

In Re Commission Meeting NYC - Business Integrity Commission
September 21, 2022

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PUBLIC MEETING

NYC BUSINESS INTEGRITY COMMISSION

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September 21, 2022
11:02 a.m.

PUBLIC MEETING

Via Microsoft Teams Videoconference

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APPEARANCES:

- David Feldman,
- Elizabeth Crotty
- Jocelyn Strauber
- Griselle Baret
- Gregory Anderson
- Leemor Rozen
- Matthew Hyland

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2 COMMISSIONER FELDMAN: Good morning. We
3 are on the record. Today is Wednesday,
4 September 21, 2022. The time is 11:02 a.m.
5 Welcome to today's meeting of the New York
6 City Business Integrity Commission.

7 We are conducting this meeting
8 via Microsoft Teams. This is a public
9 meeting, which was duly noticed for
10 today's date at 11 o'clock a.m., along
11 with the Microsoft Teams information
12 and dial-in information for the
13 meeting.

14 This meeting is being recorded
15 and the recording and meeting minutes
16 will be posted on BICs website in a
17 timely manner following the conclusion
18 of this meeting.

19 I am David Feldman, Deputy
20 Commissioner of Legal Affairs and
21 general counsel for the Commission. I
22 am joined by the following Commission
23 members: Elizabeth Crotty,
24 Commissioner and Chair of the Business
25 Integrity Commission; Department of

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Investigation, Commissioner Jocelyn Strauber; Department of Consumer and Worker Protection, Deputy Chief of Staff Griselle Baret; representing DCWP, Commissioner Vilda Vera Meyuga; Deputy Commissioner Gregory Anderson; representing DSNY, Commissioner Jessica Tish; Department of Small Business Services, Assistant General Counsel Leemor Rozen; representing SBS, Commissioner Kevin Kim; and Inspector Matthew Hyland of the New York Police Department, representing the Police Commissioner Keeshant Sewell.

The first matter is a set of proposed final rules related to side guard requirements on trade waste hauling vehicles.

The second matter is a proposed final rule amendment concerning the maximum rates that a trade waste removal business may charge for the

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collection, removal, disposal, or recycling of trade waste.

The commission will now consider proposed final rules relating to side guard requirements on trade waste hauling vehicles.

Local Law 56 of 2015, which is codified in section 16 526 of the Administrative Code, requires side guards to be fitted on the side of trade waste hauling vehicles. A trade waste hauling vehicle means any motor vehicle with a manufacturer's gross weight exceeding 10,000 pounds that is owned and operated by an entity that the required to be licensed or registered by the Commission pursuant to section 16-505 of the code and that is operated in New York City for the collection or removal of trade waste. Local Law 108 of 2021 amended Section 16-526 of the Administrative Code by requiring that side guards be fitted on trade waste hauling vehicles by

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January 1, 2023.

Local Law 56 of 2015 also gave the Commission authority to promulgate rules necessary to enforce the provisions of Section 16-526 of the Administrative Code.

The proposed rules include definitions of terms, such as side guards, trade waste hauling vehicles, and volpe side guard standards. The proposed rules also established situations where a vehicle will be considered equipped with side guards. The proposed rules also specify that license plates will not be issued to vehicles that do not comply with the standards set for in Section 16-526 of the Administrative Code.

Lastly, the proposed rules establish a process in which a licensee or registrant may apply to the Commission for a waiver of side guard requirement, if they can establish that installation of side

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guards on a particular vehicle is impractical.

On August 10, 2022, the Commission held a public hearing on the proposed rule amendment. The Commission considered all comments received on the proposed rules.

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

(Chorus of nos.)

Thank you. Hearing none, the Commission will vote as to whether to adopt the proposed rules. A vote of yes is a vote to adopt the rules. A vote of no is a vote not to adopt the proposed rules.

If the Commission votes yes to adopt the rules, the final rules will be published and will go into effect 30 days after publication.

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

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COMMISSIONER STRAUBER: So moved.

COMMISSIONER CROTTY: I will second
that.

COMMISSIONER FELDMAN: I think I heard
Commission Strauber move and Commissioner
Crotty second the motion; is that correct?

COMMISSIONER STRAUBER: Yes, that is
correct.

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

Commissioner Crotty?

COMMISSIONER CROTTY: Yes.

COMMISSIONER FELDMAN: Commissioner
Strauber?

COMMISSIONER STRAUBER: Yes.

COMMISSIONER FELDMAN: Deputy Chief of
Staff Baret?

DEPUTY CHIEF OF STAFF BARET: Yes.

COMMISSIONER FELDMAN: Deputy
Commissioner Anderson?

DEPUTY COMMISSIONER ANDERSON: Yes.

COMMISSIONER FELDMAN: Associate General
Counsel Rozen?

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ASSISTANT GENERAL COUNSEL ROZEN: Yes.

COMMISSIONER FELDMAN: Inspector Hyland?

INSPECTOR HYLAND: Yes.

COMMISSIONER FELDMAN: Let the record reflect that the vote is unanimous.

Next the Commission will consider a proposed final rule amendment to Section 502 of Title 17 Chapter 1, Sub-Chapter of the Rules of the City of New York relating to the maximum rates allowed for the collection, removal, disposal, recycling of trade waste.

The rule amendment increases the current maximum rates that trade haulers can charge by seven percent. This increase recognizes that the producer price index for solid waste collection primary services continued to rise after maximum rates were adjusted in June, which was the first increase since August 2018.

The increase would result in maximum rates of \$24.21 per cubic yard

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and \$15.89 per one hundred pounds.

On September 7, 2022, the Commission held a public hearing on the proposed rule amendment. The Commission did not receive any comments on the proposed rule amendment.

Do any of the Commissioners have any questions or comments regarding the proposed rule amendment?

(Chorus of nos.)

Seeing none, the Commission will now vote as to whether to adopt the proposed rule amendment.

A vote of yes is a vote to adopt the rule amendment. A vote of no is a vote not to adopt the rule amendment.

If the commission votes yes to adopt the rule amendment, the final rules will be published and will go into effect 30 days after publication.

Is there a motion from the

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commissioners to adopt the
proposed rule amendment?

COMMISSIONER STRAUBER: Yes.

COMMISSIONER FELDMAN: Thank you,
Commissioner Strauber.

Is there a second?

COMMISSIONER CROTTY: Yes, I'll second.

COMMISSIONER FELDMAN: Thank you
Commissioner, and Chair Crotty.

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

Commissioner Crotty?

COMMISSIONER CROTTY: Yes.

COMMISSIONER FELDMAN: Commissioner
Strauber?

COMMISSIONER STRAUBER: Yes.

COMMISSIONER FELDMAN: Deputy Chief of
Staff Baret?

DEPUTY CHIEF OF STAFF BARET: Yes.

COMMISSIONER FELDMAN: Deputy
Commissioner Anderson?

DEPUTY COMMISSIONER ANDERSON: Yes.

COMMISSIONER FELDMAN: Assistant General

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Counsel Rozen?

ASSISTANT GENERAL COUNSEL ROZEN: Yes.

COMMISSIONER FELDMAN: Inspector Hyland?

INSPECTOR HYLAND: Yes.

COMMISSIONER FELDMAN: Let the record
reflect that the vote is unanimous.

That concludes the matters
before the Commission.

Thank you to the Commission
members for their participation, and
thank you to any members of the public
who attended this meeting today.

We are off the record at 11:10
a.m.

(Time Noted: 11:10 a.m.)

