



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

TRADE WASTE ADVISORY BOARD
MEETING MINUTES

Date: February 24, 2011

Time: 10:00 AM – 11:00 AM

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

NEXT MEETING: April 14, 2011 at 10:00AM

Attendees:

Michael Mansfield	Chair – Business Integrity Commission
Ilene Chin	Deputy Commissioner for Operations – BIC
John Curry	Assistant Commissioner for Legal Affairs - BIC
Eric Dorsch	Deputy Commissioner for Legal Affairs/General Counsel - BIC
Hope Kennedy	Chief of Staff - BIC
Sarah Nasir	Director of Audit – BIC
Hector Serrano	Assistant Commissioner for Licensing – BIC
Stephen Verrelli	Chief Investigator – BIC
Damyon Filiberto	Filco Carting Inc.
John Isabella	Isabella City Carting Corp.
Dennis Gaeta	Gaeta Interior Demolition Inc
Ronald Begamini	Action Carting Environmental Services Inc.
Ed Apuzzi	IESI NY Corporation
David Biderman	National Solid Wastes Mgmt Association
P.O. Sean Abrahms	NYPD Highway Motor Carrier Safety Unit
Josh Knobloch	CitiWaste, LLC

Agenda:

1. Presentation by Police Officer Sean Abrahms on safety issues related to hauling.

Attendees not present:

1. Ken Richards (Great Forest)

Discussion

Agenda

The Commissioner started the meeting by stating the importance of safety in the carting industry. In response to the recent accident involving a carter's driver and a young woman, he asked Police Officer Abrahms to come and speak to the carters about vehicle safety and steps the carters can take to make their fleets as safe as possible. The Commissioner stressed the importance of disclosing all drivers to the Commission. The Commissioner announced that companies will be audited to ensure their driver's and employees are properly disclosed to the Commission.

The Commissioner then stated that Eric Dorsch would be stepping down as General Counsel to pursue other endeavors and that John Curry would be taking his place as interim General Counsel. He then introduced Police Officer Abrahms of the NYPD Highway Motor Carrier Safety Unit.

P.O. Abrahms Presentation

P.O. Abrahms started by introducing himself and the unit that he works for. Although he is part of Highway Patrol, he is specialized in the Highway Motor Carrier Safety Unit. He stated that the primary issue with complaints is that people don't know the laws that the violations pertain to. He then stated that their primary duty is to enforce Federal Regulation Chapter 49 (*Federal Law Title 49 – Volume 4 – Chapter 3 – Parts 300-399*) as well as NYC Department of Transportation and NYS Department of Transportation rules.

He stated that all officers perform a Level One North American Standard Truck Inspection. This is often referred to as a complete inspection and refers to an inspection of the vehicle as a whole, the driver of the vehicle, and all paperwork on the vehicle as well as the load it is carrying. This includes all equipment on the vehicle such as placards and signage and mechanical working such as brakes, tires, airlines, and the windshield, etc.

P.O. Abrahms went on to explain that the biggest issue is that mechanics are not doing a proper inspection of the trucks that they work on and therefore, are not performing proper maintenance. P.O. Abrahms stated that it is his job to make sure that these vehicles are properly inspected and maintained so that they do not pose a risk to people's safety on the road.

A question was raised as to what the average time for a stop is. P.O. Abrahms stated that it can vary greatly depending on the violation found, and that it can be anywhere from 15 minutes to more than 4 hours. He stated as the violations get more severe, then more agencies have to get involved which can add on to the length of the stop.

The Commissioner then asked what are the most pressing issues when stopping trade-waste type vehicles. P.O. Abrahms stated that in most instances, they are cited for the securing of the containers on the back of the truck, safety chains for the container, and the seals on the truck.

P.O. Abrahms then went on to state that whenever a truck is being operated by an unlicensed driver, the driver is arrested and the truck and cargo are seized for arrest evidence. A question was posed as to whether the safety unit does check points or random stops. P.O. Abrahms stated that although checkpoints are used, because of current conditions with snow, random stops are in use more frequently.

He then went on to add that the federal law gives probable cause at all times to initiate a truck stop as to check the safety of a motor carrier. P.O. Abrahms then clarified that although every truck stop results in a violation, it is not always mechanical in nature. He states that it is administrative as well as a log book could be done incorrectly which would result in a violation.

A question was raised as to whether a truck driving on a non-truck route should get a ticket if the nature of their business is to pickup from commercial establishments which are located on non-truck routes. Commissioner Mansfield asked the Board if this is a big issue, to which the board replied it was. The Commissioner requested that carters provide concrete examples about this issue and said that he will look into the matter.

In conclusion, P.O. Abrahms explained that the biggest thing a company can do is make sure that their fleets are properly maintained and that their records are clean. He then stated should anyone have any questions, that they reach out to John Curry, Deputy General Counsel, and he will reach out to P.O. Abrahms for an answer.

Unlicensed Activity

Commissioner Mansfield then updated the Board on unlicensed individuals in the City. He added that with DSNY also taking part in targeting unlicensed carters in the City it has been a great help to getting companies registered with the BIC. He stated that they are looking at unlicensed carters especially with cardboard theft. He reiterated his earlier statement on letting the BIC know of any unlicensed activity that you may view or see so that the Commission can take appropriate action.

Certified Mail

The question was raised as to whether a carter must use certified mail when sending correspondence. The Commissioner stated that as long as a carter keeps adequate records about mailing of proposed contracts, it is not necessary for the carters to mail a proposed contract by certified mail.

The meeting was adjourned at 11:00 AM.