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Bo Riccobono, *First Vice Chair*
Alison Greenberg, *Second Vice Chair*
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Antony Wong, *Treasurer*
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Keen Berger, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

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P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

November 30, 2011

Hon. John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington DC 20301-1400

Gen. Raymond T. Odierno
Army Chief of Staff
200 Army Pentagon
Washington, DC 20310-0200

Major General David E. Quantock
U.S. Army Criminal Investigation Command
Russell Knox Building
27130 Telegraph Road
Quantico, VA 22134-2253

Hon. Rob Wittman, Chairman
Subcommittee on Oversight &
Investigations Armed Services Committee
1317 Longworth House Office Building
Washington, DC 20515

Hon. Jim Cooper, Ranking Member
Subcommittee on Oversight & Investigations
Armed Services Committee
1536 Longworth House Office Building
Washington, DC 20515

Dear Mr. McHugh, General Odierno, Major General Quantock, Chairman Wittman, and Mr. Cooper:

At its Full Board meeting November 17, 2011, Community Board #2, Manhattan, adopted the following resolution:

Resolution calling on the U.S. Army to conduct an investigation into the cause of Private Chen's death

Whereas, Army Private Danny Chen, 19 grew up on Elizabeth Street in the Chinatown area of Manhattan and attended P.S. 130 in the CB2 district, and high school on the Lower East Side at Pace High School; his parents currently live on Ave. D, and

Whereas, Private Chen died on October 3, 2011 in Kandahar Province from a gunshot wound to the head, and

Whereas, Private Chen's body was found in a guard tower, not a sleeping facility, and,

Whereas, Private Chen had been subjected to harassment and physical abuse by fellow soldiers, such as being dragged out of bed and beaten, and

Whereas, NBC reported that six of Private Chen's superior officers beat him for forgetting to turn off a hot water heater, and

Whereas, The U.S. Army's criminal investigations unit investigates all non-combat-related deaths of soldiers that occur at U.S. military bases, and

Whereas, Councilmember Chin, The Organization of Chinese in America's New York, and the Chinese American Benevolent Society have all called for a swift and comprehensive investigation into the circumstances surrounding Private Chen's death, so

Therefore be it resolved that, Community Board 2 Manhattan joins the many elected officials and community organizations in urging the U.S. Army's criminal investigations unit to determine both the actual cause of Private Chen's death and the circumstances leading up to his death.

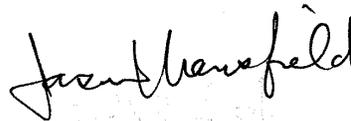
Vote: Unanimous, with 40 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Jason Mansfield, Chair
Environment Public Safety & Public Health Committee
Community Board #2, Manhattan

JH/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn B. Maloney, Congresswoman
Hon. Charles E. Schumer, NY State Senator
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Kirsten Gillibrand, NY State Senator
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah J. Glick, Assembly Member
Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Sandy Myers, CB2 liaison, Man. Borough President's Office
Pauline Yu, Community Assistance Unit

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November 30, 2011

Caswell F. Holloway,
Deputy Mayor
City Hall
New York, NY 10007

Margaret Forgione
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 35th Floor
New York, NY 10038

Raymond W. Kelly,
Police Commissioner
1 Police Plaza
New York, NY 10038

Dear Deputy Mayor Holloway, Manhattan Borough Commissioner Forgione and
Commissioner Raymond Kelly:

At its Full Board meeting November 17, 2011, Community Board #2,
adopted the following resolution:

Resolution regarding the overwhelming need for clarity, including bringing all applicable regulations into conformance throughout the multiple agencies with oversight more and consistent enforcement of regulations that pertain to food trucks and food carts. This might also include limiting the numbers of permits and or/ numbers of permitted vehicles and carts at specific locations.

Whereas, the joint meeting of CB2's Environment, Public Safety & Public Health Committee and Traffic & Transportation Committee regarding enforcement, licensing and applicable rules concerning food trucks and food carts, held on November 14, 2011, revealed a disturbingly dysfunctional situation—one in which regulating agencies have conflicting and Byzantine regulations which are, at times, indefinable and/or incomprehensible, these need to be addressed holistically, brought into conformance, clarified, and disseminated and

Whereas, food trucks and food carts have proliferated in CB2, and often disrupt both residential and business communities, and

Whereas, As testified by a large community turnout at the meeting, along with other vending as many as from 30-60 or more vendors occupy single blocks; in addition, food trucks and carts

park even where explicitly prohibited, impede both pedestrian and vehicular traffic, and are often in violation of regulations requiring a 20 foot radius from entry doors, and

Whereas, specific problems also include use of flammable propane tanks and petroleum fuels, continuous polluting emissions from the trucks, failure to provide required refuse containers on site, or clean up garbage, noise, and offensive odors permeating the street environment as well as inside dwellings, and

Whereas, Many food vendors are observed to remain in the same spot, with vendors sleeping in or under their vehicles, 24 hours, 7 days a week, in explicit violation of regulations which require monitored and certified removal and cleaning of carts and trucks every day at specific locations under specific disposal regulations, and

Whereas, there are more than \$1,000,000 in unpaid food vendor fines over the last year alone, which represents 10% of all uncollected fines in the city food vendors are allowed to renew their licenses even when they have numerous infractions, and serial offenders are known to apply for licenses under different names to avoid any fines or consequences for scofflaw behavior, and

Whereas, there are widespread and numerous conflicts and discrepancies between the rules and regulations of the different responsible NYC agencies (e.g., DOHMH, DCA and DOT) regarding food trucks and food carts. Conflicting regulations include simple formulas, for instance, DOT clearly states that vending in vehicles is prohibited 25 feet from the crosswalk while the DOH states the distance is 10 feet, **and also** a morass of tangled, ill-defined, overlapping and/or complicated rules and regulations for each agency resulting in confusion and lack of clarity from representatives of enforcement,

Whereas, every NYPD precinct and NYPD Traffic division has a special Unit that, in theory, addresses food vending issues; however, these Units are also charged with other responsibilities, which may take precedence or divert from focusing on food vending, and

Whereas, testimony was heard from the business community about the adverse impact on brick and mortar businesses from the proliferation of food carts and trucks,

Therefore Be It Resolved, there is an urgent need for comprehensive intra-agency coordination and reform of oversight regarding food truck and cart vending. There is an equally urgent need for a comprehensive revision of legislation to provide consistency in this matter. The Mayor's Office and City Council must bring all relevant rules and regulations into conformance, and with the product of these efforts, a report should be published that will give direction and clarity to this confusing issue, and

Therefore Be It Further Resolved, it is vital that all agencies with jurisdiction increase their enforcement efforts exponentially, it is imperative NYPD Traffic Officers, NYPD, FDNY, and DOHMH enforcement officers are trained on the rules governing this issue and specific or special units are assigned to focus on enforcement of food truck and cart vending violations, and

Therefore Be It Further Resolved, we applaud the DOHMH for agreeing to stage an inter-agency initiative in the coming months to try to clean up problem areas which include, especially, the Broadway corridor between Houston and Canal, The Meat Market, Astor Place, BAMRA and SOHO and we look forward to assisting the relevant agencies in this effort, and

Therefore be it further resolved, the City take into consideration the impact of food carts and trucks on residents and brick and mortar businesses and evaluate and limit not only the numbers of permits issued but apply restrictions within districts the numbers allowed in given locations and their hours of operation, which are currently unregulated, and

Therefore Be It Further Resolved, the City should determine a better, more effective method for collecting unpaid fines including but not limited to the impounding of vehicles and the withholding of permits for serial offenders similar to tactics employed by the Department of Motor Vehicles.

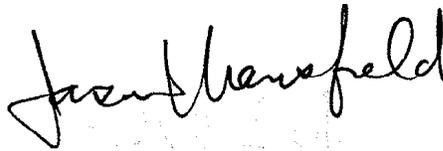
Vote: Passed, with 39 Board members in favor and 1 against-(A. Meadows)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Jason Mansfield, Chair
Environment Public Safety & Public Health Committee
Community Board #2, Manhattan

JH/gh

c: Hon. Jerrold L. Nadler, Congressman
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Hon. Scott M. Stringer, Man. Borough President
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Hon. Daniel R. Garodnick, Council Member
Hon. Gale A. Brewer, Council Member
Sandy Myers, CB2 liaison, Man. Borough President's Office
Pauline Yu, CAU
James Tuller, Chief, Chief of Transportation
Scott Hanover, Inspector, Traffic Enforcement Division
Salvatore J. Cassano, Fire Commissioner, FDNY
Captain Edward J. Winski, 1st Police Precinct
Captain Gerard V. Dowling, 5th Police Precinct
Deputy Inspector Brandon del Pozo, 6th Police Precinct
Deputy Inspector Kenneth Lehr, 9th Pol