance, another
3 big part of it is, if we own these containers, I
4 would be a fool not to insure them above my standard
5 \$6 million umbrella policy. I own \$1 million worth of
6 anything, I'm insuring it above and beyond what I
7 currently carry. There's not a lot of insurers in
8 the city that are willing to insure street furniture.
9 We live all-- a lot of us live and work here. We
10 know what happens to things that go on city streets.
11 So that is providing a huge, huge obstacle for us as
12 an organization as well.

14 CHAIRPERSON FELIZ: Alright. Thank you
15 for that information. And also another question for
16 all of you, two part question. Number one, I know
17 DSNY mentioned that they've done walk-throughs and
18 conversations with almost all the BIDs. If you've
19 down a walk-through with or had conversations with
20 them, what were-- how did the conversations go on
21 those issues? Which I'm sure you mentioned it to
22 DSNY. So how did the conversations go with DSNY when
23 you mentioned those concerns? And also number two,
24 would you prefer that if we create a grant program--
25 well, if the City can help with the purchasing of

these BIDs, will you prefer that DSNY purchases and provides them or do you think a grant program would be more efficient and effective? We could, yeah, start the same way.

ERIN PISCOPINK: Starting with my SoHo hat on about the walk-through, we've not yet done a walk-through with DSNY about containers. Pointing back to the concerns we have with LPC and PDC lack of clarity of what's expected from us. We will get one on the books because we want to make good faith efforts to be compliant, but it has feel out of order to us up until this point. Swapping my SoHo hat for my BID Association hat, I'll just say, you know, we've been in conversations with DSNY at high levels for months and months now about the containers. And one of the early proposals that we made to DSNY was that if DSNY is rolling out residential trash containerization citywide over whatever time period, and they will be presumably procuring siting, maintaining bins citywide, our hope would be that we could just have access to those bins within our districts and put the trash that we manage throughout our district into these pre-existing bins that are serviced by DSNY. I'll say that I personally was

really happy when I saw the Council response pointing to Empire Bins for the \$5 million of funding because that was really in line with what we had been thinking. To the point that DSNY made that does sort of limit potentially what different BIDs can do, but in our proposals we've said BIDs that want to flag themselves as, you know, getting the fanciest bin there is or bin of their choice, by all means, but BIDs should also maybe be able to opt-in to this, you know, no or low-cost purchase through DSNY with the bins that they procure, site, maintain, etcetera.

EVAN SWEET: I think for us, we have had conversations with DSNY. We have yet to have a full walk-through. I believe we have one actually scheduled for July 3rd. From our conversations, I think my largest frustration relates to the lack of clear, direct answers to highly-technical and specific questions about the operation of and siting of bins. Example of that is whether or not DSNY prefers a bin on the, like, north side of block where there's a right-hand turn or on the left side, you know, the south side of a block where there's a right-hand turn. Where is the safest location? If we had a bin that would make sure that, you know,

1 their sanitation workers were able to effectively
2 clear the bins out, you know, the containers out into
3 their truck without it causing a traffic back-up,
4 things like this that I think they know. And their
5 response was very much of a-- well, we're happy
6 wherever you want it to be. And I think leading to
7 the second part of your question, I think while I
8 really appreciate the opportunity to provide some
9 input as it relates to the specific context of our
10 neighborhood and the local condition, DSNY is the
11 largest municipal sanitation organization in the
12 country. They know municipal trash very well, and I
13 would much prefer them to tell me the best bin for
14 their operation and direct my sanitation staff to put
15 trash into that container. I think for us as it
16 relates to issues relating to landmarks and some of
17 these tother considerations, if this was a citywide
18 program with a citywide solution, I wouldn't have to
19 look into some bespoke product that matches the
20 landmarking issues, and instead I can just follow
21 through with what DSNY has recommended. And I think
22 we also would not have to replicate a design and
23 procurement process for all 77 BIDs if DSNY was the
24 entity to do that for citywide.
25

JOSH KNOLLER: Thank you for the question, Council Member and Chairman Feliz. On who should pay for it, I think the simple answer is, you know, whether it's a combination of council and grants from the city-- I think if there's funding available, we certainly-- we would take it, and I think my colleagues here would also generously take it however it was funded. On the walk-through, we did have a walk-through with Sanitation a couple of weeks ago for about a little under two hours. It was very productive. I would say the walk-through was about 75 percent on containerization, 25 percent on vending because we had to navigate around the illegal vending to do the walk-through, and I'll also just add that when we first shared our concerns with DSNY and we mentioned to them that Fordham Road had a curbside bus lane in both directions, their reaction was, "Oy vey." Not in those exact terms, but I think they understand just the complex geography of Fordham Road. The only other thing that I'll just also add just to not be-- not repeat what our colleagues said, but just talking to other BIDs that have started the siting process, I do know that there have been challenges with locations that they've wanted to site

1 and DOT having issues with them. So, I do think in
2 the long-run, siting especially on Fordham Road and
3 probably in other corridors I think will present
4 numerous challenges.
5

6 ANGEL HART: Thank you. Yes, over in
7 Long Island City we work with DSNY probably weekly.
8 We've had many, many conversations about this and
9 other things. They've been very helpful with helping
10 us figure out what we can do, and also what to do in
11 the meantime. We haven't had a walk-through yet, and
12 we've had these discussions and we've both sort of
13 agreed that our district is complex is difficult to
14 fully containerize. From the beginning we've been
15 challenged with-- there's just like we can't imagine
16 a time that there would just not be any bags on the
17 street at any time during the day with just how big
18 our district is, but I do have to say, we appreciate
19 the work that DSNY has offered and the time that they
20 have worked with us on all of that, and you know, the
21 in-between time of figuring out different strategies
22 has been really helpful to us to figure out what we
23 can do in the future. And yes, I mean, I think we
24 agree we want funding for this. Where it comes from,
25 I think, the option is we would prefer an option of

1
2 what we can do on our own, but if the funding is
3 coming from DSNY who has vetted the best containers
4 and procured all of that, I think we would-- you
5 know, we would join on board as well.

6 JAMES MARTIN: DSNY has been phenomenal
7 in my experience. Frank and I-- Frank was here
8 earlier, you know. We got off to a little bit of a
9 rough start, but he's just been-- you know, he's on
10 the phone with me constantly, and he knows how
11 challenging this is. He knows that there's lives at
12 stake here, certainly with our situation, and he's
13 been kind and supportive and understanding, and I
14 couldn't say more about all the Department of
15 Sanitation. My role here with ACE, I've been here
16 30-- I'm sorry-- almost 25 years, and they're always
17 fantastic. God bless the DSNY. They're fantastic.
18 On the other hand, who should pay for it? Happy to
19 have the City pick up the tab.

20 JOSH KNOLLER: And I just also want to
21 echo. I mean, DSNY has been incredibly responsive and
22 I think that's certainly a positive, and especially
23 for Fordham on just how awful the vending situation
24 has been. They've really stepped up and I think they
25

understand that the two issues at least within our district are very closely tied together.

CHAIRPERSON FELIZ: Cool. Thank you. And pick up the tab as through a grant program or purchasing up front and just providing the bins?

JAMES MARTIN: I'll take whatever you got.

CHAIRPERSON FELIZ: Okay. Sounds good.

JAMES MARTIN: Because we're-- yeah, it keeps us up at night. As I mentioned-- I don't want to steal anyone's time, but you know, there's a lot of people's lives here that depends on these jobs, and they do a hell of a job. They do a great job on our streets, and they're out there right now in this, and I'm here to protect them, and if I can get those bins paid for, they'll go to work, and that's what matters most to me, and I know it matters to the Council very much as well. Thank you, Councilman.

CHAIRPERSON FELIZ: Thank you. And also, final question-- I guess if you could just all briefly shoot out a ballpark of numbers, it'll be great. Approximately how much based on the research you've done, how much would it cost to fully comply with this rule? You guys could just shoot out

1
2 whatever numbers you've researched if you have the
3 numbers. If not, that's fine. I know we're all still
4 researching and learning.

5 EVAN SWEET: I believe for the
6 Meatpacking District in pure capital costs for the
7 acquisition of toters, containers, and the other kind
8 of physical equipment, we're approximately \$100,000
9 in our first instance. In addition to that, we have
10 the need for perhaps additional staff to help manage
11 this program as well as the ongoing maintenance, and
12 I haven't even really looked into the insurance cost
13 associated.

14 CHAIRPERSON FELIZ: Okay.

15 ANGEL HART: So, two-part answer. So, we
16 were quoted just for the bins themselves, around
17 \$60,000, and that is just for the container one-time
18 pay. We do-- and through our expansion we did
19 purchase a truck that is really there to help us with
20 our projects throughout the day, but can help move
21 bags around. So, that cost us \$90,000 a year. I
22 would say that with BIDs-- with a large district like
23 ours would probably need a truck. So, if you combine
24 those costs, it's close to \$200,000.

JOSH KNOLLER: For Fordham Road BID, I don't think we can give an exact number other than to say we're probably looking at six figures. And I'll just also echo the insurance piece of it and the liability. I think that's probably one of the biggest concerns around this, because insurance is going nowhere but up, and I can only imagine when we see that quote what it's going to be to insure all of these bins, especially on Fordham Road. It is very cost-prohibitive for something that is supplemental, supplemental, supplemental. I can't underscore that enough.

ERIN PISCOPIK: Speaking for SoHo, we were one of the BIDs that did the Clean Curb pilot program and we actually worked with a company that is separate from the two that are sort of playing in this space now. That bin as a prototype cost \$30,000 and holds 10 bags. We manage 150 bags a day, so we would need 14 more of those bins at \$30,000 each, so whatever that math is-- three hundred and something thousand dollars. This is a bit separate, but I just feel like it's important to say. When we're talking about, you know, the Empire bins or DSNY figuring out how to make this happen at a citywide level, it's

1 interesting to me that they are looking to BIDs to be
2 able to do this faster than they themselves can
3 containerize the residential trash that they manage.
4 And so they're expecting us to sort of navigate
5 across city agencies to make this work to navigate
6 our districts, to navigate the vendors, to find all
7 these solutions to a problem to meet their unfunded
8 mandate while they themselves are not yet
9 containerizing the trash that they manage. And so, I
10 think if it takes us longer to do this, meaning on
11 the schedule of DSNY as they roll out Empire Bins or
12 whatever bin they select long-term citywide, that
13 would probably be an appropriate timeline for most of
14 the BIDs as well, rather than looking at that January
15 1st date. Thanks for letting me go a little
16 tangential.

18 JAMES MARTIN: I think, you know, thanks
19 to DSNY's cooperation with us and working with us
20 across the boroughs, you know, we had-- Chair Feliz,
21 you had mentioned that \$5 million number earlier in
22 the hearing. We have come down from that number to
23 somewhere around \$1.5 million. That excludes, as I
24 mentioned, the application process for Clean Curbs,
25 you know, media, insurance, and things like that. A

lot of those things are unknown, but I'm happy to say that we've come off that big number. We're still at a big number, but you know, again, it's been DSNY's cooperation that's made that number come down.

ERIN PISCOPINK: Sorry, I'll just jump in. Jim, thank you for plugging [sic] that. When we originally looked at that \$5 million for the Empire Bins allocation from the Council response budget, we've estimated that that would be more than enough to purchase Empire Bins to service all of the BIDs citywide. And then if we break that down further to BIDs who want to opt-in to Empire Bins, we think that \$5 million would be sufficient likely to cover ACE's needs and the BID's needs, but we would obviously need more information on that as procurement happened at the DSNY level.

CHAIRPERSON FELIZ: Got it. Okay. Cool. Sounds good. Well, thank you so much for joining us today, and thank you again for all the work that all of you are doing. The issue of cleaning our streets, keeping our streets clean and safe and vibrant. So, thank you for all that information. I look forward to working together on this issue, make sure we get it right. Thank you. So now, we'll turn over to

virtual panelists. For virtual panelists, once your name has been called, a member of our staff will unmute you and the Sergeant at Arms will set the timer and give you the go-ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony. I will now call our first virtual panelist. We could start with Christopher Leon Johnson.

SERGEANT AT ARMS: You may begin.

CHRISTOPHER LEON JOHNSON: Hello. Hello. My name is Christopher Leon Johnson, and I'm calling on the City Council. I've been saying I think like years for now that to-- I'm calling City Council to find a way to make a bill to amend the law to where that BIDs are able-- and even homes-- are able to use containers without the mandated container. I believe that the container that was set up by the City of New York which was under the help of Mr. Eric Leroy Adams and Jessica Tisch who is now the Police Commissioner who was formerly the Sanitation Commissioner and Shaun Abreu is nothing but a corruption, straight up corruption, pay to play scheme just to give one contractor the authorization to give up the bins. And I want to know why that the bins-- we have to use

1 this one bin. I believe that we can go to Home Depot
2 or Lowes or Harbor Freight and buy a better bin than
3 the ones that the City is putting out. I believe
4 that there should be a law-- I understand that the
5 City loves working with big corporations-- to where
6 that if you should buy-- if you want to buy a bin,
7 you could just buy it from Home Depot or Lowes or
8 Harbor Freight. I'm a big fan of small business, too,
9 but everybody know how this city is with the mayor's
10 office, they love working with big businesses. So,
11 you want to appease [inaudible] because they donate
12 to these campaigns. They sponsor all these events.
13 People should be able to buy what they want to buy
14 from Home Depot or like a Home Depot or anything like
15 that. It should be where like you go to Home Depot
16 or a Lowes, you could go buy a bin and put like a BIC
17 number and be able to use it. But I believe that
18 this is not fair to a lot of BIDs because you have to
19 buy these bins. Depends on the business. They have
20 to be responsible for the bins and what you think is
21 going to happen? They're going to pass on the cost
22 to the businesses, and it's not good because when
23 businesses have to start pay money, they going to
24 pass the cost onto the customers, and that's not
25

right. BIDs should be able to do what they-- they should be able to comply with the law and be able to put stuff in the garbage while at the same time that they should be able to use locks when it comes to using these bins, because it doesn't matter. You could put-- you put these bins outside. You got homeless. You got people that surf for bottles and all that type of stuff to go recycle, and I'm not here to stop anybody from recycling, because if you need money, you need money. At the same time that if you're not allowing these BIDs to put locks on those bins after they put the bins out-- at a certain [inaudible] after five o'clock or four o'clock, it does no-- it does no justice at all to anybody, and it open up these businesses to fines and fees and summonses, and you got to go to OATH and etcetera. So, I think that this containerization law is not fair to any BID. I think that the BIDs should really file a lawsuit against the City of New York, against Shaun Abreu, against Jessica Tisch, against Eric Leroy Adams and say that this containerization law is unconstitutional. This is a real unconstitutional law where--

SERGEANT AT ARMS: [interposing] Thank you. Your time is expired.

CHRISTOPHER LEON JOHNSON: [inaudible] few more seconds. This law is real unconstitutional and it's not helping the business. It's hurting all the business because they have to comply. I support small businesses. I support big businesses. I support BIDs, because there's certain BIDs that do the right thing. They do the right thing for the community, do the right thing for the district and help people out. So, like I said, I think that the City-- I think you, Mr. Feliz, also like Julie Menin should introduce a bill to repeal this law. Make it to where if you want to use a bin, you could use any bin you want over a certain amount of fee, not just one bin. So, thank you so much. I appreciate you.

CHAIRPERSON FELIZ: Alright, thank you so much for your testimony. Next, we'll hear from Daniel Bernstein.

SERGEANT AT ARMS: You may begin.

DANIEL BERNSTEIN: Hi, thank you. Thank you, Chair Feliz. I appreciate the opportunity to testify. My name is Daniel Bernstein. I'm the Executive Director of the Columbus Amsterdam BID.

I'd like to thank the Small Business Committee for allowing me to testify in regards to the oversight for DSNY containerization. New York City BIDs vary greatly in size and budget as we've heard today. Our BID, a local community development nonprofit, has been in operation since 1987, and our boundaries cover both Columbus and Amsterdam Avenues from West 96th to West 110th Street, the Bloomingdale neighborhood of Manhattan. We provide programs and services aimed at making our neighborhood cleaner, safer, and more prosperous. Our sanitation clean team is comprised of six part-time employees, three of which are deployed daily to sweep the streets and change trash liners in the BID from 7:00 a.m. to noon. I have worked in New York City BIDs for nearly 30 years, and BIDs sanitation services are essential to New York City neighborhoods because as we all know, DSNY and the City cannot clean all of New York City on its own. Local community development organizations like BIDs throughout New York City pick up the major slack of New York City and its agencies to make the City a more attractive place for visitors and residents alike. These new rules regarding containerization will force many community groups

1 like us to significantly alter and/or suspend their
2 existing sanitation services due to the overwhelming
3 financial constraints this rule is causing. This
4 will result in overflowing trash receptacles, dirty
5 sidewalks, and illegal dumping. Additionally, the
6 City is planning to fine organizations like us for
7 doing their job, bagging public trash, not BID or
8 commercial trash, yes, public trash. This does not
9 make any sense. As it is the work of groups like
10 ours that make New York City look great. Our BID
11 produces 40 to 50 trash bags daily and will need six
12 locations for containers within our BID which will
13 cost roughly \$35-40,000 for us to implement. This
14 does not include staff time and maintenance which
15 will cost an additional \$50,000 annually to comply
16 with the new rules. We strongly urge DSNY and the
17 City Council to revisit this and make funding
18 available for community groups and BIDs to comply
19 with these new regulations. Thank you very much. I
20 appreciate the opportunity to testify.

21
22 CHAIRPERSON FELIZ: Thank you so much for
23 testifying. Next, we'll hear from Eman Rimawi-
24 Doster.

25 SERGEANT AT ARMS: You may begin.

EMAM RIMAWI-DOSTER: Hi, thank you so much. My name is Emam Rimawi-Doster and I'm a senior community organizer for the Disability Justice Program at New York Lawyers for the Public Interest. We present this testimony to ensure that placement of all waste containers and bags afford accessibility, clear paths of travel for people with disabilities as well as those with strollers, suitcases, hand trucks, and alike on sidewalks and curbs. Too frequently stacks of garbage create barriers in commercial districts blocking curb access and obstructing Access-A-Ride pick-ups and drop-offs, buses, emergency vehicles, and other pedestrian spaces critical to an accessible city. While New York City deserves clean streets, this can't be accomplished at the expense of people with disabilities who need access to clear sidewalks, curbs and streets. As a double-amputee myself who fluctuates between using a wheelchair and a walker, having space to use sidewalks, curbs and streets is vital for my safety. We also strongly support the goal of reducing the time that commercial waste is spent on streets and curbs and continue to call for the full citywide implementation of the commercial waste zones program

as a way to simplifying waste collection, reducing the number of garbage trucks on local streets, and improving public and worker safety. Thank you so much for your time.

CHAIRPERSON FELIZ: Thank you so much for testifying. We've now heard from-- sorry. Next, we'll hear from Pedro Suarez.

SERGEANT AT ARMS: You may begin.

PEDRO SUAREZ: Geezum [sic] fixing my camera. I should come on soon. So, my name is Pedro Suarez. I'm the Executive Director of the Third Avenue Business Improvement District in the south Bronx, neighborhoods of Motthaven and Melrose which is one of the oldest and most heavily-trafficked commercial districts in the entire city, seeing 3.3 million people annually and over 50,000 people daily on the bus routes alone. I don't want to say anything that's already been said other than to say our major two challenges with implementing containerization are cost and illegal dumping problems in the district that go beyond not just street vending, but just illegal dumping by the construction industry, by people traveling, trucks, a variety of bad actors coming through the district and

1 dumping significant materials over night. I want to
2 also share my deep appreciation for the Department of
3 Sanitation. On the ground, they're in constant
4 communication with us. Frank Lettera and his team
5 has met with us multiple times. They have definitely
6 showed a good faith effort on this issue. I will
7 say, however, that DSNY has never presented the
8 option, at least to my BID, in terms of them
9 purchasing the bins. I would gladly support such an
10 initiative, and would be fine with, you know,
11 navigating any siting issues related to that if it
12 comes from the City budget. I just want to emphasize
13 that any expenditures on this program automatically
14 means cutting other programs. Spending on bins,
15 adding staffing hours-- there really is no solution
16 that wouldn't come with a cost in my BID,
17 particularly because of the challenges that we have
18 with the opioid crisis, illegal dumping as I
19 mentioned, street vending, and other quality of life
20 issues. It is not feasible for us to take the bags
21 to a DSNY facility. Most small BIDs-- I would say
22 most BIDs in the city probably do not own a vehicles,
23 and our BID definitely does not own a vehicle to
24 transport that. And so the cost as well as the
25

1 illegal dumping issues are of huge concern. We want
2 to be compliant. We agree with the initiative in
3 terms of getting rid of rats in the City, and I'm
4 also happy to hear that the mayoral administration is
5 focusing on dealing with the tree pits, because
6 that's also a contributing factor to the rat
7 infestations that we're seeing in our district. It
8 really is going to take a multipronged approach, and
9 so I really would appreciate the City considering a
10 city-funded mandate around containerization, and we
11 will do our best to comply. We currently do have
12 some containers in the district, so we have
13 implemented that for a few years now, but it's
14 clearly not enough to meet the demands, the trash
15 demands--

17 SERGEANT AT ARMS: [interposing] Thank
18 you. Your time expired.

19 PEDRO SUAREZ: which-- just one
20 [inaudible]. As others have mentioned is not our
21 trash, but belongs to the general public coming
22 through the district and the public transportation
23 system. Thank you for your time.

24 CHAIRPERSON FELIZ: Thank you for your
25 testimony. We have now heard from everyone who has

signed up to testify. If we inadvertently missed anyone who would like to testify in-person, please visit the Sergeant's table and complete a witness slip now. If we inadvertently missed anyone who would like to testify virtually, please use the raise hand function in Zoom, and a member of our staff will call on you in the order of hands raised. I'll now read the names of those who registered to testify but have not yet filled out a witness slip or appeared. Sharon Brown? Sharon Brown via Zoom or in-person? No. Seeing no one else, I would like to note again that written testimony which will be reviewed in full by committee staff may be submitted to the record up to 72 hours after the close of this hearing by emailing it to testimony@council.nyc.gov. Once again, testimony@council.nyc.gov. Seeing no one else, this hearing is hereby adjourned.

[gavel]

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COMMITTEE ON SMALL BUSINESS

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COMMITTEE ON SMALL BUSINESS

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date August 29, 2025