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THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
COMMISSION MEETING
PUBLIC MEETING

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June 24, 2021
1:11 p.m.
Held Remotely
via Teleconference

James A. Tetta
Court Reporter

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A P P E A R A N C E S :

Business Integrity Commission
David Feldman, Deputy Commissioner, General
Counsel

Business Integrity Commission
Commissioner: Noah Genel

Department of Sanitation
Commissioner: Edward Grayson

Department of Investigation
Commissioner: Margaret Garnett

Department of Consumer and Worker Protection
Chief of Staff: Kenny Minaya, representing
DCWP Acting Commissioner Sandra Abeles

Small Business Services
Delegate: Andrew Schwartz, Deputy
Commissioner, representing Commissioner Jonnel
Doris

New York City Police Department
Delegate: Matthew Hyland, representing
Commissioner Dermot Shea

1
2 MR. FELDMAN: Good afternoon. We
3 are on the record. Today is June 24,
4 2021. The time is 1:11 p.m.

5 Welcome to today's meeting of the
6 New York City Business Integrity
7 Commission. We are conducting this
8 meeting via telephone conference
9 pursuant to Executive Order 202.1
10 issued by Governor Andrew Cuomo
11 permitting the attendance of public
12 meetings telephonically under Article 7
13 of the Public Officers Law.

14 This is a public meeting which was
15 duly noticed for today's date at 1:00
16 p.m., along with the dial-in information
17 for the phone conference. This meeting
18 is being audio recorded, and the
19 recording and meeting minutes will be
20 posted on BIC's website in a timely
21 manner following the conclusion of this
22 meeting.

23 I am David Feldman, Deputy
24 Commissioner of Legal Affairs, and
25 general counsel to the commission. I am

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joined by the following commission members:

Noah Genel, commissioner and chair of Business Integrity Commission; Department of Sanitation Commissioner, Edward Grayson; Department of Investigation Commissioner, Margaret Garnett; Department of Consumer and Worker Protection Chief of Staff, Kenny Minaya, representing DCWP Acting Commissioner Sandra Abeles; and Inspector Matthew Hyland of the New York City Police Department representing Police Commissioner Dermot Shea.

In addition, Deputy Commissioner for Legal and Regulatory Affairs, Andrew Schwartz, of the Department of Small Business Services, representing SBS Commissioner Jonnel Doris, was invited to this meeting but has not yet joined.

Thank you all for being here today. Today the commission will consider proposed BIC rules regarding traffic and vehicle safety in the trade waste

1
2 industry, proposed BIC rules for
3 microhaulers and a resolution.

4 The commission will now consider
5 proposed rules regarding traffic and
6 vehicle safety in the trade waste
7 industry. The proposed rules are
8 designed to improve street safety for
9 all street users by improving trade
10 waste vehicle safety, holding licensees
11 and registrants accountable for their
12 drivers' repeated traffic safety
13 violations, and requiring safety
14 training for drivers and helpers.
15 Specifically, the proposed rules will
16 prohibit a trade waste vehicle from
17 being operated unless the vehicle is in
18 safe operating condition, and has passed
19 an inspection conducted by a qualified
20 inspector. Trade waste vehicles must
21 undergo daily inspections by vehicle
22 operators.

23 Moreover, convex mirrors, also known
24 as crossover mirrors, will be required
25 on certain types of vehicles to reduce

1
2 blind spots and the proposed rules
3 prohibit instructions for windshields
4 and windows.

5 These proposed rules will also
6 require companies to maintain various
7 records, including accurate time records
8 for employees who handle trade waste
9 inspection and certification of repair
10 forms, daily inspection reports, and
11 records demonstrating compliance with
12 training requirements.

13 The proposed rules will also require
14 licensees and registrants to comply with
15 hours of service requirements, set forth
16 in part 395.3 of Title 49 of the code of
17 federal regulations, as well as various
18 traffic safety rules set forth in the
19 New York State Vehicle and Traffic Law
20 and New York City Traffic Rules and
21 Regulations.

22 On April 13, 2021, the commission
23 held a public hearing on the proposed
24 rules. The commission considered all
25 comments received on the rules. The

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commission will now vote as whether to adopt these proposed rules. If the commission votes yes to adopt the rule change, the final rules will be published and will go into effect 30 days after publication.

Do any of the commissioners have any questions or comments regarding the proposed rules?

MR. GENEL: David, this is Noah Genel. I heard two beeps at 1:15, on the phone, so I wanted to see if Deputy Commissioner Schwartz had joined.

(No response was given.)

MR. GENEL: Okay. I'm not hearing anything from him. I assume he has not joined.

MR. FELDMAN: Thank you.

I will check before the voting.

Do any commissioners have any questions or comments regarding the proposed rules?

(No response was given.)

MR. FELDMAN: Is there a motion from

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the commissioners to adopt the proposed rules?

MS. GARNETT: So moved, Margaret Garnett, DOI commissioner.

MR. FELDMAN: Thank you, Commissioner Garnett.

Is there a second?

MR. GENEL: Second, Noah Genel.

MR. FELDMAN: Thank you, Commissioner Genel.

I will be calling on each commissioner and designee to collect votes.

Commissioner Genel?

MR. GENEL: Yes.

MR. FELDMAN: Commissioner Grayson?

MR. GRAYSON: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Chief of Staff Minaya?

MR. MINAYA: Yes.

MR. FELDMAN: Inspector Hyland?

MR. HYLAND: Yes.

MR. FELDMAN: Let the record reflect

1
2 that the vote is unanimous among the
3 attending commissioners and designees.

4 Next, the commission will also
5 consider the proposed rules governing
6 microhaulers, a subclass of licensees,
7 who solely collect a prescribed annual
8 tonnage of organic waste by bicycle or
9 zero emission vehicles. These proposed
10 rules include the definition of a
11 microhauler licensee, establish the
12 requirements for maintaining a
13 microhauler license, and set forth
14 liability limits from various types of
15 insurance required for microhauler
16 licensees.

17 The proposed rules also specify
18 various investigation fees that apply to
19 microhauler license applicants and
20 modify and add recordkeeping and
21 important requirements for licensees and
22 microhauler licensees.

23 On May 4, 2021, the commission held
24 a public hearing on these proposed
25 rules. The commission considered all

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comments received on the rules.

The commission will now vote as to whether to adopt these proposed rules. If the commission votes yes to adopt the rule change, the final rules will be established and go into effect 30 days after publication.

Do any of the commissioners have any questions or comments regarding the proposed rules?

(No response was given.)

MR. FELDMAN: And I didn't hear any beeps, but is Deputy Commissioner Schwartz on the line?

(No response was given.)

MR. FELDMAN: Okay.

Is there a motion from the commissioners to adopt these proposed rules?

MR. GENEL: Noah Genel, moved.

MR. FELDMAN: Thank you, Commissioner Genel.

Is there a second?

MR. GRAYSON: Second, Ed Grayson.

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MR. FELDMAN: Thank you, Commissioner Grayson.

I will be calling on each commissioner and designee to collect votes.

Commissioner Genel?

MR. GENEL: Yes.

MR. FELDMAN: Commissioner Grayson?

MR. GRAYSON: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Chief of Staff Minaya?

MR. MINAYA: Yes.

MR. FELDMAN: Inspector Hyland?

MR. HYLAND: Yes.

MR. FELDMAN: Let the record reflect that the vote is unanimous among all attending commissioners and designees.

Finally, I will read a resolution that the commission will consider during this meeting.

This is a resolution of the New York City Business Integrity Commission designating persons to inspect trade

1
2 waste vehicles, equipment, and records
3 of licensees, and registrants, and order
4 a licensee or registrant to immediately
5 remove any trade waste vehicle or
6 equipment from service and take
7 corrective action when it is determined
8 that the vehicle or equipment presents
9 an imminent threat to public health,
10 safety or the environment.

11 Whereas the New York City Business
12 Integrity Commission has been authorized
13 pursuant to subdivision D of 16-504 of
14 the Administrative Code of the City of
15 New York to establish and enforce
16 standards for service and for the
17 regulation and conduct of businesses
18 licensed or registered, including but
19 not limited to, environmental and safety
20 health standards, including but not
21 limited to, traffic safety requirements
22 and environmental and safety
23 requirements for vehicles used in the
24 collection removal transportation or
25 disposal of trade waste, and whereas

1
2 subdivision G of section 5-10 and 7-03
3 of Chapter 17 of the Rules of the City
4 of New York, which the Business
5 Integrity Commission has voted to adopt
6 this day, June 24, 2021, states that the
7 Commission, or a person designated by
8 the Commission, may inspect trade waste
9 vehicles, equipment, licenses,
10 registrations, inspection reports, and
11 fleet records of each licensee or
12 registrant at any time at their own
13 discretion, and may order a licensee or
14 registrant to immediately remove any
15 trade waste vehicle or equipment from
16 service, and where appropriate, to take
17 corrective action within any prescribed
18 period of time if the Commission, or
19 such person designated by the
20 Commission, determines the vehicle, or
21 equipment presents an imminent threat to
22 public health, or safety, or the
23 environment.

24 Therefore, be it resolved, that the
25 Business Integrity Commission does

1
2 hereby designate the following persons
3 to exercise the powers and perform the
4 duties set forth in subdivision G of
5 sections 5-10 and 7-03, with respect to
6 inspecting trade waste vehicles,
7 equipment, licenses, registrations, and
8 reports, and fleet records of each
9 licensee or registrant at any time at
10 their own discretion, and ordering a
11 licensee or registrant to immediately
12 remove any trade waste vehicle, or
13 equipment from service, and when
14 appropriate, to take corrective action
15 with any prescribed during the time when
16 it is determined that the vehicle or
17 equipment presents an imminent threat to
18 public health or safety or to the
19 environment.

20 Such individuals from the Commission
21 staff that the chair may assign to
22 exercise the powers and perform the
23 duties described above, provided that
24 the assigned individuals must be sworn
25 peace officers, and in the chair's

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judgment, have sufficient training to determine whether a trade waste vehicle, or equipment, presents an imminent threat to public health, or safety, or to the environment.

The Commission will now vote as to whether to adopt this resolution. If the Commission votes yes, the resolution will be adopted.

Again, I did not hear any beeps on the line. I take it that Deputy Schwartz is not on the line?

(No response was given.)

MR. FELDMAN: Thank you.

Do any of the commissioners have any questions or comments regarding the resolution?

(No response was given.)

MR. FELDMAN: Is there a motion from the commissioners to adopt the resolution?

MS. GARNETT: So moved, Margaret Garnett, DOI.

MR. FELDMAN: Thank you,

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Commissioner Garnett.

Is there a second?

MR. GENEL: Second, Noah Genel.

MR. FELDMAN: Thank you,
Commissioner Genel.

I will be calling on each
commissioner and designee to collect
votes.

Commissioner Genel?

MR. GENEL: Yes.

MR. FELDMAN: Commissioner Grayson?

MR. GRAYSON: Yes.

MR. FELDMAN: Commissioner Garnett?

MS. GARNETT: Yes.

MR. FELDMAN: Chief of Staff Minaya?

MR. MINAYA: Yes.

MR. FELDMAN: Inspector Hyland?

MR. HYLAND: Yes.

MR. FELDMAN: Let the record reflect
that the vote is unanimous among all the
attending commissioners and designees.
The resolution will note each
commissioner and designees vote today.

That concludes the matters before

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the Commission.

Thank you to the Commission members for their participation, and the members of the Commission staff on these matters. Thank you, also, to any members of the public who attended this telephone meeting today.

We are off the record at 1:25 p.m.

(Thereupon, the meeting was concluded at 1:25 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

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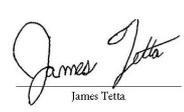
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 24th day of June, 2021.


James Tetta

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