



The City of New York
BUSINESS INTEGRITY COMMISSION
 100 Church Street · 20th Floor
 New York · New York 10007
 Tel. (212) 676-6219 · Fax (212) 676-6204

Michael J. Mansfield
Commissioner/Chair

TRADE WASTE ADVISORY BOARD
MEETING MINUTES

Date: January 21, 2010

Time: 10:00 AM – 11:00 AM

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

NEXT MEETING: March 25, 2010

Attendees:

Name	Entity
Michael J. Mansfield	Commissioner/Chair - BIC
Ilene Chin	Deputy Commissioner for Administration and Operations - BIC
John Curry	Assistant Commissioner / Deputy General Counsel - BIC
Eric Dorsch	Deputy Commissioner for Legal Affairs / General Counsel - BIC
Matthew Gonzalez	Computer Analyst - BIC
Chris Mahon	Director of Investigations - BIC
Leigh Neren	Senior Special Counsel - BIC
Hector Serrano	Assistant Commissioner for Licensing - BIC
Ira Spaner	Director of Management Information Systems - BIC
Bernard Sullivan	First Deputy Commissioner – Department of Sanitation
Peter Willumsen-Friedman	Legal Intern - BIC
Ron Bergamini	Action Carting Environmental, Inc.
Michele Ann Cardella	Cardella Waste Services of NJ, Inc.
Dennis Gaeta	Gaeta Interior Demolition Inc.
Josh Knobloch	Citiwaste
Charles Rotante	Chambers Paper Fibers Corp.

Agenda:

- 1) Introduction new Board members
- 2) Trade waste brokers
- 3) Development of digital data entry formats
- 4) Cardboard theft
- 5) License/registration number Requirements
- 6) Transfer stations

Members not present:

- 1) Michael Milillo – Code Shred, Ltd.
- 2) Michael Bass – J. Bass & Sons, Inc.
- 3) Edward Apuzzi – IESI NY Corp.
- 4) John Isabella – Isabella City Carting Co.

Discussion

Cardboard Theft/Unlicensed Activity

The Commissioner started the meeting by introducing First Deputy Commissioner Bernard Sullivan from the Department of Sanitation (DSNY). He noted that Commissioner Sullivan is here as part of Mayor Bloomberg's initiative to promote creativity and innovation among the City agencies. Commissioner Mansfield then introduced the new members of the Trade Waste Advisory Board (TWAB).

The Commissioner went on to remind the Board and its new members that the Board's input is crucial to the overall mission of the Commission and any future initiatives.

The Commissioner reminded the Board that the Commission takes complaints of cardboard theft very seriously. The Commissioner stated that from January to November 2009, the month of the Commission's well-publicized enforcement initiative, the Commission received 15 complaints about cardboard theft. Since the enforcement initiative began, the Commission has received only one complaint. Deputy Commissioner Eric Dorsch announced that the Commission is implementing a system for reporting cardboard theft directly through 311. The Commissioner reminded carters that should they see a cardboard theft in progress, they should call the Police Department and file a police report. The Commissioner added that BIC uniformed teams are out daily looking for cardboard theft, but should any carter know of a specific spot from which cardboard is stolen, they should let the Commission know.

Unlicensed Activity Enforcement

The Commissioner stated that from January to December 2008, the Commission issued 542 violations for unlicensed activity. In the same period during 2009, the Commission issued 879 violations, a 62% increase.

The Commissioner also explained that the Commission is exploring a rule change to require licensees and registrants to put their Commission-issued license/registration number on all correspondence with customers. The Board members indicated that this seemed like a good idea and should not present any problems for them.

Customer Decals

The Commissioner updated the Board on the status of the new decals. He stated that the Commission is currently working with a vendor on a new design that will increase adhesion to customer's windows and the overall life-expectancy of the decals. The Commissioner noted that the Commission has received reports that licensees are duplicating the decals. He noted that should any carter have any information on duplicated decals, they should call 311 with more information. A Board member asked if it would be pertinent to add the decal number to the customer register. Other Board members objected citing administrative problems with tracking the decals for each customer.

Unregistered Brokers

Deputy Commissioner Dorsch thanked the Board and the industry for responding to the Commission's request for information regarding the brokers they do business with. Deputy Commissioner Dorsch

noted that the Commission is looking through all the responses to identify unregistered brokers. Once the unregistered brokers have been identified, the Commission will notify the brokers and take appropriate enforcement action. The Commissioner noted the importance of the industry's input regarding unregistered brokers, and asked any carter who thinks they have been contacted by an unregistered broker to contact the Commission with more information.

Customer Register

The Commissioner talked about the customer register and its importance in evaluating the rate cap. He noted that for the rate cap to be looked at properly, the Commission needs to achieve 100 percent data accuracy on the customer registers and financial statements.

Ira Spaner, Director of MIS, reminded the Board of some corrections to the current register. He noted that due to the corrections, the Commission would be accepting either version of the register format. Mr. Spaner explained a pilot program that the Commission is working on with DSNY to make the customer register web-based. It would be based on the two current forms of the customer register in the following way:

Access Format: A web-based form which the carter would fill out, the system would check for completeness and accuracy information and then the carter would submit to BIC.

Excel Format: The carter would upload an Excel file, the system would check the file for accuracy and completeness and the carter would then submit the file to BIC.

In both instances, the system would alert the carter to any problems and give the carter a chance to rectify those errors before submitting.

Mr. Spaner stated that the Commission hopes to use this format on a trial basis with a few licensees for the July 2010 register. The Commissioner then reminded the Board that should they have any input on the idea, or any possible problems they foresee with the web-based system, they should let the Commission know as soon as possible.

Miscellaneous

A question was raised about how much time the Commission gives a carter that purchases another carter to transfer the plates to the other company's trucks. Senior Special Counsel Leigh Neren stated that the Commission is more than willing to work with a carter to allow for an appropriate timeframe for transfer of plates.

Another question was raised about the rate cap and the possible impact of inflation. The Commissioner noted that in the last rate cap study, PricewaterhouseCoopers (PWC) was chosen to do the rate cap study. He noted that the study found that the customer register information was inaccurate and incomplete and that it impacted the study's accurateness. The Commissioner stated that once the customer register information is more accurate then the Commission can look at the rate cap as a whole. The Commissioner noted that the Commission is committed to looking at, and possibly adjusting or eliminating, the rate cap and wants the Board to know that it is sensitive to the economical reality of the rate cap.

A Board member asked how the industry as a whole can help the Commission. The Commissioner stated that the industry and BIC need to keep the lines of communication open with one another in order to achieve a safe and competitive industry.

A Board member asked about the importance of the markings on the container. The Commissioner answered by stating that the container markings notice was to safeguard people, property, and vehicles from damage. He noted that identifiable containers allow the Commission to contact carters when problems arise as well as look for unlicensed activity. He added that the fluorescent markings negate possible accidents.

The meeting was adjourned at 11:00 AM.