

**ROCKLAND COUNTY
BOARD OF TOWERS
Tuesday May 30, 2023**

A Meeting of the Rockland County Board of Towers was held on Tuesday, May 30, 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:

Venita Whidbee-Jordan, Esq., George Mendez, William Hartnagel, Esq. (arrived at 3:32 p.m.), Samantha Rivera, James Destaso T-21404, William Salerno T-21388

Meeting called to order at 3:15 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 February 14, 2023. All in favor.

NEW BUSINESS

Open Complaints

T-21422 Rich's Towing

Discussion: Complaint No. 116-22 and 502-22.

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 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 to call Consumer for clarification. The Board discussed regular hours versus "by appointment" regarding after-hours surcharge. Chair M. Durso will address amending the Towing application.

A final request (3rd) overcharge letter was sent to Vendor for 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.

MOTION

By Member Sgt. A. Sanchez, second by Member Sgt. A. Sanchez to issue violation for non-response in the amount of \$250.00 with respect to Complaint No. 502-22. All in favor.

T-21417 Around the Clock Towing & Recovery Inc.

Discussion: Open Complaint 60-23. Chair M. Durso addressed the Board stating that there were two trucks called to scene, it is not clear whether the hours billed for winching and cleanup are excessive or appropriate. Chair M. Durso to request copy of police report.

T-21382 Premier Collision Center, LLC

Discussion: Open Complaint 210-23. Ben's Towing was called to pick up Consumer's vehicle from Premier Collision Center, LLC's lot. The address Ben's Towing was given is not registered with Rockland County as a storage lot, and Ben's Towing had a hard time locating it. Ben's Towing attempted to pick up vehicle one week after making arrangements with the Consumer for pick up and refused to pay for four days additional storage because Ben's Towing stated that the vehicle was not in a fenced in gated lot but found it in an open parking lot. The vehicle is still in Premier Collision Center, LLC's storage lot, and has been for over 50 days. W. Hartnagel, Esq. stated he will research the law to see whether the fact that the storage lot not being registered with the County voids the contract with the Consumer and thereby the storage fee.

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. Vendor requested to be placed on Board agenda for the May meeting on 4/18/23. The Office of Consumer Protection received an email on 5/30/23 requesting to be placed on next meeting's agenda due to a scheduling conflict. Board agreed to table matter to next regular meeting in August 2023.

Closed Complaints

T-19314 Hudson Valley Towing LLC

Complaint No. 309-21 closed 3/2/23, refund of \$201.34 issued to Consumer.

T-21388 D & K Towing and Recovery Inc

Complaint No. 45-23 closed as complaint not valid on 2/23/23, Consumer charged correct amount.

T-21422 Rich's Towing

Complaint No. 69-22 closed 4/25/23, refund of \$22.15 issued to Consumer.

Discussion – Fuel Surcharge

Discussion: Board reviewed fuel surcharge rates from the New York State Thruway Authority and New Jersey State Police. Chair M. Durso addressed the Board stating that it is the Office of Consumer Protection's position that they cannot accept New Jersey rates because it is an foreign jurisdiction. The Office also agrees with the New York State Thruway Authority's position that no fuel surcharge is applied when the vehicle is towed back to the Towing Firm's shop. Chair M. Durso will research other rates for fuel surcharges related to towing throughout New York State, and more specifically in the metropolitan New York area.

Public Participation

William Salerno, T-21388, addressed Board regarding Complaint No. 210-23. His opinion is that Premier should register 2nd shop, but not be penalized.

James Destaso, T-21404, addressed Board about concerns of towing companies working with body shops and overcharging Consumers for body work, towing fees, and storage fees. Board stated that any Consumer with these concerns is encouraged to file a complaint with the Office of Consumer Protection to be investigated.

With the agenda completed in its entirety, the Meeting adjourned at 4:54 PM.

The next regularly scheduled Meeting is on Tuesday, August 29, 2023, in the Legislative Committee Room at 11 New Hempstead Road, New City, NY 10956.

Respectfully submitted,

Michele C. Durso
Chairperson