

**ROCKLAND COUNTY
BOARD OF TOWERS
MINUTES OF MEETING
Tuesday September 26, 2023**

A Meeting of the Rockland County Board of Towers was held on Tuesday, September 26, 2023, in the Legislative Committee Room, 11 New Hempstead Road, New City, NY 10956.

Members Present:

Michele C. Durso,
Sgt. Christopher Bax
Sgt. Andres Sanchez
Ricardo Fijor
James P. Needham

Members Absent:

None

Others Present:

William Hartnagel, Esq
Daisy Morocho
Kimberly Von Ronn, Esq
Rich Jamieson T-21422
William Salerno T-21388
Joseph Chillino T-21377
James DeStaso T-21404
James Maher T-21417

Meeting called to order at 3:04 p.m. by Chair Michele C. Durso.

MOTION

By Member Sgt. C. Bax, second by Member Sgt. A. Sanchez to approve the Minutes from the Regular Meeting held May 30, 2023. All in favor.

NEW BUSINESS

Open Complaints

T-21422 Rich's Towing

Discussion: Complaint No. 116-22

Chair M. Durso addressed the Board regarding 116-22 because Vendor is objecting to the 2nd overcharge letter due to storage fees for Saturday and Sunday not being included. Vendor's application stated that their storage lot is open "by appointment" on Saturdays and Sundays. The accident and tow took place on 4/23/2023. The Consumer picked up vehicle on 4/26/2023. The Consumer attempted to pick up their vehicle on Monday 4/24/23 but did not retrieve the vehicle until Wednesday 4/26/23. Chair M. Durso called Consumer for clarification. The accident and tow took place on 4/23/2023. The Consumer picked up vehicle on 4/26/2023. The bill was a total of 4 days of storage. Chair M. Durso will re-calculate and close the complaint.

Discussion: Complaint No. 502-22

Vendor disputes the overcharge stating that the vehicle is not a passenger vehicle. Chair M. Durso states that police report, and NY DMV recognize it as a passenger vehicle. Chair M. Durso explains that the passenger plate was issued from the Department of Motor Vehicles which is out of the County of Rockland's jurisdiction. The Board just enforces the local laws of Rockland County Chapter 394. Vendor also argues that a complaint shall not hold up the renewal of his Rockland Towing license is the violation associated with complaint has been paid for. Chair M. Durso explains under Chapter 394 section 6B, if the applicant does not comply with the chapter, the Director may deny the renewal of the license. The Board votes on whether the complaint should be closed under the Department of Motor Vehicles error of issuing a passenger plate for a commercial vehicle. Member J. Needham and Member R. Fijor voted yes. Chair M. Durso, Member Sgt. Bax and Member Sgt. Sanchez voted no.

MOTION

By Member Chair Durso, second by Member Sgt. A. Sanchez to approve overcharge letter, the complaint is validated under Chapter 394, proper passenger plates and the tow was non-consensual. All in favor.

T-21417 Around the Clock Towing & Recovery Inc.

Discussion: Open Complaint 60-23.

Chair M. Durso tried to get in contact with the officer on the scene of the accident, Officer Tobin, but was unsuccessful. Mr. Maher explained the unique situation of the accident. It was a 4-vehicle collision, involving, the consumer's passenger vehicle, a tractor trailer car carrier, and two other passenger vehicles. The Consumer's vehicle ended up on the bottom ramp of the car carrier. Mr. Maher explained he needed more than one tow truck as Consumer's vehicle was not able to come down the ramp. He used both a flatbed and wrecker at the scene which is he was two separate winching charges. The Board explained that the under the Rules and Regulations the fee for \$50 per hour for cleanup is per incident and not per person present at the scene. Mr. Maher explained that the cleanup took 45 min and would have taken longer if

there was only one-person present at the scene. The Board also addressed the issue of a non-permissible charge on the bill \$43. Mr. Maher explained he uses the software 'Tow Bucks' and the \$43 was for a credit card surcharge. It was clerical error from 'Tow Bucks' and asked if he was able to re-write the bill. The Board stated that he cannot re-write the bill once submitted to the Consumer. The Board understands with Mr. Maher's statement and evidence, it was necessary to use two tow trucks and two persons for this unique circumstance.

MOTION

By Chair M. Durso, seconded by Member Sgt. Bax to allow labor charges stated on the bill only in this instance due to the unique circumstances of this tow and for no other reason. All in favor. (M. Durso, C. Bax, J. Needham, R. Fijor) Opposed (A. Sanchez) due to not being inconsistency with the Rules and Regulations. The charges for labor are per incident, not per person.

T-21377 Hudson Valley Towing

Discussion Complaint #250-23

Consumer filed a complaint to the Department of Consumer Protection on 5/26/2023, stating she was parked in a designated parking space on a private property and the tow was non-consensual. Vendor stated the tow was valid as the property manager contacted him to tow the Consumer's vehicle because the Consumer did not have a parking permit, even though Consumer is a resident. As per the Vendor, the property manager states that all residents must have a parking permit. The manager of the property has issued many warning about getting a parking permit or the vehicle will be towed, therefore the Vendor got involved. The Vendor stated that he under charged the tow bill in favor of the Consumer and that it was a civil matter between the property management and the Consumer. Chair M. Durso agrees there was no overcharge and states that complaint is of the tow itself, not the charge. Chair M. Durso requests to have the property manager submit proof that the Consumer did not have a parking permit before the tow was issued. The Vendor claims to have submitted a written response immediately when the complaint was sent to the Vendor via email on 6/30/2023. Chair M. Durso states an email response requesting a phone call is not a written response to a complaint and responded requesting same from Vendor on 6/30/2023. No written response to the complaint was received until 8/30/2023.

T-21402 Skyview Service Inc.

Discussion Complaint #346-23

Consumer filed complaint on 7/19/2023 stating that Vendor towed vehicle from handicap parking spot. Consumer claims that tow was invalid because Consumer has a hanging tag, allowing him to park in a handicap parking spot.

Vendor was not present at meeting. The Board requests that Vendor is be sent an email, first class mail and certified mail by Consumer Protection to attend next Board meeting.

T-21415 Nanuet Auto Repair Inc.

Discussion Complaint #416-23

Consumer filed Complaint on 8/14/2023. Consumer claims to have a visitor parking pass and as per the Vendor the tow was issued for parking over the yellow lines. The Consumer also states the Vendor overcharged him for a 4.5-mile tow.

Vendor was not present at meeting. The Board requests that Vendor is be sent an email, first class mail and certified mail by Consumer Protection to attend next Board meeting.

T-21408 Frank's Premium Auto Body, Inc.

Discussion Complaint #447-23

Sikorsky Auto Works (T-21376) filed complaint on behalf of the Consumer on 8/31/2023 for an overcharge. Sikorsky got a call from consumer to pick of the vehicle from the Vendor to his Auto shop. Sikorsky called Vendor and the Vendor would not itemize the amount of \$751.00 over the phone and was told to only pay in cash. After receiving the bill, Sikorsky is requesting a refund on behalf of the Consumer for the off-road fee as the vehicle was not off road. The vehicle was pushed into a driveway at the time of the accident. Refund for the winching fee, as the car was still drivable. Refund for the wait time fee and the crash wrap fee.

Vendor was not present at meeting. The Board requests that Vendor is be sent an email, first class mail and certified mail by Consumer Protection to attend next Board meeting.

Open Violations

Pending Status

T-9204 Frank's Auto Body 7-91LC to 7-95LC, owner sold business two years ago, violations to be linked to current license.

T-9385 E & J Towing 14-358LC, violations remain open.

Sent to County Attorney

T-19314 Hudson Valley Towing LLC – Violation 23-91LC sent for collection on 4/3/23. Violation was motioned by the Board on the February 2023 meeting, for failure to respond to overcharge letter dated 9/27/2021 and failure to respond to Consumer complaint letter dated 10/05/2021. Penalty set at \$250. Violation was issued on 2/17/2023. Vendor missed 30-day grace period to schedule a hearing after 3/17/2021. Vendor requested for a hearing in front of the Board. Complaint #30-21 resulted in an

overcharge letter. Vendor submitted a check to refund the Consumer to the Office since the Vendor was unable to contact the Consumer directly. The Vendor claims to have submitted the check before the violation was issued and therefore requests the violation be suspended. Since the date is unclear of whether the refund was issued before the violation was issued the Board moves with the following motion.

MOTION

Moved by Member J. Needham, seconded by Member Sgt. Sanchez, Vendor must bring check of \$250.00 for the violation penalty. The violation will be suspended if the refund was submitted before the violation was issued and the check will be returned to the Vendor. If the refund was submitted after the violation was issued, the check will be used to pay for the violation.

Closed Complaints

T-21382 Premier Collision Center, LLC.

Complaint #210-23 – Resolved 6/21/2023.

Discussion – Fuel Surcharge

Discussion: Board reviewed fuel surcharge rates from the New York State Thruway Authority and New Jersey State Police. Chair M. Durso researched other rates for fuel surcharges related to towing throughout New York State, and more specifically in the metropolitan New York area. Chair M. Durso states that must research under NYS jurisdiction for the Towing Industry. J. Needham states Rockland County is the only county in NY that regulates Towing. Mr. Needham claimed that according to Department of Transportation, Towing falls under the category of ‘Common Household Goods’. M. Durso stated that “Common Household Carriers” deal with Movers not Towers. W. Hartnagel, Esq. explains that all costs and approval must be approved by the Legislature and the County Executive. W. Hartnagel, Esq will discuss with this matter with the County Executive regarding the feasibility of adopting a fuel surcharge.

With the agenda completed in its entirety, the Meeting adjourned at 5:50 PM.

The next regularly scheduled Meeting is on Tuesday, November 28, 2023, at 3pm, in the Legislative Committee Room at 11 New Hempstead Road, New City, NY 10956.

Respectfully submitted,

Michele C. Durso

Chairperson