



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

**TRADE WASTE ADVISORY BOARD**  
**MEETING MINUTES**

**Date:** August 20, 2009

**Time:** 10:00 AM – 11:05 AM

**Location:** 100 Church Street 20<sup>th</sup> Floor, New York, NY 10007

**NEXT MEETING:** October 22, 2009, 10:00AM

**Attendees:**

<b>Name</b>	<b>Entity</b>
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
Brian Smalls	Permit Inspection Unit - DSNY
Dennis Gaeta	Gaeta Interior Demolition Inc.
John Isabella	Isabella City Carting Corp.
Frank LoMangino	Joro Carting Inc.
Charles Rotante	Chambers Paper Fibers Corp.
Michelle Ann Cardella	Cardella Carting Corp.
Edward Apuzzi	IESI NY Corporation

**Agenda:**

- 1) Discussion with Department of Sanitation about violations
- 2) Brokers
- 3) Key employee disclosure process
- 4) Insurance requirements
- 5) Vehicle markings

**Members not present:**

- 1) Louis Fava – Liverpool Carting Co. Inc.
- 2) Robert Shirlaw – Big Apple Sanitation Inc.

## **Discussion**

### ***DSNY***

The Commissioner started the meeting by introducing Brian Smalls, Director of the Permit Inspection Unit (PIU) for the Department of Sanitation (DSNY). The Commissioner then opened the floor to the Board for questions to ask Mr. Smalls.

A question was raised about tickets being given for truck spillage onto the streets. Mr. Smalls stated that the biggest problem as to why spills occur is because of improper preventative maintenance to the trucks. He stated that the seals on the back of the trucks often dry out and need to be replaced, and this allows liquid to seep through and spill onto the street. He also noted that many times, to stop sloshing of the liquid in the truck, which can sometimes get workers wet, workers for the truck remove the hopper plugs, leading to the spillage of liquid on the street.

The question was raised as to why the violations are written to the driver instead of the company for spillage. Mr. Smalls stated that it is the driver's responsibility to check the truck before leaving for a route to ensure that all functions of the truck operate properly.

Another question was raised as to the time schedule by which all commercial waste must be picked up by the carter. Some members of the Board stated that they believed the time was 8:00AM. Mr. Smalls said he would check and get back to the Board. Someone had asked why Enforcement Agent's are going into stores and writing violations for not having signs delineating the different types of recyclable waste. Mr. Smalls contended that there has been a law in place for quite a while which mandates stores to have to separate recyclable areas for waste and label it as such.

Another question was raised as to the ticketing of businesses whose carting window decals are either damaged or missing. Mr. Smalls stated that in those instances, they ask the business for a copy of a carter invoice for the previous month. He went on to state that if the business provides these documents they should not get violated. He went on to remind the Board that should they see or know of any businesses that do not have a carter that they should report this to 3-1-1 with detailed address information so Enforcement Agents can go out and issue a summons.

### ***Brokers***

Deputy Commissioner Dorsch updated the Board on the Commission's efforts regarding brokers. He stated that a Commission Directive has been sent to all brokers requiring them to send a sample contract to the Commission for approval. He stated that the contract should have the rate they are charging the customers as well as the rate that the carter is charging.

Commissioner Dorsch then stated that the Commission would like the licensees help in locating and identifying brokers. Commissioner Dorsch stated that there will be a Commission Directive directing licensees to report all brokers with which they have a business relationship. In addition, licensees will be instructed that in the future having a business relationship with an unregistered broker will not be allowed. The Board members responded that this would be positive to the business, and industry as a whole.

### ***Key Employee Disclosure***

Commissioner Dorsch then followed up about a topic from the last Board meeting. He asked the members to explain in what circumstances would they need to hire a key employee on less than 10 days notice. Several members stated that this could become a factor with respect to collectors and dispatchers. The Commission said it would further consider the issue.

### ***Insurance Requirements***

Commissioner Dorsch raised the question to the Board as to whether current mandates on insurance liabilities were sufficient. The Board expressed a desire to keep the minimums where they are.

### ***Vehicle Markings***

Commissioner Dorsch asked the Board as to whether the current 8” vehicle markings present a problem with certain trucks. Some members of the Board stated that newer trucks on the market do not have enough space for an 8” marking. Another member of the board recommended that BIC go with the Department of Transportation (DOT) and the City’s regulation of 3”. The Commission stated they would consider this.

### ***Miscellaneous***

A question was raised as to whether a carter had to store paper copies of their invoices to customers. Commissioner Dorsch stated that the current rules on document retention and that the Commission is currently reviewing all the financial requirements.

The Commission then reminded the Board that should they want any other representative from another City Agency to come to the Advisory Board meeting, that they should request it and the Commission will attempt to have a representative at the next TWAB meeting.

The Commissioner thanked Brian Smalls for coming into today’s meeting to meet with the Board and then adjourned.

The meeting was adjourned at 11:05 AM.