

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

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HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL L. ESPINAL, JR.
Chairperson

COUNCIL MEMBERS: Margaret S. Chin
Peter A. Koo
Karen Koslowitz
Brad S. Lander

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

Corinne Schiff, Deputy Commissioner for Environmental Health, NYC Department of Health and Mental Hygiene

Oleg Chernyavsky, Director of Legislative Affairs
New York City Police Department, NYPD

Kenneth Alby (sp?), Deputy Inspector and Commanding Officer NYPD's World Trade Center Command
New York City Police Department, NYPD

Christopher Lippolis, Special Ops Lieutenant
109th Precinct, Flushing, Queens
New York City Police Department, NYPD

Jessica Lappin, President, Downtown Alliance

Patrick Kennell, President, Financial District
Neighborhood Association

George Schuster, Partner, Law Firm of Wilmer, Cutler,
Pickering, Hale and Dorr a/k/a Wilmer Hale

Dion Soylu, Manager, Flushing BID

Suzanne Adely, Esq., Representing Food Chain Workers
Alliance

Albert Tong, Legal Director NYC Chapter of CAIR,
Council on American-Islamic Relations

Lena Afridi, Policy Coordinator, Equitable Economic
Development, Association for Neighborhood Housing
Development

Sarah Reed, Women in Informal Employment: Globalizing and Organizing

Sean Basinksi, Co-Director, Street Vendor Project
Urban Justice Center

Abir Kowass, Take on Hate Campaign
Mahoud Mustafa, Street Vendor
Adlanni Murtabak, Street Vendor

Angela Ni, Attorney, Street Vendor Project
Urban Justice Center

Mohamed Atti, Co-Director, Street Vendor Project
Carla Nicholas, Vendor
Mohamed Vendor at World Trade Center
Ahmed Khalil Moutstafa, Vendor
Mamadu Jiang, Vendor
Joseph Song San, Vendor
Thomas Tobeck, Vendor
Peter Christopher Nunez, Vendor
Chung Chow Po, Vendor, Flushing
Zu Wa, Vendor, Flushing
Peter, Vendor, Flushing
Nicholas Cristos, Vendor, Flushing
Dan Rossi
Amir, Vendor
Hamdi Asham, Vendor

2 [sound check] [gavel]

3 CHAIRPERSON ESPINAL: Good morning. My
4 name is Rafael Espinal. I'm the Chair of the
5 Consumer Affairs and Business License Committee. I'm
6 joined today by my colleagues Margaret Chin of
7 Manhattan, Peter Koo from Queens and we have Karen
8 Koslowitz all the way from Queens as well. In today's
9 hearing we'll hear testimony on three pieces of
10 legislation related to street vending in New York
11 City. Street vendors are crucial to the fabric of
12 New York City adding vibrancy and much needed
13 diversity of the economic landscape. There are four
14 types of vending that exist in the city, and each of
15 them offer valuable contributions. We have general
16 vendors that provide convenient, cheap and fast
17 alternatives to traditional retail outlets selling
18 everything from belts, bags, books or a much needed
19 umbrella as soon as the storm clouds roll in. First
20 amendment vendors provide their creative wares
21 offering tourists and local unique pieces of art and
22 writing while food and green cards ensure that our
23 urban spaces don't become deserts to fresh and
24 affordable food options. Street vending is also a
25 vital source of income for many people including

1 veterans and newly arrived immigrants. Traditional
2 brick and mortar retail outlets are cost-prohibitive
3 for many people, but street vending offers an
4 entrepreneurial alternative and an avenue for
5 economic independence. Vendors contribute lively
6 public spaces, increased sense of localized community
7 and an economic security for many New Yorkers.
8 However, public space in New York is a rare commodity
9 and there are competing demands on this precious
10 resource. It's important that while recognizing the
11 value of street vendors and doing what we can to
12 ensure the sustainability, we balance those needs
13 against other issues. In New York City our
14 population density that is—that is larger than some
15 countries, sidewalk space will always be a content—a
16 contentious issue. The Council has always sought to
17 ensure a balance between the space utilized by
18 vendors and unobstructed spaces needed to accommodate
19 pedestrian traffic, which is why there are caps on a
20 number of general and food vendor licenses that can
21 be issued. However, like the area around the World
22 Trade Center, some parts of the city face specific
23 challenges. As such, there are numerous restrictions
24 on where vendors may vend to accommodate those
25

1 competing needs. Security around the World Trade
2 Center site is one such example. After the 9/11
3 attacks, the City Council and the State enacted
4 vending restriction in the area. The need to
5 continue to implement and enhance security measures
6 in this area is of utmost importance, particularly,
7 since the last two recent attacks in September of
8 2016 and October of 2017 were only blocks away from
9 that zone. The recent development in the area
10 including the recent opening of 3 World Trade Center
11 and other revitalization efforts have increased foot
12 traffic to the area. Thereby making it more
13 attractive to vendors. Unfortunately, this has
14 created logistical challenges for security in the
15 area. For example, trucks entering the prohibited
16 zone are subject to inspection at checkpoints around
17 the WTC's zone. Vending carts on sidewalks next to
18 these checkpoints make it difficult for security
19 personnel to conduct searches while these trucks are
20 pulled over to the side of street. To this end, the
21 committee is proposing to minimally expand some of
22 the boundaries that are currently defined—that are
23 currently defined in the General and Food Vendor
24 Exclusion Zone to accommodate current security effort
25

2 as well as expected increased traffic that is due to
3 the opening of Tower 3. This minor but important
4 extension will mean that the current security booths
5 and checkpoints, which currently lay outside of the
6 exclusion zone will be incorporated. These security
7 booths are vital to the inspection of trucks entering
8 the zone and general security surveillance of the
9 area. At the same time, vendors surrounding Zuccotti
10 Park, a popular area for food vendors is excluded and
11 those vendors will be able to continue vending in
12 that area. Similarly, Downtown Flushing and Queens,
13 Council Member Koo's district experiences major
14 overcrowding challenges with a per square mile
15 density that is twice that of the city. It has the
16 heaviest foot traffic outside of Manhattan. With a
17 host of new businesses and residential developments
18 in the works, the fight for scarce sidewalk space
19 will only increase. Intro 969 aims to reduce
20 overcrowding in Downtown Flushing and limits sidewalk
21 congestion by defining areas where street vending is
22 restricted. Furthermore, Intro 970, which proposes
23 to restrict the use of charbroilers by mobile food
24 carts intends to reduce air pollution. Carts. In
25 2016, the Council enacted new rules that required

1
2 brick and mortar businesses that use these boilers to
3 install emission control devices. Given that a
4 singular food vendor using a charcoal charbroiler to
5 cook meat contributes particulate matter into the air
6 that is the equivalent of a diesel truck driving from
7 New York to Denver and back. We're also seeking ways
8 to reduce the amount of air pollution the food
9 vendors produce. We look forward to today to hearing
10 from the Administration, business and the industry
11 representatives, advocates and other stakeholders
12 about the recommendations regarding these three
13 bills. Before I call on the Administration to
14 testify, I want to give my colleague a chance to
15 speak on their bills, but before they do that, I just
16 want to acknowledge that we have Brand Lander from
17 Brooklyn here with us. Council Member Chin.

18 COUNCIL MEMBER CHIN: Good morning. I'm
19 Council Member Chin, and I am the sponsor of Intro
20 959, which would update the perimeters of the No
21 Vending Zone to accommodate the growing World Trade
22 Center area and encompass vehicle check points that
23 ensure the safety of everyone who lives, visits and
24 works in around the site. I would like to thank our
25 Chair Espinal for holding this hearing to ensure that

1 al the stakeholders involved in this issue make their
2 voices heard today. This legislation is about
3 ensuring safety for pedestrians, and that includes a
4 growing number of workers and residents in and around
5 the World Trade Center site. Since the—since the
6 establishment of the no vending zone, secure vehicle
7 checkpoints and bollards have been installed to serve
8 these residents and workers while ensuring safety for
9 everyone. With 3 World Trade Center opening and a
10 performing arts center, and even more buildings to
11 follow, we know that more people will be coming to
12 this area. To accommodate the new reality of an
13 almost fully built-out World Trade Center site, we
14 are pursuing a narrow limited expansion of the zone.
15 The World Trade Center is a place where we have
16 invested billions of dollars of public money to bring
17 back to our community from the worst tragedy New York
18 City has seen. Safety for everyone utilizing the
19 revived and growing World Trade Center sites remains
20 our utmost priority. With that said, Lower Manhattan
21 community is no strangers to vendors. This is your
22 home, too. These workers many of them immigrants who
23 come to New York City to fight for the American Dream
24 are an integral part to the culture, economy and
25

1 history of our community. That is why I work hard to
2 exclude Zuccotti Park from this proposal so that it
3 can continue to be utilized by immigrant
4 entrepreneurs and their customers. I'm also proud to
5 be a long-time champion for legislation to
6 dramatically expand opportunities for vendors of all
7 races, ethnicity and religions. I am continuing the
8 fight to create a city where vendors and pedestrians
9 and businesses can all co-exist. I look forward to
10 hearing feedback on how we can work together to
11 achieve pedestrian safety for this increasingly
12 congested site while continuing to provide support
13 for vendors to continue to work and thrive in our
14 city. Thank you, Chair.

16 CHAIRPERSON ESPINAL: Thank you, Council
17 Member Chin. Council Member Koo.

18 COUNCIL MEMBER KOO: Good morning
19 everyone, yes. I'm Council Member Peter Koo from
20 Queens. We will be discussing two bills I am
21 introducing today, that look to address significant
22 quality of life issues regarding the use of sidewalk
23 space in my district, and also air pollution
24 throughout the city. So, I want to thank Chair
25 Espinal and the Administration coming to testify.

1
2 The first bill I am introducing is Intro 969, which
3 would create a special district in Downtown Flushing
4 that will prohibit street vending and stoop line
5 stands. As one of the busiest transportation hubs in
6 New York City, the Downtown Flushing area has
7 recently over—has recently become overrun with
8 sidewalk obstructions. Last year we widened the
9 sidewalks in hopes of providing more space for
10 hundreds of thousands of pedestrians who share the
11 space with bus stops, subways and mom and pop stores.
12 Unfortunately, our widened sidewalks have given rise
13 to an increase of illegal street vendors and stoop
14 line stands, people are taking advantage of new space
15 to sell everything from health insurance, handbags,
16 pastries, pots and pans, fruits and vegetables and,
17 of course, socks. As a small business owner, I have
18 no objection to people innovating in order to turn a
19 profit, but I wholeheartedly object to those who do
20 so at the expense of their community. So, this
21 legislation looks to return the sidewalks of one of
22 New York City's transportation hubs back to the
23 people, business and residents who live there. The
24 other bill Intro 970 would prohibit the use of
25 charbroilers on all city mobile fruit vending units.

1
2 Unfortunately, these cars are not subject to the same
3 and environmental oversight as restaurants, which
4 means our sidewalks and neighbor-and neighboring
5 buildings are overcome with thick clouds of charcoal
6 smoke from cooking meat. According to the Department
7 of Health testimony in 2016, one vendor grilling meat
8 emits an amount of particulate pollution in one day
9 the equivalent to what a diesel truck emits driving
10 3,500 miles. The equivalent of driving to Denver and
11 come back. Grilling only one-half pound burger
12 produces about the same amount of fine particulate
13 matters as a truck driving 35 miles. Not only are
14 the vendors breathing in this pollution for hours on
15 end, but nearby residents, businesses and others must
16 endure the constant clouds of smoke blowing in their
17 windows and hanging over the streets. This bill will
18 not affect-affect cooking services like girdles using
19 Halal cows. (sic) So, today, we are looking forward
20 to hear insights and concerns from the public about
21 these issues. Thank you all for coming.

22 CHAIRPERSON ESPINAL: Thank you, Council
23 Member Koo. The Administration can you please give
24 your testimony?

2 LEGAL COUNSEL: Please raise your right
3 hand for the oath. Do you affirm to tell the truth,
4 the whole truth and nothing but the truth before this
5 committee, and to answer Council Member questions
6 honestly?

7 DEPUTY COMMISSIONER SCHIFF: Yes.

8 OLEG CHERNYAVSKY: Yes.

9 LEGAL COUNSEL: Thank you.

10 DEPUTY COMMISSIONER SCHIFF: Good
11 morning, Chairperson Espinal and members of the
12 Community on Consumer Affairs and Business Licensing.
13 I'm Corinne Schiff, Deputy Commissioner for
14 Environmental Health at the New York City Department
15 of Health and Mental Hygiene. I'm joined by my
16 colleagues from the New York Police Department. On
17 behalf of Commissioner Bassett, thank you for the
18 opportunity to testify on Introduction 970, which
19 relates to the use of under-fired charbroilers on
20 mobile food vending units. The department is charged
21 with permitting mobile food vending carts and trucks
22 and with licensing vendors who work on the permitted
23 units. [coughs] We conduct pre-permit inspections to
24 check that the unit's equipment and facilities meet
25 the requirements of the Health Code and we conduct

1 unannounced inspections to evaluate food safety
2 practices while the carts and trucks are operating.
3 The top priority for our inspectors is to prevent
4 food-borne illness and promote safe food operations.
5 Introduction 970 would prohibit under-fired on food
6 carts and trucks. Under-fired charbroilers are
7 slotted grills that have a heat source underneath.
8 When meats, poultry or sea food are grilled on the
9 charbroiler, fats and oils drip onto the heat source
10 and this produces a type of atmospheric fine
11 particulate matter known as PM 2.5, which is a
12 contributor to air pollution. Exposure to PM 2.5 can
13 contribute to or worsen serious health problems
14 including heart and lung diseases. The department
15 supports limiting under-fired charbroilers as part of
16 the city's effort to reduce sources of air pollution,
17 and to protect vendors who may be routinely exposed
18 to PM 2.5 when using this equipment. The department
19 will be able to integrate a compliance check for this
20 requirement during new and new permit and permit
21 renewal inspections. The department look forward to
22 discussing this bill further with Council to ensure
23 that the appropriate units are covered. Thank you
24
25

1
2 for the opportunity to testify. I would be happy to
3 take questions.

4 OLEG CHERNYAVSKY: Good morning Chair
5 Espinal and members of the Council. I am Oleg
6 Chernyavsky, the Director of Legislative Affairs for
7 the New York City Police Department. In addition to
8 my colleagues from the Department of Health and
9 Mental Hygiene, I'm joined here today with Deputy
10 Inspector Kenneth Alby (sp?) the Commanding Officer
11 of the NYPD's World Trade Center Command. On behalf
12 of Police Commissioner James P. O'Neill, I'm pleased
13 to testify before your committee today on the bills
14 under consideration. At the outset of my testimony,
15 I'd like to state that the NYPD recognizes that
16 lawful street vending is an important part of the
17 commercial history of our city. What often makes New
18 York so unique from other locations is its ability to
19 foster economic opportunity for its citizenry and
20 legal street vending contributes much to the charm
21 and character of our city. Enforcement of the city's
22 vending laws and regulations is part of the myriad
23 responsibilities that are entrusted to our patrol
24 officers. While the department respects an
25 individual's right to earn a living for themselves

1 and for their families, this must be done in an
2 environment that is safe for all. Intro 959 would
3 amend the Administrative Code to expand the
4 prohibited street vending zone around the World Trade
5 Center. The NYPD supports this legislation. The
6 Current prohibited zone is bounded on the east by the
7 easterly side of Broadway on the south by the
8 southerly side Liberty Street on the west by the
9 westerly side of West Street, and on the north by the
10 northerly side of Vesey Street. The current
11 boundaries of the zone were established pursuant to a
12 state law in 2004 that amended the Administrative
13 Code. This was just three years after the
14 devastating terrorist attacks that took place on
15 September 11, 2001, and the World Trade Center site
16 still largely a cleanup and construction area. This
17 site was changed—this site has changed dramatically
18 over the last 14 years. The redevelopment—the
19 redeveloped World Trade Center campus has experienced
20 greater use on all fronts from the unveiling of the
21 Freedom Tower, the September 11th Museum and
22 Memorial, the Oculus Liberty Park, Westfield Mall
23 and—and PATH Train Station to the commercial tenants
24 moving into three office buildings. The site's
25

1
2 visitors have significantly increased the area's foot
3 traffic. The expansion is by no means done. Just
4 this week, 3 World Trade Center, the fifth largest
5 building in New York City opened. In addition, there
6 are currently plans to add two more high-rise
7 buildings to the location. Simultaneously, the NYPD
8 and our law enforcement partners at the New York-New
9 Jersey Port Authority have increased our security
10 footprint by establishing multiple screening and
11 credentialing locations at the World Trade Center
12 campus's borders each with security—each with
13 security checkpoints, sally ports, vehicle barriers
14 and full-time police staffing. Consequently, the
15 increased security footprint in the area has expanded
16 beyond the vending zone boundaries that were
17 established in 2004. The presence of fixed site
18 security posts staffed 24 hours and 7 days a week
19 changes the dynamic of particular points of the World
20 Trade Center campus and requires an adjustment to the
21 city's law to move vendors from parts of the site.
22 Compounding this issue is that the equipment utilized
23 by some food and general vendors raises security
24 concerns in this particularly sensitive location.
25 The carts, tables and equipment used by vendors could

1 provide a means to conceal and introduce dangerous
2 and/or hazardous materials into the sally port and
3 security areas of the campus. Many of the vendors
4 use propane tanks, gasoline and other flammable
5 materials that the vendors often legally operate
6 either next to or close to the campus's security
7 checkpoints, which is at times—which at times does
8 interfere with the line of sight of the personnel
9 staffing these checkpoints. Given the modus operandi
10 of the perpetrators of recent terrorists attacks
11 consisting of small arms and improvised explosive
12 devices, vending carts can easily be turned into
13 weapons. The purpose could be to cause significant
14 casualties or neutralize security and vehicle
15 barriers. Over the last several years as in Time
16 Square in Lower Manhattan, the city has witnessed how
17 important bollards and other vehicle obstructions can
18 be in containing a dead—a deadly incident. These
19 concerns are particularly manifest given that the
20 World Trade Center was the site of two deadly
21 terrorist attacks and remains a terrorist target
22 today. Over the last four years, as more buildings
23 on the campus have opened, there has been an increase
24 in security threats against the World Trade Center.
25

2 We are thankful to several members of the Council and
3 their staffs who have toured the campus boundaries
4 with us to get an in-person glimpse at the situation.

5 I want to be clear. Our concerns are rooted in the
6 unique conditions that exist at the World Trade

7 Center, not the individual vendors who currently
8 operate at the site. We know that these vendors are

9 an important part of Lower Manhattan—of the Lower
10 Manhattan community and they are hardworking

11 individuals. The presence of vendors, however, can
12 often—can soften an officer's vigilance when

13 similarly—similar looking equipment being used to

14 hide explosives that's placed near the barriers where
15 the legitimate vendors typically ply their trade.

16 Intro 959 represents a reasonable update to the law.

17 The bill accounts for the increased security

18 footprint in the area, and captures streets that

19 contain security checkpoints, sally ports, vehicle

20 barriers and other security features. In most cases,

21 the bill simply expands the zone by a block and

22 accounts for other side streets. The NYPD

23 acknowledges that this proposal may be disruptive to

24 certain food and general vendors. As with any new

25 law or regulation, prior to enforcement, the NYPD

2 will conduct outreach with these vendors to educate
3 them on the boundaries of the—of the new restricted
4 zone. We appreciate the efforts made by the Council
5 to accommodate our concerns and we look forward to
6 working with the Council and other stakeholders on
7 this legislation. Intro 969 would prohibit stoop
8 line stands as well as food and general vending on
9 certain streets and boundaries in Flushing, Queens.
10 We recognize that vending and sidewalk congestion are
11 particularly pronounced in Flushing and precinct
12 personnel have engaged in efforts to allow greater
13 pedestrian access in this area. We look forward to
14 additional discussions with the sponsor of this bill
15 to further this goal. Thank you for the opportunity
16 to testify today. My colleagues and I would be happy
17 to answer your questions.

18 CHAIRPERSON ESPINAL: Thank you for your
19 testimony. Before I—I ask any question, I just want
20 to give my colleagues an opportunity to go first.
21 So, Margaret.

22 COUNCIL MEMBER CHIN: Thank you. Can you
23 talk about the—the boundary, right? Because you were
24 saying that you were sort of expanding it a block
25 north and about each way. Can you talk about some of

1 the areas that we talked about that we could possibly
2 exclude out of there, and also, can you explain to me
3 what is the—the security issue for the area of Church
4 Street between Vesey and Barclay and west street
5 between Vesey and Barclay, and also Trinity Place
6 between Liberty and Thames Street?
7

8 OLEG CHERNYAVSKY: Sure. Council Member,
9 before I let Deputy Inspector Alby handle those
10 specific questions, he's the Commanding Officer of
11 the World Trade Center Command. To address one of the
12 points you made early on, I think our original
13 request for the security footprint was larger. It
14 wasn't until we had done the walk-through with you
15 that you had pointed to certain areas that we were
16 seeking to exclude, and we made alterations and we—we
17 re-examined our security proposal. So, for example
18 vendors around Zuccotti Park, as you mentioned during
19 your testimony, I think it's Cedar Street and
20 Broadway up on that part of Cedar Street vending on
21 Broadway between I believe Vesey and Barclay. Those
22 are just a couple of areas that were originally part
23 of our security footprint, but we—we are realigning
24 it after—after we did the walk-through with you, but
25 I'll let—I'll let Inspector Alby talk more

1 specifically about some of the blocks that you've
2 mentioned.
3

4 DEPUTY INSPECTOR ALBY: Hi. Good morning.
5 With regards to West Street and between Vesey and
6 Barclay, we have one of our rapid (sic) barriers that
7 is an exit from the campus that is a concern of
8 vendors. Just the entire campus vendor setting up
9 right next to that exit Raptor barrier. In regards
10 to Church Street, we have the same concerns. These
11 are—as the campus is expanding, these Raptor Barriers
12 are coming online, and as more vehicular traffic is
13 being able to be put into the site, we need—these
14 Raptor Barriers are coming online as well. So, those
15 are the two. I didn't catch that last one that you
16 asked about.

17 COUNCIL MEMBER CHIN: So, saying with
18 Trinity Place between--

19 DEPUTY INSPECTOR ALBY: [interposing]
20 yes.

21 COUNCIL MEMBER CHIN: --Liberty and
22 Thames Street.

23 DEPUTY INSPECTOR ALBY: Liberty and
24 Thames is an exit Raptor Barrier from—coming down
25 Greenwich Street by Liberty and Thames, and that's

1
2 also part, but where our vehicle screening area is.
3 It has a lot of equipment. There's a lot of bollards
4 and Raptor Barrier equipment that these vending carts
5 would either obstruct or would have to set up in a
6 secure—you know, in a security zone that we're not
7 comfortable with next to these. [background comments,
8 pause] So, explaining what a Raptor Barrier basically
9 is are the-the forks, you know, in the ground that-
10 that hydraulically are put up and down. So, we have
11 a booth. The officers are in there. They control
12 that who, you know--

13 COUNCIL MEMBER CHIN: So, that's like
14 your sally port we require?

15 DEPUTY INSPECTOR ALBY: [interposing]
16 That's part of the sally port, yes? So, it's-it has
17 those concrete fingers that come up that prevents
18 vehicles from entering the site. So, it has to be-
19 it's-it's manned by my officers inside a booth, and
20 when people are authorized to go in or go-or leave,
21 they have to have a clear line of sight from other
22 officers on part of the campus, and vending carts
23 over there that obstruct their view.

24

25

2 COUNCIL MEMBER CHIN: One of the
3 questions that was asked was why is there a Farmers
4 Market that was allowed to be in the security zone?

5 DEPUTY INSPECTOR ALBY: So the Farmers
6 Market, is weekly and that is on-authorized by the
7 Oculus and when the Farmers Market comes in, they
8 come in with the box truck and are fully vetted
9 through a regular vehicle screening through the World
10 Trade Center security, and then once they are
11 cleared, they drop off their material and then they-
12 they tell the department. It's our own private
13 property of the Oculus.

14 COUNCIL MEMBER CHIN: But they also have
15 to go through some security.

16 DEPUTY INSPECTOR ALBY: They have to go
17 through the whole-whatever delivery that comes into
18 the World Trade Center site, they go through that-
19 that whole process of going down into the Vehicle
20 Screening Center, and being screened for everything,
21 and they set up on a private property are of the
22 Oculus there.

23 COUNCIL MEMBER CHIN: So, approximately
24 how many vendors do you estimate is going to be
25 affected by this legislation?

2 DEPUTY INSPECTOR ALBY: I would say in the
3 ball park of maybe—maybe ten. I don't have an exact
4 number since it changes, you know, frequently of
5 where—where they are, you know, set up, but I would
6 say approximately ten.

7 COUNCIL MEMBER CHIN: So, have you been
8 like--in anticipation of this legislation, have there
9 been any kind of discussion between NYPD and some of
10 the vendors who has been vending in that area?

11 DEPUTY INSPECTOR ALBY: Well, we have a
12 good relationship with the vendors in the area.
13 They're actually, they—they—they're another set of
14 eyes of us. So, it's—it's, you know, we have alerted
15 some of the vendors at some of the, you know, the
16 West Broadway and Barclay where the new sally port is
17 coming on line, where there new 3 World Trade Center
18 has just opened on the Credentialing Center on West
19 Street going northbound. That Credentialing Center
20 over there, we have informed that, you know, they're
21 going to have to move a certain way before, you know,
22 obviously once this bill passes.

23 COUNCIL MEMBER CHIN: Will you continue
24 to work with us to make sure that the expansion is as
25

1 narrow as possible, and effect us as a, you know, as
2 small a number of vendors as possible?
3

4 DEPUTY INSPECTOR ALBY: Yes.

5 COUNCIL MEMBER CHIN: Yeah, we—I think
6 through the course of the process of the legislation
7 we look forward to having more continued discussion
8 to make sure that the least impact as possible.

9 Thank you, Chair.

10 CHAIRPERSON ESPINAL: Thank you,
11 Margaret. Peter.

12 COUNCIL MEMBER KOO: Mr. Chernyavsky,
13 yeah and Deputy Inspector Alby, right? Yeah. Thank
14 you for coming. Yeah.

15 OLEG CHERNYAVSKY: Thank you.

16 COUNCIL MEMBER KOO: So, my question to
17 you is have ever visited Flushing? Have you ever
18 been to Flushing? You know, your—your—recently?

19 DEPUTY INSPECTOR ALBY: I—I have not
20 recently.

21 COUNCIL MEMBER KOO: Yeah, and you, sir?

22 LEGAL COUNSEL: Yes, I have been.

23 COUNCIL MEMBER KOO: Yeah, how long ago?

24 DEPUTY INSPECTOR ALBY: About three weeks
25 ago.

2 COUNCIL MEMBER KOO: Three weeks ago.

3 So, did you—you were on the streets?

4 OLEG CHERNYAVSKY: I was driving.

5 COUNCIL MEMBER KOO: Well, which—which
6 area you were?

7 OLEG CHERNYAVSKY: Around Main Street.

8 COUNCIL MEMBER KOO: Main Street?

9 OLEG CHERNYAVSKY: Yes.

10 COUNCIL MEMBER KOO: So, have you found
11 the pictures like this, all these obstructions? You
12 want to take a look?

13 OLEG CHERNYAVSKY: Yes.

14 COUNCIL MEMBER KOO: [off mic] Yeah, I
15 want to—I encourage you to take a look because I
16 don't like—

17 DEPUTY INSPECTOR ALBY: Yeah, Council
18 Member, we brought the Special Operations Lieutenant
19 from the 109th Precinct anticipating that you may
20 have questions specific to—to the 109 and in
21 particular the Downtown Flushing area. So, I think
22 the best person if we're talking about the conditions
23 on the particular streets we brought an individual
24 from—from that precinct.

25

2 COUNCIL MEMBER KOO: So, I was wondering
3 like how come you don't invite any officers and
4 especially the committee officers from the 109
5 Precinct to come here like to testify or to talk
6 about it instead of you. You—you sit in your
7 officer. You have one PD—one PP. You've never been
8 to Flushing and how can you like testify for this—for
9 this bill?

10 DEPUTY INSPECTOR ALBY: Well, I mean as--

11 COUNCIL MEMBER KOO: [interposing] I
12 mean, you have no officers from the 109 Precinct.

13 DEPUTY INSPECTOR ALBY: I understand.
14 Right here sitting to my right, is the Special Ops
15 Lieutenant from the 109th Precinct so I--

16 COUNCIL MEMBER KOO: [interposing] This
17 is an inspector?

18 LIEUTENANT LIPPOLIS: Lieutenant.

19 COUNCIL MEMBER KOO: Yeah, but you—you
20 been stationed in the 109, though, right?

21 LIEUTENANT LIPPOLIS: I've been in 109
22 for two years.

23 COUNCIL MEMBER KOO: What?

24 LIEUTENANT LIPPOLIS: I've been in 109
25 for two years now.

2 COUNCIL MEMBER KOO: Two years now and
3 how come I don't know you?

4 LIEUTENANT LIPPOLIS: I have no idea.

5 COUNCIL MEMBER KOO: Yeah. Wow. I'm
6 very surprised when I don't know an inspector from
7 109.

8 CHAIRPERSON ESPINAL: Can he please state
9 his name for record.

10 LIEUTENANT LIPPOLIS: Lieutenant
11 Christopher Lippolis.

12 COUNCIL MEMBER KOO: So, I'm also curious
13 by the statement you made here, and—and you said,
14 Precinct personnel engaged in efforts to allow
15 greater pedestrian access in this are. So, how do
16 you do it? You station a police officer there to—at
17 the subway station or on a sidewalk or what did you
18 do?

19 LIEUTENANT LIPPOLIS: Council Member, to
20 be honest with you we have, as you—I'm sure you see
21 we have a very vast deployment in Downtown Flushing.
22 You have the neighborhood coordination officers out
23 there. The traffic agents are directing traffic. We
24 have sky watched. We have—the sectors are driving

1
2 around. We do various vendor operations throughout
3 the year to clear out the sidewalks.

4 COUNCIL MEMBER KOO: No. I'm the one who
5 wrote on the sidewalk everyday, four or five times a
6 day because I go to office and work and come back.
7 Lunch, we go to meetings or five time and I use the
8 subway almost everyday and the long robo (sic)
9 entrance. Now, I've been in Flushing for 35 years.
10 This—the problem is getting worse and worse. You
11 know, you can see it from these pictures. I'm so
12 surprised. You gave us a statement. You said, we
13 are open to open discussions. There's nothing to
14 discuss. This is only a fact. Flushing has been
15 crowded for the last like 15 years, and vendors come
16 in and the last thing the police want to do is take
17 care of the—the—the vendors. Every day I see a
18 police car parked next to the renter. Nothing
19 happens every day because we have a sky watcher.
20 There's a sky lift there, you were. The police car
21 is there and—and next to the police car there are all
22 kinds of vendors. You know, people selling
23 vegetables on the streets or selling clothes. So,
24 and counterfeiting. The police never bother them.

2 LIEUTENANT LIPPOLIS: Well, Council
3 Member—

4 COUNCIL MEMBER KOO: When I first moved
5 to Flushing vendors when they see a police car come
6 by, they all run away. Now they're—the vendors are—
7 the police paying there. Right, the police going to
8 vendors. I have nothing against the vendors, but we
9 just want our sidewalks back, okay because everyday
10 when I take the train to all our customers and the
11 pedestrians are always sitting with me always
12 complain about this letting. How come we have to
13 navigate around these vendors are on the streets to
14 go to the station? Am I taking bribes from merchants
15 or for the vendors? Is NYPD taking bribes from—from
16 children? No, they don't do anything.

17 OLEG CHERNYAVSKY: No, I—I mean Council
18 Member, that—

19 COUNCIL MEMBER KOO: [interposing] Well,
20 I'm—I'm hoping you take this matter very seriously.
21 This is not a local matter. Flushing is very
22 important. There's a saying the whole world is
23 looking at Flushing. Oh, no, the whole world is
24 looking at New York, right? New York is such an
25 important city, and New York is looking at Flushing

1
2 because we produce a lot of revenues for New York
3 City. You know, tax revenues, sales revenues. All
4 these things. We just want our streets back. That's
5 it so we can walk easily. We don't have to like
6 compete with the vendors. So, I hope you will be
7 more locally sensitive. The World Trade Center.
8 You've taken--yeah take the issue. You gave a long
9 statement. Flushing is not important to you for
10 NYPD?

11 OLEG CHERNYAVSKY: Flushing--Flushing is
12 very important and I--I think--

13 COUNCIL MEMBER KOO: Well, I think it's
14 one of the busiest transit hubs. Every day more than
15 100,000 people walk by a certain point on Main
16 Street, more than 100 and we have 24 bus lines. You
17 create more like economic activities more than other
18 parts of the town. So, I hope you will take this
19 very seriously and go back and discuss this and make
20 sure the police make a concerted effort to enforce
21 the law once this is past. Thank you.

22 CHAIRPERSON ESPINAL: I just have one
23 question. What sort of outreach does the NYPD
24 looking to do to inform vendors that they should be
25 in those zones?

2 OLEG CHERNYAVSKY: So, I mean any time—
3 any time a new regulation such as this is passed, for
4 example, is parking—there are parking restriction
5 adjustments, what we try to do is have somewhat of a
6 grace period where it's necessary where this is
7 something that's unannounced and happens quickly. If
8 the legislation were to pass, what we would do is on
9 the front end before the effective date we would
10 speak to the impacted individuals the impacted
11 individuals, the impacted vendors, have a
12 conversation with them, let the know that as of a
13 particular date, and I'm not talking about contact,
14 making contact with them a day before or two days
15 before the law will take effect, but generally the
16 way the legislative process works is we would have
17 enough of a—enough of a lead time that we would
18 interact with these vendors. The inspector said
19 that's sitting next to me that they have regular
20 contact with the vendors around the World Trade
21 Center campus. So, we would have the contract with
22 that. We would speak to them. We would alert them
23 that as of a particular day the restriction or the
24 border would shift to wherever that border would
25 shift to, and—and yeah. So, we're not looking—what

1 we're not looking to do is start writing summonses
2 immediately with no warning. That's not the intent.
3 The intent is to protect the very sensitive site that
4 I think everybody recognizes if not in the country in
5 the city and in the world that the World Trade Center
6 site is a very, very unique sit. So, when we make
7 this expanded--this minimal expansion, we fully intend
8 on--on collaborating with the impacted vendors.

10 CHAIRPERSON ESPINAL: Right and just to
11 state clear for the record, your--your original plan
12 was much broader than what Margaret Chin was able to
13 discuss. (sic)

14 OLEG CHERNYAVSKY: [interposing] Yes. It
15 wasn't--I mean and I'm being honest here that, you
16 know it wasn't until the Council Member did a walk-
17 through and block by block walk-through of our--of the
18 security zone that we were looking to implement that
19 there was a conversation, a weeks long conversation a
20 number of weeks that went on where--where there were
21 conversations well what about this block? How about
22 this side of the street versus that side of the
23 street and it was--

24

25

2 CHAIRPERSON ESPINAL: [interposing] The
3 Council Member did take a very thoughtful approach
4 with moving forward--

5 OLEG CHERNYAVSKY: [interposing] Yes,
6 absolutely.

7 CHAIRPERSON ESPINAL: --at the table.
8 So, thank--thank you Margaret for that, and again just
9 for the record make it clear this is a public safety
10 issue not because of the vendor, but because the area
11 so you can be able to do you work and make sure that
12 there are no threats to public safety.

13 OLEG CHERNYAVSKY: Absolutely and I mean
14 I-I, you know, I think it's worth saying that, you
15 know, if you think about or patrol precincts around
16 the city the 77 Patrol Precincts including Central
17 Park Precinct, they report to the Chief of Patrol.
18 The World Trade Center Command who Inspector Alby is
19 the Commanding Officer of reports to the Chief of
20 Counterterrorism. So, it just speaks to the gravity
21 of the location.

22 CHAIRPERSON ESPINAL: Alright. Thank
23 you. Brad Lander.

24 COUNCIL MEMBER LANDER: Thank you, Mr.
25 Chair and thank you guys for being here. So, is one

2 of you—I guess my--who's responsible for overall
3 vendor policy within the Administration?

4 OLEG CHERNYAVSKY: I mean I think it
5 would depend. I think if you look at the sections of
6 the codes of the laws that they fall under for
7 example the Department of Consumer Affairs, would be
8 in charge of—of general vendors, and my colleague can
9 correct me if I'm wrong whether it's Health or
10 Consumer Affairs that governs the food vendor rules,
11 I'm not sure.

12 FEMALE SPEAKER: The Health Department
13 addresses the food safety issues.

14 COUNCIL MEMBER LANDER: Is there anyone
15 at City Hall or anywhere within the Administration
16 that has responsibility for coordinating the policies
17 across what's the responsibility of the Department of
18 Consumer Affairs, the responsibility of the
19 Department of Health and Mental Hygiene and the
20 responsibilities of the NYPD.

21 OLEG CHERNYAVSKY: Sure. The Mayor's
22 office and the Deputy Mayor's—the Deputy Mayor
23 coordinates across agencies, the policies within—

24 COUNCIL MEMBER LANDER: [interposing]
25 The—the Mayor is responsible for coordinating vendor

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2 policy? I mean I don't mean to be—to be facetious or
3 obnoxious about it. I'm—I'm genuinely curious. This
4 is a really complex area. We would benefit from
5 actually having a coordinated policy. I think a lot
6 of the opposition and concern to what we're talking
7 about today is the result of a lack of thoughtful
8 approach to a more comprehensive policy, and I
9 genuinely don't know the person in the Administration
10 who has the responsibility for developing and working
11 with us on that policy. So, I would genuinely like
12 to know so that we could work with that person to
13 follow up on a more comprehensive and thoughtful
14 approach to vendor policy, and I don't—if you don't
15 know, if there is—if you don't know, that's okay.

16 OLEG CHERNYAVSKY: [interposing] No, I
17 mean it's--

18 COUNCIL MEMBER LANDER: --don't mean to
19 put you on the spot. I don't think there is one. I
20 don't know who that person is--

21 OLEG CHERNYAVSKY: Sure.

22 COUNCIL MEMBER LANDER: --and without
23 that, I don't see how we're going to develop a more
24 thoughtful and comprehensive policy.

25

2 OLEG CHERNYAVSKY: Right so the—the
3 Mayor's Office of Operations with the First Deputy
4 Mayor are coordinating. The city would coordinate
5 the citywide policy with respect to--

6 COUNCIL MEMBER LANDER: [interposing] But
7 I'm not going to bother Dean about it. Is there
8 someone on Dean's team who's responsible for cording
9 vendor policy?

10 OLEG CHERNYAVSKY: Sure. If I can
11 finish. What I'm saying is that after the hearing is
12 over I can get you a name and put you in touch with a
13 specific individual.

14 COUNCIL MEMBER LANDER: So, so that would
15 be great and I—I really—I mean part of the reason why
16 we are—we've got an issue here is that we had hoped
17 to work with the Administration to develop a more
18 comprehensive policy that speaks to what are the
19 right zones and what aren't the right zones? How do
20 we deal with the issue of the black market? How do
21 we deal with making room for more vendors? Like and
22 those issues, of course, all fit together as soon as
23 you restrict vendors from one area just as we're
24 seeing today another community is going to say we
25 would like to restrict, and the a new bill goes on

1 the table, and now there's more and more
2 restrictions, and there's no comprehensive or
3 thoughtful policy, and if we hadn't been closed to
4 developing on then maybe it would be different, but
5 we-we tried on our end. We hit a lot of barriers
6 and-and I haven't seen the Administration work
7 proactively to develop a more thoughtful and
8 comprehensive policy or at least no one has been in
9 touch with-with me about it. So, I'll-I'll-I'll take
10 you at your word and I'll-I'll look forward to
11 getting someone that we can talk with about doing
12 that, but I'm-what I'm hopeful for is that we could
13 actually use this as an opportunity to develop a
14 broader policy rather than try to scrap it out, you
15 know, street by street, which I think is not a good
16 way to do it here, and I think not a good way to do
17 it more broadly. So, and I guess I'd like if-even
18 just on the security issues I mean if we are
19 genuinely fearful as you're say in your testimony
20 that vending carts could be turned into weapons like
21 it seems like Times Square and Central Park and
22 Madison Park would all be places people would be
23 saying: Should we have vendors in or not? Am I-so
24 what's unique? I means wasn't there an attempted
25

1 terrorist—have there been attempted terrorist attacks
2 in Times Square and other high level targets or high
3 level--
4

5 OLEG CHERNYAVSKY: [interposing] So, I
6 just want to—I just want to clarify. The question is
7 what's unique about the World Trade Center campus as
8 opposed to any other site in the city?

9 COUNCIL MEMBER LANDER: Well, no. I
10 guess let me ask it this way: Are you saying you
11 wont' come back to us and say that other areas
12 present security risks and that therefore you're
13 going to seek to restrict vending in those areas?

14 OLEG CHERNYAVSKY: I mean if God forbid
15 another area falls victim to the type of attack,
16 which is the worst attack in the nation's history
17 that we develop the types of protocols and the type
18 of security apparatus that we did at the world Trade
19 Center maybe we very well would come back to you.
20 But as it stands today, the World Trade Center I
21 would hope that you would agree is unique in that it
22 it's been the site of two terrorists attacks, one of
23 which was the worst attack in the nation's history.
24 We lost a number of individuals there. The site has
25 been developed. The Council, the legislators have

1
2 recognized the security needs of this location by
3 creating a restricted zone within it. The truth of
4 the matter is that the—the campus has grown outside
5 of the restricted footprint, and what the suggestion
6 in the bill is a minimal—minimal expansion to move
7 vending carts away from Raptor Barriers that are
8 built to protect the facility against truck bombs. I
9 would think that's obvious on its face.

10 COUNCIL MEMBER LANDER: Okay. I mean I
11 think we worry a lot about Times Square. I think we
12 worry about a whole other set of locations where
13 there are bollards. I'm not—it's not to me obvious
14 on its face where vendors are and aren't a risk, and
15 I don't think we have any—I don't understand or I
16 don't see in place a policy that would help me
17 evaluate that.

18 OLEG CHERNYAVSKY: I mean I appreciate
19 that.

20 COUNCIL MEMBER LANDER: [interposing] So,
21 I understand you want these couple blocks, but I
22 don't know how they're the same or different from
23 some blocks near Times Square or some blocks near
24 Madison Park or some blocks near Central Park, which
25 have tons of New Yorkers and tourists that we want to

1
2 protect that you guys and the NYPD put enormous
3 energy into keeping us safe. So, let me ask
4 specifically about the site footprint though as well
5 just because you've mentioned it now and, you know,
6 it's—and I don't know it nearly as well, and I
7 certainly on her district have a lot of deference to
8 Council Member Chin, but I—I—it's—I've been—I guess
9 it is my understanding both that the—the Farmers
10 Market that's on this site some of the time, and that
11 also at different times of the week there's really
12 different levels of crowds. So, why is the Farmers
13 Market appropriate? Is in the—I don't even know if
14 it's in the same location. Why is it appropriate if
15 vending isn't, and did you think at all about time of
16 day or time of week restrictions to evaluate? You
17 know as to account for when there's different levels
18 of activity?

19 OLEG CHERNYAVSKY: So, with respect to
20 the Farmers Market, as—as the Inspector had testified
21 previously, the Farmers Market is in a spot that is
22 private property. It is that—this is I believe it's
23 the Oculus.

24 DEPUTY INSPECTOR AUBRY: The Oculus, yes.

25

2 OLEG CHERNYAVSKY: The Oculus that rents
3 this property. I would assume they rent it or have
4 some means of permitting it. The box truck that
5 brings the vegetables to that farmer market undergoes
6 the same security checks as any delivery to any
7 building, which is extensive to say the least. In
8 terms of times of day restrictions, the threat to the
9 World Trade Center is 24/7. The security booths and
10 the security personnel man those booths and man the
11 perimeter and the interior of that campus 24/7. The
12 threat to the World Trade Center does not dissipate
13 based on the time of day it is, and I'll be honest
14 with you, I-I really thought coming here then we
15 would have many conversations exploring this topic.
16 With the uniqueness of the World Trade Center site, I
17 did not believe would be one of them.

18 COUNCIL MEMBER LANDER: Well, look, I'm
19 not sure that's helpful like to ask me whether or I
20 care and see the uniqueness of the attacks on the
21 World Trade Center site is part of trying to make
22 sure we have comprehensive and thoughtful vendor
23 policy, and that was why--

24 OLEG CHERNYAVSKY: [interposing] Well, I-
25 I-I agree with you that we could--

2 COUNCIL MEMBER LANDER: [interposing] If
3 you want to do that to me back--

4 OLEG CHERNYAVSKY: [interposing] I agree
5 that we should have comp--

6 COUNCIL MEMBER LANDER: --that you would
7 do that for asking you reasonable questions about
8 whether or do or don't have a comprehensive vendor
9 policy--

10 OLEG CHERNYAVSKY: [interposing] Well--

11 COUNCIL MEMBER LANDER: --you're welcome
12 to do it, but it's not going to help us figure out
13 what the right answer to this or other problems.

14 OLEG CHERNYAVSKY: Understood, and with
15 respect to a uniform vendor policy citywide, I think
16 I was clear in my testimony that it's part of the
17 larger conversation. What we're speaking about is
18 the uniqueness of our specific zone that--

19 COUNCIL MEMBER LANDER: [interposing] But
20 you haven't--

21 OLEG CHERNYAVSKY: [interposing] in you--
22 in your question, you're likening--

23 COUNCIL MEMBER LANDER: [interposing] But
24 you just insulted me, and--and that's--

2 OLEG CHERNYAVSKY: [interposing] I mean I
3 apology if you felt that was an insult--

4 COUNCIL MEMBER LANDER: [interposing]
5 Well, so from the--

6 OLEG CHERNYAVSKY: [interposing] -but
7 your questions are comparing the--what is the unique
8 nature of the site compared to any other--

9 COUNCIL MEMBER LANDER: [interposing] As
10 it relates to vending restrictions.

11 OLEG CHERNYAVSKY: As compare to any
12 other block in the city, and the reality is that, you
13 know, Times Square although it's a very serious
14 target, is different. All of the sites around the
15 city are--

16 COUNCIL MEMBER LANDER: [interposing]
17 Because it wasn't--it was the attack I guess is what
18 you're saying or at least the previous attack was not
19 successful in killing a lot people.

20 OLEG CHERNYAVSKY: If the--

21 COUNCIL MEMBER LANDER: [interposing]
22 Because it has been attacked multiple times or there
23 were attempts to attack.

24 OLEG CHERNYAVSKY: There was--there was an
25 attempt and there are ongoing threats, but it is a

1
2 different area in the setup of the security
3 perimeter. I mean there are Raptor Barriers
4 surrounding the--the Times Square zone. There are just
5 differences. I mean I welcome you and I'll walk
6 around with--with you around the World Trade Center
7 campus and we can do the same tour, and what I was
8 saying was not meant to be an insult towards you, but
9 I just don't think that the security needs of the
10 World Trade Center campus can truly wait until a
11 generalized citywide policy is developed. There is
12 an ongoing threat to this particular area. That
13 threat has been recognized by the Legislature and
14 creating the restricted zone initially, and what
15 we're looking to do here is bump it out a block here
16 and there to account for the security boots and the
17 security raptors that were put in place.

18 COUNCIL MEMBER LANDER: So, I really
19 understand why the NYPD looks at it that way, and I
20 appreciate your thinking about it that way, but--and
21 that's part of our job, and also part of our job is
22 to look at it from the point of view of this set of
23 vendors who believe they're going to lose their
24 livelihoods as a result of the bill we're being asked
25 to support. So, there is a risk to public safety and

2 terrorism and a set of pedestrian issues that are on
3 the table her that is our responsibility to weight,
4 and so are there—the potential loss of livelihood
5 from a set of real people some of whom are in the
6 room today who much more quickly than anything is
7 going to change from a point of view of security and
8 safety and terrorism, will not longer have the place
9 in which they earn their living. And so, trying to
10 think about what we do here, and how that relates to
11 our vending policy and what kinds of opportunities
12 there are, I think is part of my job, and when we
13 were looking at a comprehensive policy, that thought
14 about appropriate locations that could have included
15 security as a big part of the questions for
16 appropriate locations, but try to do that in a way
17 that was also thoughtful about where people could and
18 couldn't bend, and how to balance the interests of a
19 whole different set of—sets or people, that's seemed
20 to me like a lot better way of doing it than this.
21 So, I-I appreciate your testimony. I'm not going to
22 take any more time from the questioning, but I'm—I'm
23 not really persuaded at least by the testimony you've
24 given so far that the unique threat presented
25 specifically by vendors to uniquely the World Trade

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2 Center's site is so clear and specific and obvious on
3 its face that it merits instead of us making
4 thoughtful comprehensive vendor policy, us putting a
5 few people out of their jobs and saying maybe at some
6 point in the future we'll be more thoughtful about
7 what our comprehensive vending policy should be.

8 OLEG CHERNYAVSKY: Sure, and just to
9 clarify that—that I just want to make this point
10 clear that at no point are we saying that a
11 particular vendor is the threat. It's the
12 conveyance. It's the metal box that could be used to
13 conceal that.

14 COUNCIL MEMBER LANDER: [interposing] I'm
15 not for winning that. (sic)

16 OLEG CHERNYAVSKY: Right, I just want to
17 make it clear that—that—

18 CHAIRPERSON ESPINAL: [interposing] I'm
19 going to—I'm going to—I'm going to have to cut time
20 because we actually have to prepare the room at 1:30
21 for our stated so we can vote out the budget, this
22 year's Fiscal Year 19 budget. 12:30—12:30. So, I'm
23 going to ask my colleagues to please be mindful of
24 our time, our limited time. I usually don't put a
25

1
2 clock, but I might have to after this panel. Thank
3 you.

4 COUNCIL MEMBER LANDER: I yield the
5 remainder of my time.

6 CHAIRPERSON ESPINAL: Karen Koslowitz.

7 COUNCIL MEMBER KOSLOWITZ: I just want to
8 say I worked on vendors in the '90s. I was the chair
9 of the Consumer Affairs, and vending was one of the
10 biggest issues that we dealt with. There's a lot of
11 legislation. Under the Giuliani Administration there
12 was supposed to be a vendor review panel consisting
13 of DOT, NYPD, Consumer Affairs, and a few other
14 agencies. That never happened, and I think it's time
15 that it happens now that we have someone that—a group
16 of agencies that know what is going on throughout the
17 city to address problems with the street vendors.

18 These men have to make a living. They're entitled to
19 make a living, and constantly they're being picked
20 on, and I think this has to stop, and I think if we
21 have this review panel, things will be a lot
22 different. We'll take care of Council Member Koo's
23 issue because sometimes it just gets out of hand, but
24 other times, we need these people to earn a living
25 and keep up with New York City. So, I'm going to

1
2 introduce legislation to have a vendor review panel
3 for these vendors.

4 CHAIRPERSON ESPINAL: Thank you, Karen.
5 We've also been joined by Carlos Menchaca who is not
6 a member of the committee, but he felt this issue was
7 very important to him. If it's alright with you.

8 COUNCIL MEMBER MENCHACA: Thank you to
9 the Chair, to the members of this committee, the
10 Council and everyone here today who are here to make
11 your voices heard, and in the spirit of the chair's
12 want for us to kind of focus a little bit and shorten
13 the time, I will focus on a few items. I think
14 what's—what's really great about what you just heard
15 from the last two members that I was able to hear
16 today is the willingness to sit down and solve some
17 problems that we all have in the city in the name of
18 safety, in the name of economic development, in the
19 name of ensuring that we will have the trust of the
20 public to work with us on all those things. And I
21 feel like this move I am also not convinced that this
22 is a move that we need to do right now in this swift
23 way without the kind of engagement on the issue
24 that's going to have a positive impact across—across
25 the board. And so, we are hitting yet this next—we're

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2 hitting the same cord of emotion, a move from the
3 NYPD that in the name of safety actually makes us
4 less safe. And so the next of questions I want to
5 really think about with you today, and the first
6 thing is this proposal is a removal of-of space for
7 vending. What prevents you from creating a rule that
8 allows you to maybe-and this is an idea that's coming
9 from the community. So, it's-it's already been
10 answered. I want to hear the answer to that, a rule
11 that basically gives you an X amount of feet away
12 from the-I think they're called moveable barricades
13 or moveable barriers and have you considered that as
14 an option?

15 OLEG CHERNYAVSKY: No, I mean we-we have
16 not.

17 COUNCIL MEMBER MENCHACA: [interposing]
18 Can you consider that as an option?

19 OLEG CHERNYAVSKY: A certain amount of
20 feet from?

21 COUNCIL MEMBER MENCHACA: From any movable
22 barricades from entrance ways into-into-into the
23 area. This is-part of the conversation that is
24 happening right now that is able to happen because
25 there's one solution on a table that you are really

1 trying to push right now. I think the other idea is
2 you've mentioned the carts itself, these metal
3 barricades, and I--

4
5 OLEG CHERNYAVSKY: [interposing] Well, I
6 just want to before you move on, I, you know--

7 COUNCIL MEMBER MENCHACA: [interposing]
8 Okay.

9 OLEG CHERNYAVSKY: --the--the way you
10 phrased your question about, you know, a certain
11 amount of feet from movable barriers, I took that to
12 mean around the whole entire city. So, no, we have
13 not--my answer to your question was are we thinking of
14 some grander restrictions citywide? And no, that is
15 not what we're thinking and my answer was that, you
16 know, what we're focused on is a particular site, a
17 particular unique site that we need to secure. Now,
18 I'll make you the same offer that I've made Council
19 Member Lander and Council Member Chin had taken us up
20 on this offer is let's take a walk through the area.
21 We would like for you to see--

22 COUNCIL MEMBER MENCHACA: [interposing]
23 Right.

24
25

2 OLEG CHERNYAVSKY: --how close the carts
3 are to the security booth, to the raptor barriers, to
4 all of our security.

5 COUNCIL MEMBER MENCHACA: [interposing]
6 More education, more individuals that--

7 OLEG CHERNYAVSKY: [interposing] Yeah,
8 and that's--and that's right.

9 COUNCIL MEMBER MENCHACA: --that say yes.

10 OLEG CHERNYAVSKY: Right, I mean that's
11 where the Council Member when she had walked through,
12 she had recognized yes these areas are of particular--
13 I can see what you're saying.

14 COUNCIL MEMBER MENCHACA: Right.

15 OLEG CHERNYAVSKY: These are--there are
16 issues here, and then she pointed to other areas and
17 say well, why there, right and that's why over the
18 weeks after our--

19 COUNCIL MEMBER MENCHACA: [interposing]
20 And seeing this?

21 OLEG CHERNYAVSKY: Yes, no, I understand.

22 COUNCIL MEMBER MENCHACA: So, let's go--I
23 want to learn more.

24 OLEG CHERNYAVSKY: Right, right.
25

2 COUNCIL MEMBER MENCHACA: I want to
3 really learn as much as I can, and the second piece
4 to this is the focus on the carts themselves--

5 OLEG CHERNYAVSKY: Uh-hm.

6 COUNCIL MEMBER MENCHACA: --and the carts
7 you're seeing are--are--are danger that you want to
8 remove to secure. What we're saying is--and the we is
9 the community of vendors are saying why don't you
10 just search them, created an opportunity to search
11 them before they go into the space to be able--to be
12 able to do the work that they're doing, and vend?

13 OLEG CHERNYAVSKY: Because it's--

14 COUNCIL MEMBER MENCHACA: [interposing]
15 In safety of your process that you can create that
16 will make you feel good about the securing component
17 that allow for the economic development of these
18 vendors that want a livelihood for themselves and
19 have been there for a long time and have created a
20 lot of relationship with folks that rely on them.

21 OLEG CHERNYAVSKY: Sure. So, two points.
22 So, line of sight and we have spoken about this.
23 That's point number 1 obviously, you know.

24 COUNCIL MEMBER MENCHACA: [interposing]
25 Say that again. Lives?

2 OLEG CHERNYAVSKY: Line of sight. Okay.

3 COUNCIL MEMBER MENCHACA: Line. Oh, I'm
4 sorry.

5 OLEG CHERNYAVSKY: Line of sight--

6 COUNCIL MEMBER MENCHACA: Okay,

7 OLEG CHERNYAVSKY: --applied by our
8 security personnel, and having large obstructions
9 next to the barriers, next to the entry points where
10 we have controlled access to the campus. That's--
11 that's one area. This--that's one point. The second
12 point is there is no absolute right in the city to
13 have a particular spot on a sidewalk, right. The
14 vending rules aren't built that way. They don't have
15 Council Member Menchaca the right to stand here and
16 vend. It's truly a first come, first served, right?
17 So, we understand that a lot of times the same
18 vendors go to the same block, you know, but that's
19 not a level of control that the department has. We
20 can't say you could be here or you can't be here to a
21 particular vendor. If the spot is legal, arguably
22 any vendor can go to that particular spot. So, once
23 you allow--one you create a zone where you can't be,
24 any time you see a conveyance that we see as a
25 potential--potential danger coming into that zone, we

1 know that they shouldn't be there. It's not a matter
2 of searching all day long and who comes and goes, but
3 it's a matter of you could either be there or you
4 can't be there. So, if you can be there anybody can
5 be there. If you can't be there, no one can be
6 there.
7

8 COUNCIL MEMBER MENCHACA: Yeah, it's such
9 a blunt force of-of positioning here that removes the
10 fuller understanding of safety in our city. We are-
11 we are doing something right now that's creating a
12 mistrust, frustration, disappointment with an agency
13 that needs more than just lines of sight a sense of-
14 of all or nothing, and needs people to connect to you
15 to give you information, and I bet if we asked any
16 one of these vendors that have been there, they've
17 been cooperating with you to give you good
18 information solid information in the name of safety.
19 We're losing that social fabric here in this move and
20 I-I just-I feel like NYPD does-you guys do such a
21 great job of like doing good things here and then
22 being inconsistent in your-in your decisions in
23 places like this. And I think-I think it's
24 incredibly myopic in this move, and I hope that you
25 can-you can slow this process down, engage the

1
2 community. Ask them how they can be a part of this
3 public safety measure and we can work together, and
4 like Karen said, or Council Member Koslowitz said,
5 we—we have a lot of history in this. Let's stop.
6 Let's do this big move that brings everybody in, not
7 pushes people out in the name of public safety, and
8 that's my final request to all of you today, and
9 thank you so much for your time, Chair. If you have
10 any response to that, I'm welcomed to it, but let's
11 keep talking

12 CHAIRPERSON ESPINAL: Thank you, Carlos,
13 and thank you to NYPD for testifying. We're going to
14 call up the next panel. Oh, Koo. Sorry, sorry, we
15 have one more question from Council Member Koo.

16 COUNCIL MEMBER KOO: Don't leave yet,
17 yeah, and one more question for you. Yeah. So, Mr.
18 Chernyavsky, right? So, the reason I Introduced this
19 bill is because I have real discussion with 109
20 Precinct for the last ten years because every time I
21 talk about this problem, they say, Councilman, yeah,
22 we have a big problem to tell which affect—good
23 vendors, which are not good vendors. So, you want to
24 make bill stopping sidewalk obstructions, then it's
25 easy with them. So, it's not that I want to get the

1 vendors out. I just want to move the vendors outside
2 to the lesser dense areas, okay. Outside are transit
3 hubs. So, I want to say that the 109 Precinct
4 they've been doing a good--a very good job. Every
5 time I ask them to do something, they comply with us.
6 Yeah, we do walk-throughs, and we do all these other
7 stuff, and this bill actually was introduced at the
8 suggestion of your community officer Kevin O'Donnell.
9 I mean, you know, he had been telling me the police
10 have a lot of problems enforcing all these little
11 like all their live issues. If I want to make the
12 job easier for you for NYPD that's why I can do this
13 bill. So, I don't want you to think I'm anti-vendors
14 or anti-police you.

16 OLEG CHERNYAVSKY: Yeah.

17 COUNCIL MEMBER KOO: I love--I love the
18 NYPD. We love them, yeah.

19 OLEG CHERNYAVSKY: We know that, and I--

20 COUNCIL MEMBER KOO: You're one of the
21 best agencies in New York City.

22 OLEG CHERNYAVSKY: Thank you--

23 COUNCIL MEMBER KOO: Yeah

24 OLEG CHERNYAVSKY: --and I didn't take
25 what you were saying--

2 COUNCIL MEMBER KOO: [interposing] Yeah,
3 sometimes I say out of my mouth when I get--when I get
4 frustrated.

5 OLEG CHERNYAVSKY: Yeah, and--

6 COUNCIL MEMBER KOO: For so many years,
7 there are frustrations.

8 OLEG CHERNYAVSKY: Right.

9 COUNCIL MEMBER KOO: People complain to
10 me there's no solution for it. That's why I finally
11 I introduced this bill to help the residents of the
12 Flushing area. So, I want to thank you for the
13 service, right. Yeah, yeah.

14 OLEG CHERNYAVSKY: Thank you, and we look
15 forward to working with you on this.

16 COUNCIL MEMBER KOO: Yeah, and also I
17 want to ask a question for the Department of Health.
18 I forgot to ask you, sir. Yeah, how many
19 charbroilers do you think we have in New York City?
20 How many of them? Do you have a count?

21 DEPUTY COMMISSIONER SCHIFF: So, we--we
22 don't have a count. It's not something that we
23 record the-- Whether--whether a unit has this type of
24 equipment is not something we record. So,
25 unfortunately, we don't have a count for you.

2 COUNCIL MEMBER KOO: So, so, how—what is
3 the enforcement policy for charbroilers? You send
4 these inspectors to do a chat or what?

5 DEPUTY COMMISSIONER SCHIFF: Well, there—
6 there are currently no prohibitions on having an
7 underfired charbroiler unless you meet a threshold of
8 meat according to the Air Code and we don't think
9 mobile food vendors meet that threshold. So, there
10 is no prohibition now. So, it's not something that
11 is part of the inspection.

12 COUNCIL MEMBER KOO: So, so do you have
13 statistics like how much particulate matters a
14 charbroiler emits like an hour, a day or--?

15 DEPUTY COMMISSIONER SCHIFF: So, we—we
16 have the estimate that—that we had provided in our
17 testimony that you actually cited in your—in your
18 opening comments. That was really an—an estimate to
19 give people a sense of the potential exposure for
20 vendors working at those kinds of carts and trucks
21 with that equipment, and for New Yorkers in that
22 community.

23 COUNCIL MEMBER KOO: So, let me ask you
24 one last questions, hypothetical questions. Would
25 you live upstairs in an apartment if downstairs have

2 charbroilers working every—every night? Would you
3 live in such a building?

4 DEPUTY COMMISSIONER SCHIFF: I understand
5 the concerns that you raised in your opening
6 comments, and that's why the Health Department is
7 supportive of all efforts to improve air quality for
8 all New Yorkers.

9 COUNCIL MEMBER KOO: Okay, thank you.

10 CHAIRPERSON ESPINAL: Thank you, thank
11 you. We're going to set the clock. Again, we have to
12 be out of this room in one hour because of today's
13 stated meeting on Fiscal Year 19's budget. So, we're
14 going to set the clock to 1 minute and 30 seconds. I
15 want to call up the next panel. We have Jessica
16 Lappin fro Downtown Alliance, Jean—sorry if I
17 mispronounce your name, Keith Kelty.

18 KEITH KELTY: [off mic] Kelty.

19 CHAIRPERSON ESPINAL: Kelton—Kelty. Gene
20 Kelty from Civil Leader, CBY, Queens; Gorge Chester,
21 Jr. from Wilmer Hail; Diane Sung Yu from Downtown
22 Flushing Transit Hub; Wesley Sims from FMJ Group;
23 Patrick Kinnell from Financial District Neighbor
24 Association. [background comments, pause]

2 JESSICA LAPPIN: Good morning, I'm
3 Jessica Lappin.

4 CHAIRPERSON ESPINAL: Good morning. Good
5 to see you.

6 JESSICA LAPPIN: Nice to see you, too,
7 and nice to be back. I'm President of the Downtown
8 Alliance and it's my pleasure to be here today in
9 support of Intro 959. We have a written testimony
10 that will be handed to the sergeant-at-arms, and
11 Lower Manhattan is New York City's second largest
12 central business district, and we've emerged from the
13 tragedies of 9/11 and Hurricane Sandy to become a
14 model 21st Century District. We now have 90 million
15 square feet of commercial real estate, over 61,000
16 residents a quarter million jobs and 1,100 shops and
17 restaurants. More than 14 million visited last year
18 alone. All of this growth is a strain, and it's
19 tough to get around our narrow streets and sidewalks.
20 Street vending has long been part of our landscape
21 and we recognize that lawful vending is an important
22 part of our city's history and economy. We have 125
23 vendors in our BID district alone. However,
24 historically there has been strong and clear
25 consensus by the PD, city and state elected officials

1
2 and the local community board that vending on streets
3 around and adjacent to the World Trade Center should
4 be prohibited. Right now with the opening of 3 World
5 Trade and as this site comes online there are certain
6 areas at the northern and southern part of the campus
7 that are not within the restricted vending zone, and
8 this bill would correct that. The Alliance strong
9 supports Intro 959, urges the committee to vote in
10 favor of the bill and thanks Council Member Chin for
11 her leadership. [pause] [bell]

12 PATRICK KENNELL: Good morning, Mr.
13 Chair, Council Members. My name is Patrick Kennell
14 and I currently serve as the President of the
15 Financial District Neighborhood Association. As the
16 name suggests, the FiDi Neighborhood Association is a
17 grassroots organization connecting neighbors across
18 New York City's oldest and the fastest growing
19 residential neighborhood in all of New York City.
20 The FiDi Neighborhood Association is here today in
21 support of Intro 959, a bill that would extend
22 slightly the no vending zone around the iconic World
23 Trade Center campus. For many years now the FiDi
24 Neighborhood Association has sought to advocate for
25 short and long-term interventions to alleviate

2 dangerous pedestrian congestion on FiDi sidewalks by
3 rethinking how we manage our streets and sidewalks.

4 One of the biggest symptoms of pedestrian congestion
5 in Lower Manhattan is the varying kinds of sidewalk
6 obstacles including food and non-food vendors among
7 many others, all of which compete for precious space
8 with the tens of thousands of people who live here,
9 the over 350,000 people who work here every day, and
10 the millions who come to visit every year. Yes, New
11 York City is busy and it's crowded. That's a fact of
12 life, but the streetscape of the Financial District
13 is different because of its colonial typography and
14 layout. Streets and sidewalks here are generally
15 narrower than in other parts of the city, and that
16 means we have to think about them differently. A
17 June 2016 study by Manhattan Community Board 1 called
18 Streetscape Study of Lower Manhattan: An Analysis of
19 Sidewalk Features and Public Space of Manhattan
20 Community District 1 confirms the inordinate amount
21 of obstacles on our sidewalks. This bill would take
22 one step forward in addressing the congestion problem
23 here. It's not about banning vendors many of whom
24 are beloved and provide delicious and interesting
25 services throughout the neighborhood. [bell] It's

1
2 about sensible management of these very narrow
3 sidewalks. Thank you.

4 GEORGE SCHUSTER: [off mic] Good morning.
5 My name is George—[on mic] Oh, sorry. Good morning.
6 My name is George Schuster. I'm a partner at the Law
7 Firm of Wilmer, Cutler, Pickering, Hale and Dorr also
8 know as Wilmer Hale. About six years ago, we moved
9 our 300 employees, lawyers and staff from Midtown on
10 Park Avenue down to 7 World Trade Center. One of the
11 major considerations in that move was the safety and
12 security of our employees, and we've been quite
13 satisfied with the safety and security that's been
14 provided to date, but we've also seen a lot of
15 changes in the six years that we've been down at 7
16 World Trade Center, the new security checkpoints
17 being installed, other buildings coming online and
18 the level of congestion increasing, and we would like
19 to make sure that the New York Police Department has
20 the tools necessary to continue to keep us safe. I
21 can also say that we're very supportive of the street
22 vendors in the neighborhood. We are their customers.
23 We are their collaborators in a vibrant economic
24 community downtown. We are their friends, and we do
25 not intend to decrease our frequency of buying food

2 and supplies from the vendors. We don't think that
3 extending their location by a block will in any way
4 reduce the level of activity that we give to that
5 business and we look forward to continuing to work
6 with them as partners in the neighborhood going
7 forward. Thank you.

8 CHAIRPERSON ESPINAL: Thank you.

9 Good morning. My name is Gene Kelty.
10 I'm Chair of Community Board 7. I'm also a retired
11 New York City Battalion Chief from the New York City
12 Fire Department. I must say that I am not
13 representing the Fire Department. I want to go on
14 record with that. So, please. I gave you two
15 packages. I don't want to read from them. I just
16 want to tell you the one package I gave, which is
17 Councilwoman Chin's recommendation is we—I have a
18 problem. I was the Captain of that firehouse before
19 9/11 and after 9/11, and you see I gave you four
20 pictures at the thing. The last—the first two
21 pictures show vending that's going on in front of
22 the—on the side of the firehouse where the memorial
23 wall is, and I think that's one of the streets that
24 you asked to be restricted. I've been trying for the
25 last few years because my members have asked me to

1 try to resolve that problem. I think it's quite
2 insulting that people, if you look at the two
3 pictures of the family sitting, they're actually
4 sitting on the wooden box that was supposed to be
5 displaying flowers and stuff and they're eating and
6 drinking at that location. We wouldn't allow that at
7 the Holocaust Museum in Lower Manhattan. We wouldn't
8 allow that in the World—the World War I and World War
9 II, Korean and any of the memorials in Washington,
10 D.C. and I really don't think it's very appropriate.
11 It takes away from the people that we lost on 9/11,
12 the representatives of the rescue services the 5,000
13 people. That's a solemn place. That's what that
14 9/11 area was supposed to be, a park area and solemn.
15 They don't need to vend at that location. There's
16 other vending locations. If you look at Councilman
17 Koo's package, there's a [bell]. If you look at
18 Councilman Koo's package, I gave you two packages. I
19 was here in 1998, and I testified at that time that
20 this—there was a problem with vending. It is 10
21 years later. The increase is worse, and we think it
22 should be moved down to Maple Avenue because we have
23 one of the largest post offices that vending
24 constantly goes on. Just to say I don't object to
25

1 vending, but I believe in proper vending. I think we
2 have a lot of park areas and stuff where they can be
3 a—they don't need to be taken away to resources of
4 our commercial districts. I'm the Chair and I've
5 been there for 34 years in the Community Board, and
6 39 years in the Fire Department.

8 CHAIRPERSON ESPINAL: Thank you.

9 DION SOYLU: Alright. Hi, good morning.
10 My name is Dion Soylu (sic). I'm the Manager of the
11 Flushing BID. Our district mainly covers on Main
12 Street and Roosevelt Avenue, and the BID is a not-
13 for-profit organization. So, as you all know,
14 Downtown Flushing is famous for its food, and that we
15 are also famous for our congestion what is cart
16 congestion and pedestrian congestion, and one of the
17 things that I want to mention is that especially
18 during like lunch time our sidewalk is very congested
19 and I often see people walking on the street and it's
20 very dangerous there, as I mentioned before because
21 there are so many carts on the street, and it's very
22 dangerous. And also, I want to point out that
23 sanitation services is a major service that we do,
24 and our crew work extremely hard to keep Downtown
25 Flushing clean. I don't think it's fair for them to

1
2 take on those additional garbage and greasy
3 sidewalks. So I just want to say that. Thank you.

4 CHAIRPERSON ESPINAL: Thank you.

5 WESLEY SIMMS: Okay, my name is Wesley
6 Simms, and I represent business owners and also
7 people who work and live in Flushing, and I think the
8 vending-vendors like those vendors in Flushing
9 especially administering has been a problem for
10 years. Especially like during-around the building
11 where I work there are like more than six and seven
12 vendors just in one block. Yes. So, I think that's
13 like, kind of like not acceptable, and because the
14 Flushing community has recently celebrated the
15 completion of up to nine feet of weight on the
16 sidewalk. So, I think the sidewalk area should be
17 kept free from any like obstructions, and also for
18 the Bill 970 for the under-fired charbroilers, used
19 by the street vendors and as I mentioned before, like
20 six to seven vendors around our building like half of
21 them. I think maybe four or five of them are using
22 those kind of under-fired charbroilers. So, it
23 creates like air pollution and also affects everyone
24 who works or live around the area like for myself and
25 my co-workers. We have to avoid walking to a certain

1
2 area to get to the subway station every day because
3 there is too much smoke. Yeah. So, and also I also
4 agree with the BID the previous speaker because we
5 are trying to like my company, we're like a developer
6 in Flushing. So we are trying to make Flushing a
7 better place, but it's kind of like the street
8 vendors who create a lot of air pollution [bell]. It
9 may be a problem and have a negative image to the
10 Flushing community. Thank you.

11 CHAIRPERSON ESPINAL: Thank you. Thank
12 you so much for testifying. I appreciate it. Up
13 next we have Suzanne Adely, Albert Foxcan(sic), Lena
14 Alfredi, Sola Reed, Sheeka Med McVarick (sp?), Lou
15 Ling Wong, and Fatima Harrera, Jarrera. [pause]

16 SUZANNE ADELY: [off mic] My name is-

17 CHAIRPERSON ESPINAL: Well, if you'd
18 press the mic, the little-the button on the mic.

19 SUZANNE ADELY: Good morning. My name is
20 Suzanne Adely and I'm representing the Food Chain
21 Workers Alliance, which is a national organization of
22 31 worker based organizations and including several
23 in New York City where we represent some 10,000
24 workers in New York City alone. I'm here today to
25 speak on behalf of our alliance in opposition to all

1 of the legislation. As my of you know, street
2 vendors contribute hundreds of millions of dollars to
3 New York's economy by feeding New Yorkers and
4 tourists on a daily basis, and that money is then re-
5 invested in their families and in entire communities
6 and re-invested in this city. And as we all also
7 know, street vendors already face many, many
8 obstacles in being able to work legally and safely in
9 this city. And so, our alliance is very much
10 disappointed by the efforts to continue to pass
11 legislation to make their labor and their lives even
12 more difficult than it already is, and just because
13 of the brevity, I'm going to speak in more detail
14 just on one piece of this legislation, but the logic
15 and reasoning that we're hearing around these
16 proposals are not acceptable. In particular the
17 proposal to expand sort of the ban on street vendors
18 in the Downtown Manhattan area from what we've heard
19 is-is being justified by security concerns and
20 security threats, and when the majority of these
21 street vendors are of Muslim descent, to us that is a
22 reflection of anti-Muslim bigotry. That our
23 organization and our communities will not sort of
24 allow to sort of be expressed [bell] in a forum like
25

1 this. I think that in—and I'm also frankly appalled
2 by the—sort of the confusing distracting references
3 to terrorism that were brought up several times
4 today, which are nothing but a distraction from the
5 real issue, and the issue being that we are trying to
6 [bell] put more value on business interests over the
7 interest of working class people. So, I urge you to
8 think about really what safety and security mean in
9 the city, and that means being able to let workers
10 work legally and safely and working along side with
11 them as partners with street vendors to address all
12 of the issues and the concerns that have been brought
13 up as part of the reasoning of this legislation.

14
15 CHAIRPERSON ESPINAL: Thank you.

16 SUZANNE ADELY: Thank you.

17 ALBERT TONG: Good morning. My name is
18 Albert Tong and I serve as the Legal Director for the
19 New York Chapter of CAIR, the Council on American-
20 Islamic Relations, and I speak today against
21 Initiative 959, which seeks to block street vendors
22 from numerous sites throughout Lower Manhattan, and I
23 have to say it pains me to be on the opposite side of
24 so many friends who have stood up with the Muslim
25 community in the past but we can't be silent in the

1
2 face of a measure that would target so many Muslim
3 New Yorkers and rob them of their livelihoods. This
4 initiative, the double standard that it creates
5 through the discrepancy of food cart vendors, and the
6 nearby Farmers Market creates the specter of anti-
7 Muslim discrimination in a moment when it is
8 incredibly dangerous and a moment when we see it
9 being echoed by those at the highest levels of our
10 national government, and it's an episode that is
11 particularly powerful because of the way it resonates
12 with the history of that area, with the history of
13 Park 51 and the way that project became a lightning
14 rod for anti-Muslim bias and bigotry. Even if it is
15 not the intent of any one on this Council, by passing
16 the initiative, you would be giving a PR win to the
17 Anti-Muslim extremists who continually seek to paint
18 our Muslim neighbors as a threat and not as the vital
19 and indispensable part of our community that they
20 are. And so, I ask you because time is so short that
21 you work with the community, that you work with
22 advocates here today, that you work with [bell] with
23 all those who are impacted by this move to make sure
24 that we do not remove a single vendor until we have
25 found suitable locations for them to be placed, and

1
2 that we do not simply yield to the justifications of
3 security without [bell] being suitably skeptical.

4 SHEERA AHMED: So, [speaking foreign
5 language and good afternoon or good morning. I don't
6 know which one. My name Sheera Ahmed and I
7 represent—I am the Executive Director Islam
8 Legislative Council of New York also known as Shurat
9 (sic). I represent over 90 mosques, and I have one
10 question to the NYPD, and that question is why—why
11 did it take the NYPD 17 years to determine that the—
12 the vendors and the falafel and the halal meat is
13 consisting of a threat between the World Trade Center
14 or any of our sites? How did that happen? I mean
15 what is the new thing that makes them now think that
16 after 17 years of research they proved that now that
17 these guys are a treat to our security. That's one.
18 Two, as the—the two speakers said, we are—we feel
19 that we're targeted as a Muslim community especially
20 by suspicions from the NYPD and that security
21 paradigm that they have that they use the term
22 terrorism and whatever and they target us. We just
23 learned recently that a big number about 90 or 95 or
24 whatever from the investigations the targets was
25 Muslim. So, now target can be another Muslim

1 community because vendors means to me halal food.

2 Halal food and food falafel is secure. It's tasty.

3 It is delicious. It doesn't consist of any threat

4 and it's [bell] the Muslim identity and we're part of

5 that identity of New York, and why they can remove us

6 and already can make our kids—children starve just

7 because we are—with the food somehow. Thank you.

8 LENA AFRIDI: Good morning. My name is

9 Lena Afridi. I'm the Policy Coordinator for

10 Equitable Economic Development at the Association for

11 Neighborhood Housing Development and each member

12 organization the New York City Neighborhood based

13 community groups. We've traditionally worked on

14 affordable housing, but we also fight to support and

15 protect New York City's small businesses from the

16 threat of displacement with particular focus on

17 owner-operated low-income minority and immigrant run

18 businesses. These businesses include street vendors.

19 New York Street vendors are small businesses.

20 They're central to our neighborhoods and communities,

21 and provide jobs and culturally relevant goods. In a

22 political climate where the lives of working class

23 people of color and immigrants are under-valued,

24 proposed legislation Intro 959, which bans vending

1
2 near the World Trade Center and Intro 969, which bans
3 vending in Downtown Flushing further undermine the
4 livelihoods of hard working immigrants who already
5 struggle against displacement in New York. Intro 959
6 in particular has been justified and validated as
7 precautionary measure against terrorist attacks and a
8 nearby farmers market is set to remain open. Vendors
9 in the area are to be displaced, although they are
10 the eyes and ears of our communities. They are also
11 a majority of people of color, many of Muslim faith.
12 These kinds of policies and measures are an attack on
13 working class communities of color especially in New
14 York's working class Muslims. In a citywide climate
15 where small businesses routinely face displacement,
16 vendors are among the most vulnerable facing fines,
17 little government support and intimidation. In a
18 nationwide political climate where harassment of
19 Muslims is at an all-time high, Muslim vendors are
20 doubly vulnerable. New York prides itself as a
21 sanctuary city as a city where all are welcome. We
22 urge the Council to uphold the core values of what
23 makes New York the world city. [bell] I also want to
24 note that this is the last day of Ramadan, and my
25 fellow Muslims are here fighting not only for their

1
2 livelihood, but to prove that they're not a threat,
3 and I just want to note that for the Council's
4 record.

5 CHAIRPERSON ESPINAL: Thank you.

6 FOSAM JEDDAH: My name is Fosam Jeddah
7 and I'm representing myself a resident of the
8 Financial District, and I'm a Muslim vendor myself.
9 I've been serving New York City and beyond for nearly
10 ten years believe it or not as a DJ. So, I identify
11 with these vendors over here. Vendors are here to
12 create a community for themselves, to create a
13 livelihood to make New York City a home away from
14 home. They serve here as geographic guides. They
15 serve here as interpreters and translators. They
16 serve here as good Samaritans to keep the
17 neighborhood safe, and you all have said that they've
18 built strong relationships with you, and I'm honestly
19 appalled that you who are introducing this bill and
20 also in favor of this bill who have been served by
21 these vendors would support this bill. A lot of you
22 if not all of you have eaten from their food, have
23 been served by their smiles, and have benefitted from
24 their presence in this neighborhood. I don't
25 recognize that you are limiting or narrowing their

1 suffering, and their loss because they will—they will
2 lose. What you are creating is loss. In the face of
3 what you say is loss, loss of communities, you are
4 creating more insecurity. You're creating financial
5 insecurity and personal insecurity for them and their
6 families, and I'm just appalled. Like I was—my
7 comrade here on the last day of Ramadan where these
8 vendors most of them, if not all of them, have been
9 fasting, and serving you every day food, and you are
10 here talking about limiting their livelihood, and
11 this is very appalling and insulting.

13 SARAH REED: My name is Sarah Reed. I
14 work for an organization called Women in Informal
15 Employment: Globalizing and Organizing, but works
16 with street vendors and other workers in informal
17 employment around the world. Today, I am
18 representing myself and my own research on vending
19 and vending ban. We find that bans on vending all
20 over the world are so frequently motivated by classes
21 and xenophobia. My research focuses on the roles
22 that vending does play in our cities, which are
23 numerous and diverse, but today I will say something
24 briefly and particular about walkability and safety
25 since these are the issues at hand. Most empirical

1
2 research from the U.S. suggested vendors do not
3 strongly interfere with the speed or efficiency of
4 pedestrian movement. This paradigm, however, assumes
5 that the ability to walk as quickly as possible is
6 the same as walkability, and that's not true. Walk
7 ability is about proximity to shops and to amenities.
8 It's about the signs of vitality and pleasantness and
9 life that make urbanites more likely to walk than to
10 drive. A variety of quantitative studies including
11 one from New York affirms that vendors is one—are one
12 of these attractions for pedestrians. This vitality,
13 but also the vigilance of vendors is what makes our
14 city safer. Urban Planner Jane Jacobs remarked on
15 the importance of eyes on the street for safe and
16 harmonious urban communities. This was brought home
17 to me when they recently in the city I was living
18 before Bangkok, Thailand, which is one of the safest
19 [bell] in the world. As my phone was snatched out of
20 my hands from a motorcyclist this is a street that
21 had just recently been emptied of vendors. Vendors
22 all over the world view safety as part of and parcel
23 of urban [bell] view their role as part and parcel of
24 urban safety. They almost always have a story of
25 deterring crime or—or preventing a specific tragedy

1 from taking place. I want to echo the—the comments
2 from Council Member Lander and Menchaca that a more
3 comprehensive policy would be a better approach to
4 these piecemeal solutions. Thank you.

5
6 CHAIRPERSON ESPINAL: Thank you. I'm
7 going to call up the next panel. Sean Basinski, Abir
8 Kowass, and Tian Zial (sp?) Yung. Some street
9 vendors in Flushing. [background comments, pause]
10 Tian. Tian Yung?

11 SEAN BASINSKI: Okay, I'll go first while
12 we also arrange translation for Mr. Tian, and my name
13 is Sean Basinski. I'm the Co-Director of the Street
14 Vendor Project at the Urban Justice Center, and thank
15 you very much. I'm presenting one-third of the
16 Street Vendor Project's testimony here today.
17 Specifically, I'm going to focus in Intro 970 about
18 the charbroil grills, and others will discuss other
19 bills. This pre-vendor project strongly opposes the
20 citywide proposed ban on charbroil grills on all
21 mobile food units. Vendors care about the environment
22 and they do care about their health, their own health
23 and we may support other proposals that will reduce
24 emissions, but this blanket ban on all charbroilers
25 are is an oversimplification to a complex problem,

2 and it will destroy many street food businesses.

3 First, this legislation singles out mobile food
4 vendors while doing nothing about other bad actors
5 who are similarly situated. The Parks Department
6 provides more than 50 charcoal grills for use in the
7 parks sanctioned by our own city. You can go to any
8 street fair, the Feast of San Gennaro, Big Apple
9 Barbecue and every weekend in the summer and see huge
10 charbroilers much larger than any vending cart
11 currently in use are widely used with no protection
12 whereas vending carts do have filters and hoods, and
13 that's not fair. Of course, also we as citizens are
14 allowed to barbecue [bell] in our homes. Secondly,
15 though, very quickly restaurants have been subject to
16 a special procedure about charbroilers whereby
17 current charbroiling facilities are exempt, are
18 grandfathered in, and we would suggest that is a
19 potential solution not ruining existing businesses,
20 but looking at the future of vending and making sure
21 that is more safe both for vendors and for our
22 environment and thank you very much.

23 CHAIRPERSON ESPINAL: Thank you, Sean.

24 ABIR KOWASS: [off mic] Hi everyone.

25 [on mic] Hi, everyone. My name Abir Kowass (sp?) and

2 I work with the Take on Hate Campaign that is part of
3 the National Network of Arab-American Communities.

4 I'm here in testimony in opposition to all of the
5 legislation. My organization works in power with the
6 Arab-American community across the country to take on
7 hate, meaning to stand against racism and bigotry

8 both interpersonally and in policy. We're especially
9 dedicated to supporting our vulnerable immigrant
10 community in New York including our street vendors,

11 many of whom work halal carts [coughs] that are

12 [coughs] run by Arab and Muslim constituents. In

13 2011, I entered the Street Vendor Project to work

14 specifically with the Arab vendors, and I learned

15 that Arab and Muslim vendors are often harassed by

16 local businesses, and the police. It's appalling to

17 know the struggles that these vendors who provide our

18 communities endure every single day to uphold their

19 modest businesses, and it's because our city

20 restricts them to access permits and to tickets them

21 with heavy fines and bans them from selling in

22 certain locations that they are criminalized from

23 making a living. This proposed legislation only

24 perpetuates those dynamics and causes more people to

25 lose their businesses and livelihood. Coming from

1
2 and Arab organization, I specifically want to speak
3 to the legislation that allows the restriction of
4 vendors from selling around the World Trade Center
5 while allowing Farmers Markets to continue to sell in
6 that same area and to citing security threats as the
7 reasoning for this. I see this as a racial dynamic
8 that punishes people of color and especially the Arab
9 and Muslim vendors who have already suffered from law
10 enforcement policies from our city that has sort of
11 run (sic) their communities for years. Again, we are
12 being targeted by law enforcement because of the
13 location of where we're selling. [bell] I want—I
14 want to remind you all that right now at this time in
15 our country we're currently living under a current
16 Muslim ban that will for sure go down as a dark
17 period in our history, and this local policy is just
18 another manifestation of a ban against our people. I
19 want to remind everyone in 2010 that Islamophobic
20 advocates in our city thought to stop the building
21 with the Park 51 Mosque in the same World Trade
22 Center area. They sought to limit the freedom of
23 religion of Muslims all because they consider Islam
24 with the attacks on 9/11. The restriction of vendors
25 in the same area no doubt is inherently Islamophobic

1
2 and it's racist, and targets specific communities to
3 further push them out this space that is meant for
4 commemoration and healing. By allowing this to pass,
5 we only allow hate to win. We go against our values
6 as inclusive New Yorkers, and we continue to
7 criminalize immigrant communities. I just want to
8 reiterate that under this Muslim (sic) history in
9 American and New York City we have declared ourselves
10 a sanctuary city, and that means that we not must—we
11 must not only be protective, but we must also be
12 preventative and we can't continue to target of our
13 immigrant communities. So, the Take on Hate Campaign
14 urges the City Council to stop criminalizing street
15 vendors and to listen to their voices and to help
16 [bell] New York City's immigrant workers better serve
17 our beloved city. Thank you.

18 CHAIRPERSON ESPINAL: Thank you.

19 [background comments, pause]

20 MALE SPEAKER: [Speaking Arabic]

21 TRANSLATOR: I have been working as a
22 street vendor in Flushing for over 20 years.

23 MALE SPEAKER: [Speaking Arabic]

24

25

2 TRANSLATOR: A lot of tourists have also
3 because of street vendors have come and gathered in
4 Flushing.

5 MALE SPEAKER: [Speaking Arabic]

6 TRANSLATOR: And, but Peter Koo who is
7 our district representative have been against street
8 vendors, and-but because a lot of us became street
9 vendors because we could not find a job.

10 MALE SPEAKER: [Speaking Arabic]

11 TRANSLATOR: But Flushing has become
12 famous for barbecue, and because of it, a lot of
13 tourists have come to Flushing because of it.

14 MALE SPEAKER: [Speaking Arabic]

15 TRANSLATOR: And we have been legally
16 residing in-at this-places where the government have
17 told us that we could operate for over 20 years.

18 MALE SPEAKER: [Speaking Arabic]

19 TRANSLATOR: I-I-I believe it does not
20 affect any modes of transportation or congestion.

21 MALE SPEAKER: [Speaking Arabic]

22 TRANSLATOR: But Peter our district-our
23 Council Member Peter Koo suggests that-that us street
24 vendors create congestion and over-population within
25 the streets, but if there's no-no population flow

1 within the street, then where would the business come
2 from to Flushing?

3
4 MALE SPEAKER: [Speaking Arabic]

5 TRANSLATOR: There's—there's no—it does
6 not affect transportation at all. I don't understand
7 why the Council Member suggests this. A lot of us
8 take a barbecue and-and eat, and then they—they walk
9 away and the barbecue attracts a lot of tourists,
10 foreigners and Chinese alike.

11 MALE SPEAKER: [Speaking Arabic]

12 TRANSLATOR: And I hope Council Member
13 Koo could consider for the public and us street
14 vendors for our livelihood because once if you take
15 out all the street vendors, we would not be able to
16 find jobs or take care of our family.

17 MALE SPEAKER: [Speaking Arabic]

18 TRANSLATOR: That we should—we should
19 consider that laws from all sides of the case, and I
20 know that Peter Koo is the Council Member that have
21 been elected democratically, and I hope that he could
22 consider our position as well.

23 MALE SPEAKER: [Speaking Arabic] [bell]

24

25

2 TRANSLATOR: That--that--we know that Peter
3 Koo has done very well in economic development and
4 within Flushing.

5 MALE SPEAKER: [Speaking Arabic]

6 TRANSLATOR: That we should consider all
7 sides of economic development not just one part of
8 Flushing and that we should bring everyone up
9 together instead of just one--one part of Flushing's
10 society.

11 MALE SPEAKER: [Speaking Arabic]

12 TRANSLATOR: That--that Flushing
13 development in Flushing is not just one part of
14 Flushing, but every part of Flushing should be
15 considered as part of economic development.

16 CHAIRPERSON ESPINAL: Alright, thank you.
17 I'm going to have to ask you to wrap up with him.

18 TRANSLATOR: [Speaking Arabic.

19 MALE SPEAKER: [Speaking Arabic]

20 TRANSLATOR: I--I--I hope every Council
21 member can come to Flushing to see our vendor and--and
22 to try our barbecue, and to see that it does not
23 create traffic congestion, and I hope to see you all
24 there. Thank you.

25 MALE SPEAKER: Thank you.

2 CHAIRPERSON ESPINAL: Excuse me. Peter
3 Koo wants to respond.

4 COUNCIL MEMBER KOO: [Speaking foreign
5 language]

6 TRANSLATOR: [Speaking Arabic]

7 COUNCIL MEMBER KOO: The problem—the
8 problem of—of food vendors that are barbecuing is
9 [background comments] No, it's not that we're
10 against you. It's the people who lives there. Who
11 lives in the apartments upstairs or who have
12 businesses right next to your food stand. You create
13 a lot of smoke and—and I have seen things where and
14 eyeglass store they've have had to fix all kinds of
15 lens because the smoke go into their store—the
16 business, right. And it's mainly public health.
17 [Speaking foreign language]

18 CHAIRPERSON ESPINAL: Alright.

19 COUNCIL MEMBER KOO: [Speaking foreign
20 language]

21 CHAIRPERSON ESPINAL: Right.

22 COUNCIL MEMBER KOO: There is an office
23 there. [Speaking foreign language]

24 TRANSLATOR: I'm not against any street
25 vendors, but I—I hope that the street vendors can

2 move into a less congested place because a lot of
3 these barbecues stations what happens is a lot of the
4 smog goes up into the apartments, and then a lot of
5 people complain about their eyes. So, I hope that—
6 that they can move into a less congested place. It's
7 not that we are against street vendors, but it's a
8 health issue.

9 CHAIRPERSON ESPINAL: Thank you, thank
10 you. Next panel. Alright, so we—we have 27 vendors
11 who want to testify, and because of time, I have to
12 put one minute on the clock to give everyone an
13 opportunity to say something. So, the first panel
14 Abdul Baker, Abdim Abdukai (sp?), Mahmoud Mostafa,
15 Mohamed Mossa, Alfred Miles. [background comments,
16 pause] You may begin.

17 MALE SPEAKER: [Speaking Arabic] They're
18 going to be translating in Arabic, and we have to
19 arrange a translator. [background comments, pause]

20 CHAIRPERSON ESPINAL: You may begin.
21 [background comments, pause]

22 MAHMOUD MOSTAFA: [Speaking Arabic]

23 TRANSLATOR: My name is Mahmoud Mostafa.

24 MAHMOUD MOSTAFA: [Speaking Arabic]

25 TRANSLATOR: I am a seller.

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MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: This is my business.

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: My--my age is not permitted to look for other jobs. I tried many times to look for another job, but--

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: that's the only business that I make a living, an honest living.

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: That's--I have kids and they are in school and the--

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: --oh, they're out in the college.

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: I have a lot of expenses.

MAHMOUD MOSTAFA: [Speaking Arabic]

TRANSLATOR: So, I have a home. I have to pay rent, expenses and I have been on this kind of living to support myself and my family.

MAHMOUD MOSTAFA: [Speaking Arabic]

[bell]

1
2 TRANSLATOR: That's the only business I
3 have or that's the only income I have so far.

4 MAHMOUD MOSTAFA: [Speaking Arabic]

5 TRANSLATOR: Thank you.

6 CHAIRPERSON ESPINAL: Thank you. Next.

7 TRANSLATOR: Good afternoon. My name is
8 Adlani Murtabak (sp?). I'm 26 years old. I was doing
9 vending when I am 10 years old. I take this business
10 from my father. We have people who all work in the
11 cart next to us, and we're not making new traffic for
12 the NYPD. We're always helping. The final market
13 was in—it's new there and the places for the
14 magnificent memorial. It is—the Farmers Market is on
15 the site of the memorial. We are outside, and there
16 is no physical exit in the World Trade Center. The
17 World Trade Center is open from everywhere. So,
18 we'll not block traffic. We will not block the
19 sidewalk. We're not next to a building. We're not
20 making smoke. We are not using too much gas and all
21 that gasoline. These other things have broken the
22 drain. The cart is too small so it will not block
23 nothing. The NYPD always park the cart next to us.
24 We watch for him. We help him all the time. If
25 something happen earlier, we keep our eyes

1
2 everywhere. Actually, this is something—something
3 happened here we tell him what we see exactly. Our
4 number one example the two—the two women they forget
5 the bag and run away. We told the cops. [bell] This
6 is forget the bag and this is the ID for driver's
7 license. We give them the whole thing and he say
8 thank you. That is not the first it's happened. We
9 have been there for like too many years, if something
10 happened all the time we call the police. We tell
11 them that's happened exactly, something was going on
12 in there earlier and, and we are outside. It's at
13 the civic area exit of the World Trade Center with
14 that—the World Trade Center is you can go from
15 anywhere, and if you say we are the worst there. So
16 he can check us. Like we don't have guys there. We
17 don't have no—we don't have no problem. This only
18 happens in the drain. We're not making no more smoke
19 and thank you. Thank you for supporting us.

20 CHAIRPERSON ESPINAL: Thank you.

21 [background comments, pause]

22 MALE SPEAKER: [Speaking Arabic]

23 TRANSLATOR: I have been working as a
24 vendor a long time.

25 MALE SPEAKER: [Speaking Arabic]

2 TRANSLATOR: And as I understood from
3 your discussions--

4 MALE SPEAKER: [Speaking Arabic]

5 TRANSLATOR: --for the safety or for the
6 concern about the food, it's all over the next days.
7 We don't have no problem.

8 MALE SPEAKER: [Speaking Arabic]

9 TRANSLATOR: And, too, for the safety or
10 for the concern about the food, it's all over the
11 next days. We don't have no problem. At Times
12 Square as with the World Trade Center--

13 MALE SPEAKER: [Speaking Arabic]

14 TRANSLATOR: --and we don't work in the
15 World Trade Center. We are always working outside
16 the World Trade Center.

17 MALE SPEAKER: [Speaking Arabic]

18 TRANSLATOR: Yes, we are very cooperative
19 with the New York City Department--the Police
20 Department, and most of the people they like our
21 food, and we are very clean.

22 MALE SPEAKER: [Speaking Arabic]

23 TRANSLATOR: Before we get the work, we
24 get a license from the New York City, and we learned
25 how to operate our small business.

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MALE SPEAKER: [Speaking Arabic]

TRANSLATOR: We don't—we even we don't have any kind of objection or any kind of obstacles with the traffic signal or traffic, you know, NYPD.

MALE SPEAKER: [Speaking Arabic]

TRANSLATOR: We have any concern or we don't have any bigger problems or trouble with the NYPD concerns-safety concerns. That's about all, but we are cooperating with the NYPD.

MALE SPEAKER: [Speaking Arabic]

TRANSLATOR: We are so optimistic, and we are so more concerned about the safety of the New York City.

MALE SPEAKER: [Speaking Arabic]

TRANSLATOR: That we consider America is our new country, and we do appreciate they welcome us to make a living, an honest living, and we do make an honest living.

MALE SPEAKER: [Speaking Arabic]

TRANSLATOR: I saw that the defender of the hot dog is one of the remarkable symbolic of the American society. So, we have to respect this.

MALE SPEAKER: [Speaking Arabic]

2 TRANSLATOR: I don't—I don't see any
3 problems that we are participate in the World Trade
4 Center.

5 MALE SPEAKER: [Speaking Arabic]

6 TRANSLATOR: We expect that you are
7 helping us to make our job more better.

8 MALE SPEAKER: [Speaking Arabic]

9 TRANSLATOR: We make a living when we
10 have a lot of—we have our families and we have our
11 children, and we depend on this kind of business to
12 support our families.

13 MALE SPEAKER: [Speaking Arabic] Thank
14 you.

15 TRANSLATOR: Thank you so much.

16 CHAIRPERSON ESPINAL: Thank you.

17 MALE SPEAKER: [Speaking Arabic]

18 TRANSLATOR: I work in this kind of
19 business, and—and this kind of spot or this kind of
20 in the city for 23 years.

21 MALE SPEAKER: [Speaking Arabic]

22 TRANSLATOR: Thank you. We are always
23 cooperating with the NYPD safety concerns.

24 MALE SPEAKER: [Speaking Arabic]

2 TRANSLATOR: Let me—let me tell you
3 something about the spot that I am standing on.
4 This—the white over that spot is 20 yards.

5 MALE SPEAKER: [Speaking Arabic]

6 TRANSLATOR: So, I'm give you an example
7 of how we cooperate in this. So, one of the
8 tourists, you know, I don't know what exactly food he
9 will—the food is down. So, I—I ran out for help.

10 MALE SPEAKER: [Speaking Arabic]

11 TRANSLATOR: And I called [bell] the—the
12 cops.

13 MALE SPEAKER: [Speaking Arabic]

14 TRANSLATOR: So, many times I found worst
15 stuff, and I sent I sent it back to the New York—
16 NYPD.

17 CHAIRPERSON ESPINAL: Thank you, thank
18 you.

19 TRANSLATOR: Thank you.

20 MOUSSA: Good afternoon, My name is
21 Moussa. I've been working here since seven—since
22 seven years. We don't got any problems with the
23 NYPD. We always cooperated with them. They said like
24 we can—everybody can attach like a bomb or something
25 like that means our cart. That's not going to happen

2 because we always take care about the only way we'll
3 make our living. The problem is they don't want any
4 food vendors near the World Trade Center, and we
5 don't know why, but the thing is this is the only way
6 to make a living to feed our family. If not, we will
7 be starving all of us. When we first tried to help
8 them, we always like cooperated with them, and this
9 is the only way. So, thank you for your support and
10 thanks for listening.

11 CHAIRPERSON ESPINAL: Thank you. I'll
12 call up the next panel.

13 MALE SPEAKER: Okay, yes. Thank you.

14 CHAIRPERSON ESPINAL: Thank you,
15 gentlemen. Angela Ni [applause] and Mohammed Atti.
16 Sorry, there is no clapping allowed here. It's like
17 we have to go like this, like this. Yeah, three you
18 go. You got it. We have Angela Ni and Mohammed
19 Atti. [background comments, pause]

20 ANGELA NI: Good morning, City Council
21 members. My name is Angela Ni, and I'm an attorney
22 with the Street Vendor Project at the Urban Justice
23 Center. I'm also a resident of Flushing, New York.
24 The Street Vendor Project strongly opposes the
25 proposed ban of street vendors and stoop line stands

2 in Downtown Flushing. Street vendors—street vendors
3 contribute to the economy and are an essential part
4 of the fabric of Flushing culture. As such, they
5 should be celebrated and supported by their local
6 government, not discriminated against and
7 criminalized. As an emerging food destination and an
8 area known for-famous for it's immigrants, Flushing
9 to be fostering immigrant small businesses, not
10 killing them. The proposed bill, which will
11 effectively wipe out the presence of all street
12 vendors in Downtown Flushing does exactly that. If
13 Intro 959 passes, not only will it deprive at least
14 40 vendors of their livelihoods, it will also
15 eradicate for immigrant culture and tradition of
16 inclusion, which Flushing has enjoyed for decades.
17 [coughs] Beyond culture, and economy, we believe
18 that this bill is actually misguided, and hastily
19 drafted without appropriate data. Council Member Koo
20 has repeatedly mentioned that the sidewalk widening
21 Flushing has not eased congestion and referred to the
22 vendors as illegal vendors. Well, we actually went
23 to Flushing on two separate field studies and we have
24 pictures as evidence to submit supporting that (1)
25 the sidewalks are actually not congested during the

1
2 said rush hours, and that the vendors in Flushing
3 they are all licensed, and they are observing all the
4 applicable New York Street Vending laws. So, we
5 don't understand what Council Member Koo is talking
6 about when he says illegal street vendors.

7 Additionally, we have mentioned that we agree with
8 Councilwoman Koslowitz in that the City Council is
9 the improper venue to close streets for vending
10 because the street-the City Council has already
11 established a Street Vendor Review Panel with the
12 express language under New York City Administrative
13 Code 20-465.1. That panel has the power to consider
14 proposals concerning the closure of streets. Because
15 street vending policy is so specialized, we think
16 that that panel should have special jurisdiction over
17 street closures not the City Council. Lastly, let's
18 talk about the real reason for this bill,
19 gentrification. It is patently not about congestion.

20 As a resident of Flushing for over 13 years, I've
21 personally witnessed the development in Flushing.
22 With these developments, it is certainly admirable,
23 but Flushing would have never gotten to the point
24 where it is now without the street vendors and
25 immigrant small businesses. Street vendors are not a

1
2 dirty relic of the past, but a sign of a cosmopolitan
3 and multi-cultural future. We certainly hope that
4 the City Council will keep that in mind and oppose
5 Intro 959. Thank you.

6 MOHAMED ATTI: Good afternoon, Chair
7 Espinal and Council Members. My name is Mohamed
8 Atti. I am the Co-Director of the Street Vendor
9 Project. Today is a very sad day for me. I am so
10 disappointed that the City Council is holding a
11 hearing to discuss some anti-vendors bills and
12 instead of helping the vendors after all the promises
13 over the last three years to work on the vendors
14 issues especially with the permits. I'm here to
15 oppose Intro 959. I like that the NYPD has admitted
16 to the testimony that the bill will be disruptive to
17 some vendors. Well, let me tell you about these
18 vendors. We know all of them. The NYPD said they had
19 about 10 vendors. That is not correct. There are
20 more than 22 vendors who make a living in these
21 locations for a number of years. They support the
22 families and feed their kids. Their carts and tables
23 are all there all the time. Some of them have been
24 there for five years, eight years. Some of them have
25 been there for more than 20 years. It's very

1
2 important to acknowledge that 18 out of these 22
3 vendors are Muslims, and as a Muslim-America, today I
4 feel so offended by these bills. I feel so offended
5 [bell] by Intro 959 and by the NYPD testimony.
6 Muslim vendors are not a threat. The NYPD mentioned
7 that these carts can be turned easily into weapons as
8 they use propane and gasoline. How so? How so when
9 these carts are so available to an inspection any
10 time by many government agencies. The NYPD and the
11 Department of Health go there all the time to do an
12 inspection. Maybe they are worried that some
13 terrorists one day would come and act like a vendor
14 and get close to this area. If that is their
15 concern, we respect that, but the NYPD must know that
16 these 22 vendors who work there everyday [bell] will
17 be the first to know these suspicious people and
18 report them all the time. They'll never let such a
19 thing happen. It is not a reasonable update as some
20 people might think. It is not a reasonable update to
21 law. It so unjust. It is so racist. It's a part of
22 the Anti-Muslim agenda that the NYPD carries against
23 Muslims in New York. And instead of passing this
24 bill, I invite you and the NYPD to meet these
25 vendors, work with them to make sure this areas is

1 more secure and safe. Vendors have served for
2 decades as the eyes and ears of the city streets.
3 Muslim vendors were never a threat and will never be
4 a threat. Please, stop with Intro 959 and work with
5 us. Thank you.

7 CHAIRPERSON ESPINAL: Thank you. Okay,
8 so we have 23 more vendors. [applause] We're going
9 to—alright, no clapping. No clapping. We have 23
10 more vendors. We're going to put one minute—the one-
11 minute clock. I'm going to have to enforce it. So,
12 Al Shaheed Monsur, Carla Nicholas, Jack
13 Prietsing(sp?) Ahmed Khalil Moustafa; Mohamed
14 Mohamed. [background comments, pause]

15 CARLA NICHOLAS: My name is Carla and I'm
16 a general vendor, and I'm part of the 22 vendors that
17 will be affected by the city's rescinding of vendors.
18 I enlisted in the Army after the 9/11 attacks. I
19 served my country for four years. I have fought
20 terrorism in Baghdad, Iraq. Today, I'm standing here
21 defending my spot that I've been selling for five
22 years. This is my livelihood. We are the eyes and
23 the ears of the World Trade Center. Some vendors
24 speak more than two languages. We stand outside in
25 the 100 degree weather and in the 10 degree hot

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2 weather—I mean cold weather. Sometimes there's no
3 pedestrian traffic, and we're the only ones there. If
4 there's a threat, we will be out. We're outside.
5 The NYPD is inside their vehicles or inside the
6 buildings during those harsh weather. [bell] Also,
7 what I do see in the area--and I'm sorry for going
8 over--is that there's a lot of buses with idling
9 engines during the hot summers and cold winters. I
10 see the delivery packages being left unattended. I
11 see florists leaving their trunks open and vehicles
12 unattended for long periods of time. Also, what
13 about the sellers at the Farmers Market? Do they
14 have any background or security clearance? Thank
15 you.

16 MOHAMED MOHAMED: How you doing everyone.
17 My name is Mohamed Mohamed. I'm working as a vendor
18 at the World Trade Center. I've been there eight
19 years. I'm working by Westside Highway. Actually,
20 what I'm talking about the police booth is like
21 almost 100 feet from me. We never bother them working
22 there for eight years. We never had no problem with
23 the cops. We never had no problem with the customer.
24 I've been here working—I've been working eight years.
25 I'm paying my tax. I have two children to support.

2 The problem is my son who wants to be a police
3 officer. He can't imagine that by tomorrow morning
4 when the cops want to move me out of their and take
5 my living, you know, take the bread out of my kids'
6 mouths. What I'm going to tell him about he want to
7 be a cop. This is the problem that is. I've been
8 there working eight years. I've never had no problem
9 with everyone. Thank you, sir. [background
10 comments, pause]

11 MALE SPEAKER: [Speaking Arabic]

12 TRANSLATOR: Yeah. Okay, ladies and
13 gentlemen, we are here in the Untied States and we
14 work in the New York City will the techs. (sic)

15 MALE SPEAKER: [Speaking Arabic]

16 TRANSLATOR: We—we make a living, an
17 honest living. We don't make troubles.

18 MALE SPEAKER: [Speaking Arabic]

19 TRANSLATOR: In the heavy weather, in the
20 rainy weather, in the cold weather we are seeing out
21 in the street serving food for the people.

22 MALE SPEAKER: [Speaking Arabic]

23 TRANSLATOR: When all the stores are
24 closed, there is no food around, we are open 23 hours
25 serving people.

2 MALE SPEAKER: [Speaking Arabic]

3 TRANSLATOR: So, that's been the best all
4 the people who come down the street, we serve them.

5 MALE SPEAKER: [Speaking Arabic]

6 TRANSLATOR: Even the cops, even the
7 policemen, we serve them the food. Isn't it
8 something?

9 MALE SPEAKER: [Speaking Arabic]

10 TRANSLATOR: We don't—we don't look for—
11 we don't do troubles or we're looking for troubles or
12 we don't want to disturb the safety of concern.

13 MALE SPEAKER: [Speaking Arabic]

14 TRANSLATOR: We are Americans. We love
15 America. So, please help us.

16 CHAIRPERSON ESPINAL: Thank you.

17 MALE SPEAKER: Thank you.

18 CHAIRPERSON ESPINAL: Next. [background
19 comments]

20 AHMED KHALIL MOUTSTAFSA: [Speaking
21 Arabic]

22 TRANSLATOR: Hi, my name—my name is Ahmed
23 Khalil Moutstafa.

24 AHMED KHALIL MOUSTAFA: [Speaking Arabic]

25 TRANSLATOR: I'm 64 years old.

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AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: So, I am, so I am here since
1981.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: So, this--the whole rest of
my life I was--I have been a food vendor.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: I think that there has never
been the problem between the food vendors and the
Police Department.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: Since I have started until
now--

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: We--we stay in the street,

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: --but we have food [bell]
for the--

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: -and we don't have no
problem.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: I don't see any kind of
traffic or any kind of--

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AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: --restriction with the traffic. We have small carts and we have what are needed by the city.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: We don't have this kind of collusion where there a leak or something.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: Why do today you have the issue, really the issue?

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: Why the issue today that you want to want to move us out?

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: And you call—you call it—

CHAIRPERSON ESPINAL: [interposing] I'm going to have to ask you to wrap it up.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

TRANSLATOR: --about the design and the safety. Why? I have a—we have a family. We—we have a concern, too. We have a family. We are—we—we're supporting them.

AHMED KHALIL MOUSTAFA: [Speaking Arabic]

2 TRANSLATOR: We have a home and it's our
3 responsibility. That's why we work hard. We work
4 hard.

5 AHMED KHALIL MOUSTAFA: [Speaking Arabic]

6 TRANSLATOR: And the Police Department
7 want to move us. For what? What's the reason?

8 CHAIRPERSON ESPINAL: Thank you. Thank
9 you.

10 TRANSLATOR: Alright. What's the reason
11 that they want to move us.

12 CHAIRPERSON ESPINAL: Thank you. Peter
13 Palacos, Abdel Haim, Abdel Dakis (sp?), Jal Weed
14 Ahmad. [background comments, pause] Mamadu Jiang,
15 Aylie. Mr. Jiang, Aylie, Jowat Achmad, Abel Ayim
16 Abdelcachi and Pete-Peter Palakos. Okay, I'll let
17 them go. Please, please begin. Begin, sir.

18 MAMADU JIANG: Good afternoon, the ladies
19 and the gentlemen. My name is Mamadu. I'm African-
20 American. I'm a street vendor. I'm on the corner of
21 Barclay and the Broadway since 2004, and in these 14
22 years, I'm staying at the same place, and go to
23 where-it is a safe place, and I make some living. I
24 have my family. I have two children that's going to
25 school. I support my life and my children's life and

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2 ten years ago I thank God I never have the violation,
3 never had the problem with the police department.
4 Everybody know me over there. I know many
5 neighborhoods over there we didn't have no problem
6 and we are over there there's several New York
7 community, and we are over there to serve the tourist
8 community because you know the—we have different
9 weather from November to February the weather is very
10 complicated. The tourists they come from different
11 states [bell]. When they come in, they—they need the
12 protections. The New York City people when—during
13 the rainy time, it was very important for our agency.
14 We are here to serve the community. We don't have no
15 problem. That's why we're ask—we need help they say
16 because when we move from the corner, where I'm going
17 to go I don't know. If you go somewhere in the city
18 and you end up leaving, it's going to affect your
19 life and your family life.

20 CHAIRPERSON ESPINAL: Thank you, sir.

21 MAMADU JIANG: Thank you so much and God
22 bless America.

23 CHAIRPERSON ESPINAL: Thank you. Next.

24 JOSEPH SONG SAN: Good afternoon, I am
25 Joseph Song San (sp?). [Speaking Chinese]

TRANSLATOR: I live in Flushing and I have been doing a barbecue vendor for two years now.

JOSEPH SONG SAN: [Speaking Chinese]

TRANSLATOR: My vendor is completely legal and has been approved by the city of New York.

JOSEPH SONG SAN: [Speaking Chinese]

TRANSLATOR: That--my family completely relies on--on this barbecue vendor.

JOSEPH SONG SAN: [Speaking Chinese] I'm from the Province of Chaozhou in China. So, I'm not perfectly fluent in Mandarin.

JOSEPH SONG SAN: [Speaking Chinese]

TRANSLATOR: But thank you very much.

[bell]

CHAIRPERSON ESPINAL: Thank you. Thomas Tobeck, Peter Crystal Dohas, Song Pen. Amadon Lar. No? Amadon? Or Amadus. Sorry. Amadular, Fotomarta Kamara. [pause] Fotomarta Kamara from the Bronx. Okay, you may begin. You may begin, you may begin.

I'll go.

CHAIRPERSON ESPINAL: Yeah, you go.

THOMAS TOBECK: Good afternoon. My name is Thomas Tobeck and I'm a vendor in Flushing, Downtown Flushing. Mr. Koo knows me because I vend

1 right behind his quarters, and—but I've been there 30
2 years, and I support—I support my family on it, and
3 everything, you know. I've had three decades of, you
4 know, of vending and, you know, they want to just
5 pick us up and throw us out after three decades, you
6 know, supporting my family and still supporting my
7 family. Well, so that's about it. Thank you. Thank
8 you.

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10 CHAIRPERSON ESPINAL: Thank you.

11 PETER CHRISTOPHER NUNEZ: Good afternoon.

12 My name is Peter Christopher Nunez. I'm a vendor
13 over 40 years in New York State and I'm glad to, and
14 I—I raised two kids. My son he's accounting. My
15 daughter she's in the school yet, and—and I'm still
16 working with my brother at 39th and Main Street.
17 Thank you.

18 CHAIRPERSON ESPINAL: Thank you.

19 CHUNG CHOW PO: [Speaking Chinese]

20 TRANSLATOR: My name is Chung Chow Po. I
21 am a street vendor in Flushing.

22 CHUNG CHOW PO: [Speaking Chinese]

23 TRANSLATOR: That—that we need to
24 survive—we need to survive by having street vendors.

25 CHUNG CHOW PO: [Speaking Chinese]

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TRANSLATOR: But thank you.

CHAIRPERSON ESPINAL: Thank you.

AHMAN KHADAN: Good afternoon. My name is Ahman Khadan (sp?). I've been now 27 years and at Liberty and Trinity, 27 years. I work over there by the bakery. (sic) I have four kids in this country. I help the NYPD, too, because some people come here and only speak English. I can talk in French. I can talk in Spanish. I can talk in different languages to help them. The NYPD is speaking only one language. The more vendors that help with the NYPD because if we look like 30 years ago, more crime in New York City. Too many homeless. No more crime because the crime it go down. Because a lot of vendors in history. It's not like before. If you look 30 years ago [bell] you look at now, you look, it's different. Thank you so much.

CHAIRPERSON ESPINAL: Thank you, sir.

Marta Alvarado. Thank you, gentlemen. Marta Alvarado, Chin Chi Wa, Peter from Flushing, Ann Rosie from Flushing, Nicholas Christa. You may begin. Yeah, go ahead.

ZU WA: [Speaking Chinese]

TRANSLATOR: My name is Zu Wa. I've also worked as a street vendor in Flushing for over 20 years.

ZU WA: [Speaking Chinese]

TRANSLATOR: We place our street vendors specifically on a narrow corner of the street and we specifically did not place it on the main street where most of the traffic congestions are.

ZU WA: [Speaking Chinese]

TRANSLATOR: We have not—we have operated there legally for a long time and the Department of Hygiene and Sanitation and the NYPD have constantly checked on us to make sure that [bell] we are legally operating.

ZU WA: [Speaking Chinese]

TRANSLATOR: There was one time they gave me a ticket for over \$400.

ZU WA: [Speaking Chinese]

TRANSLATOR: Alright, thank you.

CHAIRPERSON ESPINAL: Thank you.

PETER: [speaking foreign language]

TRANSLATOR: My name is Peter. I operate also in Flushing a street vendor in Flushing.

PETER: [speaking foreign language]

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2 TRANSLATOR: I'm very surprised when
3 Peter Koo had written the new legislation stating
4 that we have been—we have been taking up public
5 space.

6 PETER: [speaking foreign language]

7 TRANSLATOR: This is a picture that I've
8 taken yesterday at 11:30 a.m. in the morning. There
9 is—as you can see from the photo that there is
10 absolutely no congestion on this street whatsoever.

11 PETER: [speaking foreign language]

12 TRANSLATOR: To state it clearly, that we
13 are obviously a minority and we're underclass within
14 New York City.

15 PETER: [speaking foreign language]

16 TRANSLATOR: We are already making very
17 little and that we are supposed to be receiving help
18 from the government, but instead they have tried to
19 create new legislation and making our lives even more
20 difficult as it already is.

21 PETER: [speaking foreign language]

22 TRANSLATOR: When Council Member Peter
23 Koo was trying to get his re-election, our street
24 vendors have also supported him. What did he tell
25 us? He told us that we would have more job

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2 opportunities that we could be more prosperous under
3 his guidance within the City Council, but instead
4 that he's trying to get rid of us from the streets.

5 PETER: [speaking foreign language]

6 CHAIRPERSON ESPINAL: [interposing] Thank
7 you, I have-I have to cut-I have to cut. [bell]

8 PETER: [speaking foreign language]

9 TRANSLATOR: Okay.

10 CHAIRPERSON ESPINAL: Well thank you,
11 really.

12 NICHOLAS CRISTOS: Hello. Hello. Is it
13 on?

14 CHAIRPERSON ESPINAL: Yeah, it's on.

15 NICHOLAS CRISTOS: My name is Nicholas
16 Cristos. I've been working in the Flushing area as a
17 street vendor for 28 years. This year is my
18 anniversary, the 20th year anniversary since 1990.
19 That's what I--and prior to that, my dad was there 50
20 years my late dad. So, I'm very emotional because
21 yesterday afternoon I found out that Mr. Koo
22 proposing--I received a letter that he's proposing to
23 get me out of there, but where am I going to go?
24 That's all I know. That's my business. I'm not a
25 storefront, but I'm there for a reason. I've been

1 serving the public for 30--almost 30 years. [bell]

2 This is not a joke, and I would love to, you know,

3 for Mr. Peter Koo to understand I'm in a nice--in an

4 area where I don't bother no one. There's no one

5 around me. There's no buildings. There's no--I'm

6 next to a landmark, which is St. Field's Church. I'm

7 in an open [bell] a 12-feet--

8 CHAIRPERSON ESPINAL: [interposing] I

9 have to ask you to--to--to finished up with your

10 testimony.

11 NICHOLAS CRISTOS: Right. The street is

12 wide enough for me to vend there. I've been there

13 legally for so many year, and that's what I have to

14 say that this bill has not, you know, not--vote no

15 for this bill.

16 CHAIRPERSON ESPINAL: Thank you.

17 NICHOLAS CRISTOS: Thank you so much.

18 Thank you.

19 MARTHA GUERRERO: Hi my name is Martha

20 Guerrero (sic) and I'm student (sic) here Flushing.

21 I've been working for more than 20 years from

22 somebody else. I just got--I'm sorry, my own permit

23 [crying] finally after waiting for so long, and I've

24 been serving the Flushing area for more than 20

1 years, and I'm so happy in my job. Now, I see grown
2 up Keith that I know him. Now, there's very little.
3 I said oh, I'm so happy to be sitting here. Thank
4 you.
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6 CHAIRPERSON ESPINAL: Thank you.

7 DAN ROSSI: Yeah, good afternoon. My
8 name is Dan Rossi. I'm not affected by these bills
9 when our vendors fall away, but what I want to do is
10 explain exactly what's happening here. These men and
11 women are fighting for their livelihoods, but it's
12 not only them that's going to be affected by the
13 bill. If you were to close these streets, they're
14 going to try and find a place somewhere else, and
15 they're going to affect other blocks. So, the
16 livelihoods of other vendors on other blocks it can
17 be affected. It just doesn't stop, but I'm going to
18 close this street and that's the end of it. They're
19 going to go and move away. They're going to still
20 have to try and find a—make a living, and the problem
21 just keeps piggybacking. It just keeps getting worse
22 and worse. There's a solution to the problem, and
23 that's what you have to come up with. If—if there's a
24 problem. First, we have to find out if there's a
25 legitimate problem with congestion, and if there is

1 then we'll resolve it, but that's the first thing you
2 have to do before you go ahead and take away the
3 livelihoods of anybody in this room. I know the
4 solution. It was presented here by [bell] Karen
5 Koslowitz. The Street Vendor Review Panel was the
6 reason these people have—you have congestion in your
7 area. That was the reason. Hundreds of streets were
8 closed to vending for absolutely no reason, but the
9 Street Vendor Review Panel is the solution to you
10 problem. If you would add the Department of
11 Transportation's formula for congestion to that bill,
12 and then reviewed the streets, you would open up
13 hundreds of streets in Midtown Manhattan. These
14 neighborhoods that are congested with carts they
15 wouldn't be congested any more because they would
16 flock to Midtown. That's your solution. All the
17 Council Members that are in the Outer Boroughs if
18 they were to look at this, they would vote on this in
19 ten seconds. What happened to the—to the city 25
20 years ago, under Rudy Giuliani is the problems you're
21 having now. That's your solution. Don't take away
22 their livelihoods until you look into this.

24 CHAIRPERSON ESPINAL: Thank your, Sir.

25 DAN ROSSI: That's all I can say.

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2 CHAIRPERSON ESPINAL: Thank you. Samet
3 Amir, Peter Wang, and Hamdi Ashim, and there's a
4 Jeremy Moss. [background comments, pause] Jeremy
5 Moss. You may begin. [background comments, pause]
6 You ma begin.

7 AMIR: Good afternoon. My name is Amir.
8 I work for [coughs]-there's a spot at the World Trade
9 Center for ten years, and this is the only job we
10 have to do. So, we don't have a second chance to
11 learn any more jobs. So, all the time we incorporate
12 was the police and there was that—we have—we know the
13 law between to like the sidewalks and the entrance
14 and the all the time we guide the tourists and
15 sometimes we incorporate with the police for
16 anything, and even though it is not our faces, you
17 know, even if one—one of us take one day off, they
18 ask about us. So, that's only yours to know. That's
19 when we think we do. That's all. Thank you.

20 CHAIRPERSON ESPINAL: Thank you.
21 [background comments, pause]

22 TRANSLATOR: Good morning. It's Hamdi
23 Ashim. My name is Hamid Ashim.

24 HAMDI ASHIM: [Speaking a foreign
25 language]

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2 TRANSLATOR: I'm working. I'm working in
3 this area. That's my spot for three years at the
4 World Trade Center.

5 HAMDI ASHIM: [Speaking a foreign
6 language]

7 TRANSLATOR: I don't know what to say,
8 and why this is--

9 HAMDI ASHIM: [Speaking a foreign
10 language]

11 TRANSLATOR: Okay, if you have--okay, you
12 want to exclude us from this area, or you say that
13 it's a restricted area, and you say there is a lot of
14 consideration out. I accept it. So, it is--it has to
15 be a replacement blame to put us in another area.
16 [bell] You just, you know, kicking us like this.

17 HAMDI ASHIM: [Speaking a foreign
18 language]

19 TRANSLATOR: This place has almost or has
20 almost 22 carts, vendor carts.

21 HAMDI ASHIM: [Speaking a foreign
22 language]

23 TRANSLATOR: Every cart or every vendor
24 cart, cart has family behind this cart a lot of
25 replacements very cheap.

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2 HAMDİ ASHİM: [Speaking a foreign
3 language]

4 TRANSLATOR: I—I hope that the person who
5 is the sponsor of this bill or he issued this kind of
6 law, he has to think about behind the cart a lot of
7 families and a lot of so it's very cheap. [bell]

8 HAMDİ ASHİM: [Speaking a foreign
9 language]

10 TRANSLATOR: I think that when you look
11 down on the food vendor business, we're working hard.
12 We try to make a living with big techs.

13 CHAIRPERSON ESPINAL: [interposing] I
14 have to ask you to wrap it up then.

15 HAMDİ ASHİM: [Speaking a foreign
16 language]

17 TRANSLATOR: I see that the—the way
18 you're looking at the food vendor as a human being,
19 that's a very big time of, you know, outside the
20 pictures as we are not, you know, you know, trying
21 to, you know, memorizing us as a human being. No, we
22 are very important on the street and we serve a lot
23 of people as a matter of fact.

24 HAMDİ ASHİM: [Speaking a foreign
25 language]

2 TRANSLATOR: I hope it's got--

3 HAMDI ASHIM: [Speaking a foreign
4 language]

5 TRANSLATOR: I hope that you can work
6 thorough all this kind of blame for any concentration
7 on a humanitarian basis.

8 CHAIRPERSON ESPINAL: Thank you.

9 TRANSLATOR: Sure, sir.

10 CHAIRPERSON ESPINAL: Thank you. We're
11 done.

12 COUNCIL MEMBER CHIN: Thank you Chair now
13 for holding this hearing, and I just want to thank
14 everyone for coming, and telling your story, and
15 that's what this process is about, and we're going to
16 try to work with NYPD and work with the vendors, and
17 to make sure that we find a solution, and that it has
18 the least impact as possible. Thank you. [applause]

19 CHAIRPERSON ESPINAL: Thank you. With
20 that said, this meeting is adjourned. [gavel]

21 MALE SPEAKE: You're not voting today,
22 are you?

23 CHAIRPERSON ESPINAL: No, we're not
24 voting today. This is just a public hearing for
25 amendments. Again, this is not a vote. This is a

public hearing. After this hearing there will be more deliberations, and then if anything comes out of that, then there will be a vote. Thank you. [gavel]

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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 July 9, 2018