



The City of New York
BUSINESS INTEGRITY COMMISSION
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Michael J. Mansfield
Commissioner/Chair

TRADE WASTE ADVISORY BOARD
MEETING MINUTES

Date: October 22, 2009

Time: 10:15 AM – 11:17 AM

Location: 100 Church Street 20th Floor, New York, NY 10007

NEXT MEETING: January 7, 2010

Attendees:

Name	Entity
Michael J. Mansfield	Commissioner/Chair - BIC
Eric Dorsch	Deputy Commissioner for Legal Affairs / General Counsel - BIC
Ira Spaner	Director of Management Information Systems - BIC
Matthew Gonzalez	Computer Analyst - BIC
Ilene Chin	Deputy Commissioner for Administration and Operations – BIC
Hector Serrano	Assistant Commissioner for Licensing - BIC
Hope Kennedy	Chief of Staff – BIC
John Curry	Assistant Commissioner / Deputy General Counsel - BIC
Peter Willumsen-Friedman	Legal Intern - BIC
Chris Mahon	Director of Investigations - BIC
Edward Apuzzi	IESI NY Corporation
Dennis Gaeta	Gaeta Interior Demolition Inc.
John Isabella	Isabella City Carting Corp.
Charles Rotante	Chambers Paper Fibers Corp.
Louis Fava	Liverpool Carting Co. Inc.
Robert Shirlaw	Big Apple Sanitation

Agenda:

- 1) Cardboard Theft / Unlicensed Activity
- 2) Customer Decals
- 3) Brokers
- 4) Vehicle Markings

Members not present:

- 1) Michelle Ann Cardella – Cardella Carting Corp
- 2) Frank Lomangino –Joro Carting

Discussion

Cardboard Theft/Unlicensed Activity

The Commissioner started the meeting by thanking the Board for their participation and continued suggestions to better help both BIC and the trade waste industry in the City of New York. The Commissioner told the Board that they are now going to cycle members off the current Board and allow new members from the industry to participate in the board meetings. The Commissioner stated that current board members would receive information in the current weeks detailing the changes.

The Commissioner updated the Board on the Commission's efforts regarding cardboard theft. He stated the Commission made eight arrests as part of a cardboard theft sting conducted in conjunction with the Queens District Attorney's office in September. Some of the intelligence acquired from this sting has significantly advanced the Commission's broader investigation into cardboard theft. The Commissioner then asked the Board whether it would be feasible if customers could mark their cardboard either with an invoice or some other method to allow the Commission to determine the source of any stolen cardboard. The Board suggested that such an idea would not work, and that customers would more than likely be opposed to the plan. The Board suggested that the Commission step up enforcement efforts and utilize the press releases to deter cardboard theft in the city.

The Commissioner stated that the biggest issue regarding the thefts is determining the source of the stolen cardboard. General Counsel Eric Dorsch reminded the Board that the Department of Sanitation's (DSNY) regulations state that a transfer station, including a recyclables transfer station, cannot accept cardboard from a carter that does not have a Commission license. However, this rule only applies to cardboard that was picked-up in the five boroughs of New York.

The Commissioner asked the Board to start to file police reports for any cardboard theft incidents. He explained that the Commission has been working with the Police Department and the Department of Sanitation, but that an increase in the number of reported cardboard thefts would highlight the importance of the issue to the NYPD. In addition, a spike in reports in any precinct would create a condition that the NYPD would address. Some Board members stated that they do not think that the Police Department would follow-up on the complaints and that the Commission should handle all the enforcement. The Commissioner stated the Commission has limited enforcement resources and that filing the reports would utilize the NYPD's significant enforcement resources and document the scope of the problem.

Mr. Shirlaw then asked the Commission if scrap metal haulers need a license to pick-up scrap metal in the City of New York. The Commissioner stated that there has been much discussion about this issue because of a federal case that some have argued preempts the Commission's jurisdiction in the scrap metal field. As this case has been overturned, the Commission is currently examining the implementation of its jurisdiction over scrap metal haulers.

Mr. Shirlaw then brought up the issue of containers that are rented at Home Depots throughout the city. The Commissioner stated that they are currently looking into the issue.

Customer Decals

Deputy Commissioner Dorsch updated the board on the customer decals that the Commission provides to licensees. He stated the Commission has redesigned the decals so that they adhere more effectively to the customers' windows. This redesign is taking longer than expected and the Commission has not had decals available for a period of time. Therefore, the Commission has worked with the Department of

Sanitation (DSNY) to ensure that customers are asked for an invoice prior to being issued a ticket for not having a decal. Mr. Dorsch then stated that if carters are finding that this system is not working or not being implemented, they should call the complaints line (212-676-6300).

Brokers

The Commissioner updated the Board on the status of the Commission's investigation into unregistered brokers. He said that overall response to the directive has been positive and that the Commission is examining the submissions looking for any brokers who may be unregistered.

Vehicle Markings

Deputy Commissioner Dorsch updated the Board on the vehicle markings problem and stated that because the DSNY regulation is the same as BIC's regulation, any change in BIC's regulation would be mooted by DSNY's regulation.

Miscellaneous

A question was raised about DSNY's collection of trade waste from non-profit organizations. The Board stated that they haven't really seen an impact from this program, although in the future the program could pose a problem if it affects their bigger non-profit accounts. The Board notified the Commission of its concern that a specific non-profit private entity that may be abusing the DSNY rule (RCNY Title 16 §1-02). Deputy Commissioner Dorsch said that he would speak to DSNY about the matter.

The meeting was adjourned at 11:17 AM.

Minutes Prepared by Matthew Gonzalez